

DEPARTMENT :Public Works/Engineering

BY: Allen Toschi
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Public Hearing for the Formation of the Royal Oaks Estates Major Subdivision Zone of Benefit; and Adopt Resolution.

Publicly

Please see attached staff report (Attachment "A").

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 19, 2010, the Board approved a resolution of intent to form the Royal Oaks Estates Zone of Benefit. (Res. 10-491)

On March 23, 2004 the Board approved the recordation of Royal Oaks Estates. The Board has previously approved other Zones of Benefit. To date, the Board has only denied two applications, based on the number of parcels that could potentially be served by their roads. The road covered under this application serves the nine parcels and one remainder of this Major Subdivision.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and have the applicant develop another means to insure the maintenance of the land division road.

Financial Impact? () Yes (X) No	Current FY Cost: \$ -0-	Annual Recurring Cost: \$ -0-
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Staff Report
Source: _____ Land Owners		2. Resolution, with Exhibit A
Internal Transfer _____		3. Notice of Hearing
Unanticipated Revenue _____ 4/5's vote		4. Letter from Ken Jorgensen
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 10-569 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

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

CAO: *[Signature]*



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

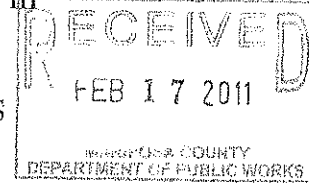
KEVIN CANN, CHAIR
JIM ALLEN, VICE-CHAIR
BRAD ABORN
LYLE TURPIN
JANET BIBBY

DISTRICT IV
DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER



TO: ALLEN TOSCHI, Planning Director *cc Mark*
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING for the Formation of the Royal Oaks Estates Major Subdivision
Zone of Benefit, and Possible Adoption of a Resolution

RES. 10-569

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 14, 2010

ACTION AND VOTE:

6

Public Works

PUBLIC HEARING for the Formation of the Royal Oaks Estates Major Subdivision Zone of Benefit, and Possible Adoption of a Resolution

BOARD ACTION: Chair Cann reviewed the hearing and ballot process. Allen Toschi, Public Works Director, presented the staff report. Allen Toschi responded to a question from the Board and advised that he and Roger Stephens/Stephens Engineering, reviewed the questions received from the public concerning the assessments and balancing the assessments with the benefit. Mark Dvorak/Public Works, responded to a question from the Board as to the number of zones of benefit that currently exist, and he advised there are 16.

The public portion of the hearing was opened and input was provided by the following:

Speaking in Support:

Ken Jorgensen advised that he and his wife own lot number 11 on Royal Oaks Court. They support the creation of the zone of benefit because Public Works has the knowledge, experience, and the equipment to maintain the roads. His objection is to the assessments, and he respectfully disagrees with the Public Works Director; and he referred to his letter expressing concern with the fairness of the assessments. He disagrees with the assumptions that the assessments are based on – that they all benefit from Burl equally, and that Royal Oaks Court provides no special benefit to the rest of the subdivision. He feels that Royal Oaks Court would be the first line of defense for any fire originating west of the subdivision – the statute says the benefit is to the parcel and not the owner. He offered the following alternatives: should allocate 51-cents per foot to the frontage of each parcel – he feels the roads benefit everyone.

Kathleen Bratt, with her husband, supports the zone of benefit, but they are not in favor of the assessments – the lots on Royal Oaks Court are being assessed

two and one-half times the amount of the lots on Burl Drive. They feel this is unfair and should be reviewed.

Roger Stephens stated he supports the zone of benefit, and he explained how the assessments were arrived at, including review of the formation of the subdivision. He noted that Royal Oaks Court required dual access because it was too long to meet CalFire road standards. So his thinking was that everyone should participate in the cost for Burl Drive as it is a secondary access that was mandated by CalFire. He doesn't feel that the residents on Burl Drive have a reason to drive on Royal Oaks Court and Little Buck Road, so their assessments are less.

Speaking in Opposition:

Dave Tiner, owns lot number 20, stated he has been there about 20-years – before the subdivision was formed. He spent \$30,000 putting in his own road and it was obliterated with the new road for the subdivision. Now they want him to pay for this. He used to have access from Tokoyon Road and they were required to close that road and use the subdivision road. He questioned the different assessments when everyone can use the roads involved. He asked why this couldn't be a gated community. He noted they live at the end of Burl Drive and people access that road at all times and they have had problems with vandalism. They want control of the subdivision roads if the zone of benefit is approved, and he asked whether they can close the gates and use the locked gates in the back.

General Comments:

David James, owns lot number 14, stated people on Royal Oaks Court are immune from through traffic. Burl Drive will have the through traffic.

Lester Bridges stated he was the original owner of the Royal Oaks Estates, and he questioned why the property owners are being assessed different values. He advised that the assessments in the Pine Crest Estates subdivision are the same for everyone. He also noted that it is expensive to maintain roads.

