**DEPARTMENT:** Public Works

**RECOMMENDED ACTION AND JUSTIFICATION:**

Grant a ten-foot wide easement to Sierra Telephone Company to provide service to Midpines Fire Station; Authorize the Chairman of the Board to sign the Grant of Easement; and allow Public Works to record the easement.

**BACKGROUND AND HISTORY OF BOARD ACTIONS**

There are no prior actions.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Sierra Telephone would not be able to upgrade their service and provide the upgrade to the Fire Station that was requested.

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Financial Impact? ( ) Yes (x) No  Current FY Cost: $

Budgeted In Current FY? ( ) Yes ( ) No  ( ) Partially Funded

Amount in Budget: $

Additional Funding Needed: $

Source:

Internal Transfer

Unanticipated Revenue  4/5's vote

Transfer Between Funds  4/5's vote

Contingency  4/5's vote

( ) General  ( ) Other

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**CLERK'S USE ONLY:**

Res. No.: 12-06

Vote – Ayes: 5  Noes: ______

Absent: ______  Abstained: ______

Approved

( ) Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ___________

Attest: MARGIE WILLIAMS, Clerk of the Board

County of Mariposa, State of California

By: Deputy

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**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended

No Opinion

Comments:

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CAO: [Signature]

Revised August 2011
RECORDING REQUESTED BY
SIERRA TELEPHONE COMPANY,
INC.

When recorded mail to:

Sierra Telephone Company, Inc.
Attention: Engineering Department
Post Office Box 219
Oakhurst, California 93644-0219

The undersigned declares no
documentary transfer tax due

STANDARD TELEPHONE COMPANY
RIGHT-OF-WAY EASEMENT (CALIFORNIA)

Work Order Number: 7-099-11

We, the undersigned (whether one or more), COUNTY OF MARIPOSA, a Political
Subdivision ("Grantor"), for valuable consideration, do hereby grant to SIERRA
TELEPHONE COMPANY, INC. (the "Company") an easement and right-of-way to
construct, maintain, operate, inspect, repair, and upgrade underground cables, conduits,
splice boxes, and aboveground markers and pedestals, and to reconstruct, replace, and
substitute for such facilities/equipment, and to add facilities/equipment as the Company
shall from time to time deem necessary or as appropriate to accommodate advances in
technology, and to remove such facilities/equipment as the Company may from time to
time require over, in, under, and upon that certain real property in the County of
Marietta, State of California, which easement and right-of-way is more particularly
described as:

Property affected by easement: A.P.N. 009-170-019, more particularly described as
follows:

This property is located in Government Lots 101, 102, 103, 105 and 106 of
Section 31, Township 4 South, Range 19 East, M.D.B. & M.

COMMENCING at the N 1/16 100 S31, Section 31, Township 4 South, Range 19
East, M.D.B. & M., as set and shown by the Dependent Resurvey and Subdivision of
Section 31, dated March 25, 1970, by the United States Department of Interior,
Bureau of Land Management, on file at the office of the Mariposa County Road
Department, thence N. 14°49’46” E., 290.21 feet to the point of beginning; thence
S. 81°35’36” E., 290.10 feet; thence S. 36°44’05” E., 107.57 feet, thence S. 21°41’37”
E., 276.19 feet, thence S. 00°11’29” W., 218.70 feet, thence S. 89°29’56” W., 246.84
feet, thence along the Easterly right-of-way of State Highway 140, through a curve
to the left with a tangent bearing N. 17°31’24” W., with a central angle of 1°14’36”, a
radius of 366.00 feet, with an arc length of 7.94 feet, thence continuing along the Easterly right-of-way line of State Highway 140, N. 18°46’ W., 632.17 feet to the point of beginning. Encompassing a parcel containing 4.0000 Acres, more or less.

Location of easement on above described property:

See attached Exhibit “A”

Grantor grants to Company an easement and right-of-way ten (10) feet in width, the centerline of which shall be coincidental with the centerline of the facilities/equipment as constructed on Grantor’s Property.

Grantor also grants to the Company and its agents and employees the right of ingress to and egress from the easement and right-of-way for the purpose of exercising the rights granted herein and the Company shall have the right to remove or otherwise control such vegetation as may endanger or interfere with the use of the easement and right-of-way. Ingress to and egress from easement shall not unreasonably encroach upon other portions of property. The burden and benefit of the covenants set forth in this instrument shall run with the property and shall inure to the benefit of, and be binding upon, the parties and their respective heirs, devisees, successors, and assigns.

The Company shall reasonably exercise such rights as granted and the Company shall be liable for any damage caused to the property by any negligent act or omission by the Company, its agents, or employees while exercising the rights granted herein.

EXECUTED THIS 7th DAY OF JANUARY, 2012.

GRANTOR(S): COUNTY OF MARIPOSA, a Political Subdivision

By: Janet Bibby, Chair

By: Janet Bibby

Mariposa County Board of Supervisors
ACKNOWLEDGEMENT

State of California

County of Mariposa

On February 14, 2012, before me, Tracy Gauthier, a Notary Public for the State of California, personally appeared Sanat Birdy, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

TRACY GAUTHIER
Commission # 1817461
Notary Public - California
Mariposa County

Signature of Notary Public

State of California

County of

On , before me, a Notary Public for the State of California, personally appeared , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary Public
Approximate location to place telephone utilities; along westerly boundary of property, adjacent to Hwy 140.