**DEPARTMENT:** Administration  
**BY:** Richard J. Benson  
**PHONE:** 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**
Consider Request by Chamber of Commerce to Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3rd Street, on November 27, 2010, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board’s Support and Approval.

**BACKGROUND AND HISTORY OF BOARD ACTIONS**
The Board typically approves this request each year. This year the Chamber of Commerce also plans to host the Parade Awards Ceremony at the Arts Park with a coordinated “turn-on” of lights after the Merry Mountain Christmas Parade.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

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<th>Yes</th>
<th>No</th>
<th>Current FY Cost:</th>
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<td>Yes</td>
<td>No</td>
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<tr>
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<td>Source:</td>
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<tr>
<td>Internal Transfer</td>
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<tr>
<td>Unanticipated Revenue</td>
<td>4/5’s vote</td>
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<td>Transfer Between Funds</td>
<td>4/5’s vote</td>
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<td>Contingency</td>
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<tr>
<td>( ) General</td>
<td>( ) Other</td>
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**CLERK’S USE ONLY:**
Res. No.: 514  
Vote - Ayes:  
Noes:  
Approved

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<th>COUNTY ADMINISTRATIVE OFFICER:</th>
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<tbody>
<tr>
<td>Requested Action Recommended</td>
</tr>
<tr>
<td>No Opinion</td>
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<td>Comments:</td>
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</table>

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

Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: Deputy

Revised Dec. 2002
November 1, 2010

Mariposa County Board of Supervisors
PO Box 784
Mariposa, Ca. 95338

The Mariposa County Chamber of Commerce would like to request that the County Board of Supervisors grants permission to allow the 13th Annual Merry Mountain Parade and Light Up Mariposa event to take place. The proposed date would be November 27, 2010 beginning at 4:00 pm.

Please find attached 2 encroachment permit applications for Public Works to use should your permission be granted.

Thank you for your consideration,

[Signature]

Peter Schimmellennig
Executive Director
November 9, 2010

Steve Waldron  
Department of Transportation District 10  
Post Office Box 2048  
Stockton, CA 95201

Dear Mr. Waldron:

On November 9, 2010, the Mariposa County Board of Supervisors adopted a Resolution approving the Encroachment Permit Applications for the detour of traffic from state routes to Mariposa County roadways on Saturday, December 4, 2010, for the duration of the “Merry Mountain Christmas Parade” and for the Holiday banners.

Mariposa County agrees to hold CalTrans and the State of California harmless for any damages to county roadways as a result of this detour or the banners.

Thank you for your consideration in this matter.

Sincerely,

Kevin Cann  
Board Chair

KC:tg

cc: Board of Supervisors  
Mariposa County Chamber of Commerce  
File
COUNTY of MARIPosa
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR
JIM ALLEN, VICE-CHAIR
BRAD ABORN
LYLE TURPIN
JANET BIBBY

DISTRICT IV
DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Approval of Consent Agenda

RES. 10-514

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on November 9, 2010

ACTION AND VOTE:

Approval of Consent Agenda
Rick Benson pulled item 104 for change of date to be discussed.

Consider Items Removed from the Consent Agenda
Item 104 – Rick Benson initiated discussion and advised of the change in dates for the Merry Mountain Christmas Parade from November 27th to December 4th. Peter Schimmelfennig advised that they may want to revisit changing the dates next year; and he was advised that there should be early coordination with the affected departments if the Chamber wants to change the dates. (M)Turpin, (S)Aborn, item 104 was approved with the change in dates/Ayes: Aborn, Turpin, Cann, Allen;

Excused: Bibby.

CA-104

Administration
Consider Request by Chamber of Commerce to Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3rd Street, on November 27, 2010, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board’s Support and Approval; Res. 10-514 with change in date of Parade to December 4th

Ce: Peter Schimmelfennig, Chamber of Commerce
File
STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
STANDARD ENCROACHMENT PERMIT APPLICATION
TR-0100 (REV. 07/2007)

Permission is requested to encroach on the State Highway right-of-way as follows:
(Complete all BOXES [write N/A if not applicable])
This application is not complete until all requirements have been approved.

1. COUNTY
   Mariposa

2. ROUTE
   State Route Hwy. 140

3. POSTMILE
   140

4. ADDRESS OR STREET NAME
   State Route Hwy. 140

5. CITY
   Mariposa

6. CROSS STREET (Distance and direction from site)
   State Hwy. 140

7. PORTION OF RIGHT-OF-WAY
   State Hwy. 140

8. WORK TO BE PERFORMED BY
   OWN FORCES ☑ CONTRACTOR

9. EST. START DATE
   November 15, 2010

10. EST. COMPLETION DATE
    January 3, 2011

11. EXCAVATION
    MAX DEPTH
    AVG. DEPTH
    AVG. WIDTH
    LENGTH

12. EST. COST IN STATE HIGHWAY RIGHT-OF-WAY
    FUNDING SOURCE(S)
    ☑ FEDERAL
    ☑ STATE
    ☑ LOCAL
    ☑ PRIVATE

13. PIPES
    PRODUCT TYPE
    DIAMETER
    VOLTAGE / PSIG

14. CALTRANS PROJECT E.A. NUMBER

16. ☐ Double Permit ☐ Parent Permit Number
    Applicant’s Reference Number / Utility Work Order Number

16. Have your plans been reviewed by another Caltrans branch? ☐ NO ☑ YES (If “YES” Who?)

17. Completely describe work to be done within STATE highway right-of-way:
    Attach 6 complete sets of FOLDED plans (folded 8.5” x 11”), and any applicable specifications, calculations, maps, etc.
    All dimensions shall be in U.S. Customary (English) Units.
    Place, maintain and remove “Holiday” banners on existing brackets of power poles along State Highway 140 right of way between Second Street and Jones Street and one banner over and across State Highway 140 at 5th Street.

18. Is a city, county, or other agency involved in the approval of this project?
    ☐ YES (If “YES”, check type of project and attach environmental documentation and conditions of approval.)
    ☑ COMMERCIAL DEVELOPMENT ☐ BUILDING ☐ GRADING ☐ OTHER
    ☑ CATEGORICALLY EXEMPT ☐ NEGATIVE DECLARATION ☑ ENVIRONMENTAL IMPACT REPORT ☐ OTHER
    Hang Holiday Banners

    ☐ NO (If “NO”, please check the category below which best describes the project, and complete page 4 of this application.)
    ☑ DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE, OR RESURFACING ☐ FENCE
    ☑ PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS ☐ MAILBOX
    ☑ FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS ☐ EROSION CONTROL
    ☑ OTHER ☐ LANDSCAPING

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource? ☑ YES ☐ NO
(If “YES”, provide a description)

20. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building? ☑ YES ☐ NO
(If “YES”, provide a description)

21. Is work being done on applicant’s property? ☐ YES ☑ NO
(If “YES”, attach site and grading plans.)

ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write to Records and Forms Management, 1220 N Street, MS 49P, Sacramento, CA 95814
22. Will this proposed project require the disturbance of soil?  
☐ YES ☑ NO  
If "YES", estimate the area within State Highway right-of-way in square feet AND acres:  
☐ (ft²) AND ☑ (acres)  
estimate the area outside of State Highway right-of-way in square feet AND acres:  
☐ (ft²) AND ☑ (acres)  
23. Will this proposed project require dewatering?  
☐ YES ☑ NO  
If "YES", estimate total gallons AND gallons/month:  
☐ (gallons) AND ☑ (gallons/month)  
SOURCE: ☐ STORM WATER ☑ NON-STORM WATER  
24. How will any storm water or ground water be disposed of from within or near the limits of this proposed project?  
☐ Storm Drain System ☐ Combined Sewer / Storm System ☑ Storm Water Retention Basin  
☐ Other (explain):  

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.  
The applicant, understands and herein agrees to that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with Caltrans rules and regulations subject to inspection and approval.  
The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnities) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnities, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnities. The Applicant, however, shall not be obligated to indemnify Indemnities for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.  

DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Department's NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:  

25. NAME OF APPLICANT or ORGANIZATION (Print or Type)  
Mariposa County  
ADDRESS OF APPLICANT or ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)  
4639 Ben Hur Road Mariposa, Ca. 95338  
PHONE NUMBER  
209-966-5356  
FAX NUMBER 209-966-2828  

26. NAME OF AUTHORIZED AGENT / ENGINEER (Print or Type)  
Allen Toschi, Mariposa County Public Works Director  
IS LETTER OF AUTHORIZATION ATTACHED? ☑ YES ☐ NO  
E-MAIL ADDRESS  
atoschi@mariposa county.gov  

ADDRESS OF AUTHORIZED AGENT / ENGINEER (Include City and Zip Code)  
4639 Ben Hur Road Mariposa, Ca. 95338  
PHONE NUMBER  
209-966-5356  
FAX NUMBER 209-966-2828  

27. SIGNATURE OF APPLICANT or AUTHORIZED AGENT  

28. PRINT OR TYPE NAME  
Allan Toschi  
29. TITLE  
Public Work Director  
30. DATE  
11/10/10
INSTRUCTIONS
for completing page 4

This page needs to be completed when the proposed project DOES NOT involve a City, County or other public agency.

Your answers to these questions will assist departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within the State highway right-of-way. And, to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies, in some cases this may be costly and time-consuming. If possible, attach photographs of the location of the proposed project.

Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

1. Will any existing vegetation and/or landscaping within the highway right-of-way be disturbed? No

2. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or highway right-of-way? No

3. Is the proposed project located within five miles of the coast line? No

4. Will the proposed project generate construction noise levels greater than 85 dBA (e.g. jack-hammering, pile driving)? No

5. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public? No

6. Are there any recreational trails or paths within the limits of the proposed project or highway right-of-way? No

7. Will the proposed project impact any structures, buildings, rail lines, or bridges within highway right-of-way? No

8. Will the proposed project impact access to any businesses or residences? No

9. Will the proposed project impact any existing public utilities or public services? No

10. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks, or overcrossings? No

11. Will new lighting be constructed within or adjacent to highway right-of-way? No
# Fee Calculation -- For Caltrans Use

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*The current hourly rate is set annually by Headquarters Accounting. District Office staff do not have authority to modify this rate.*

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