Allen Toschi responded to questions from the Board relative to being able to have a gate closure as requested. He clarified that these are not County roads – the County is providing a service and he provided input on the Proposition 218 requirements for establishing assessments. Rick Benson, County Administrative Officer, explained the ballot tabulation process, and advised that the ballots are weighted – so those that are being assessed more have a higher ballot count. Chair Cann advised that this is the last opportunity to submit a ballot or to change a vote on a ballot – no new ballots or changed ballots were submitted. The public portion of the hearing was closed, and the Clerk of the Board was excused to tabulate the ballots. The hearing was continued until after the following item for the ballot tabulation to be reported.

11:07 a.m. Recess

11:45 a.m. The Board continued with the public hearing for the formation of the Royal Oaks Estates Major Subdivision Zone of Benefit. The Clerk of the Board announced the result of the tabulation of the ballots: 17 “yes” votes for 69.30 percent; and 6 “no” votes for 30.70 percent. The 23 ballots were signed and valid.

Chair Cann called for public comment:

Ken Jorgensen stated he strongly supports the zone of benefit and asked the Board to approve the formation, but he stated he does not agree with the assessments. He feels that having to pay more than they should is bad, but having the roads fall apart is worse.

George Heiss thanked staff for moving this forward.

David James thanked the Board for clarifying that there could be gates – that was their concern.

The public portion was closed. Allen Toschi advised that repairs are needed to the existing roads to bring them into good condition and cash deposits need to be

posted before the zone of benefit takes effect; and the gate has to be acceptable to emergency services.

(M)Bibby, (S)Allen, Res. 10-569 was adopted forming the Royal Oaks Estates Major Subdivision Zone of Benefit as recommended/Ayes: Unanimous. The hearing was closed.

Cc: File

ATTACHMENT "A"

On October 19, 2010, at the request of property owners, by adopting a resolution initiating proceedings your Board set into motion the procedures necessary to form a county service area zone of benefit in order to provide road maintenance in the Royal Oaks Subdivision. Those procedures include a vote of the property owners in order to place an assessment on the property tax bills.

If approved, the proposed County Service Area will be funded by an annual assessment on each parcel in the subdivision. Per the California Constitution, before any assessment can be placed on a property tax bill it requires the approval of the affected property owners. This approval is documented through a vote of property owners using the process described in the Government Code.

All affected property owners have received the required notice and ballots. The deadline for returning ballots is at the close of the public portion of today's hearing.

In order to finalize the process, a public hearing is required and has been scheduled for this date and time. At the hearing your Board will be able to hear comments in favor and opposed to the formation of the Zone as well as comments regarding the proposed assessment. At the conclusion of the public portion of the hearing, it will be appropriate for your Board to recess to allow for the tabulation of the ballots under the direction of the Clerk of the Board. If a majority of the returned ballots, as weighted, are in favor of the proposal your Board then will be authorized to finalize the formation of the zone and place the assessment on property tax bills.

IT IS RECOMMENDED that the following actions be taken by your Board:

1. Conduct a public hearing regarding the formation of a zone of benefit to service Royal Oaks and the proposal to assess parcels.
2. At the conclusion of the public portion of the hearing, direct the Clerk of the Board to tabulate the ballots.
3. Recess during the tabulation.
4. Close the hearing after the vote is announced.

IF A MAJORITY OF THE PROPERTY OWNERS VOTE IN FAVOR OF THE PROPOSED ASSESSMENT:

5. Adopt the resolution confirming the Public Works Department report; determining to adopt and accept an ordinance enacting assessments for the Zone of Benefit.

IF A MAJORITY OF THE PROPERTY OWNERS VOTE AGAINST THE PROPOSED ASSESSMENT, ABANDON THE FORMATION OF THE COUNTY SERVICE AREA AND TAKE NO FURTHER ACTION.

MARIPOSA COUNTY
RESOLUTION TO FORM ZONE OF BENEFIT
FOR ROYAL OAKS ESTATES
RESOLUTION NO. 10- 569

SECTION 1. WHEREAS:

(a) This Board initiated proceedings for the formation of the Royal Oaks Estates and fixed the date and place for a public hearing thereon by its resolution adopted on October 19, 2010; and

(b) The territory proposed for formation is inhabited; and

(c) Royal Oaks Estates Zone of Benefit shall provide road maintenance; and

(d) The proposal is also to establish fees for County Service Area No. 1, Royal Oaks Estates to provide the funding for road maintenance within said zone; and

(e) It appears that said County Service Area zone is not a "benefit district," as defined in Section 56018 of the Government Code; and

(f) An assessment sufficient to pay for such services which are proposed to be furnished within the subject territory will be annually established via ordinance and placed upon all parcels within said County Service Area zone. Collection of the assessments will utilize the regular County assessment rolls and will begin in the 2011-2012 tax year; and

(g) The subject territory will not be taxed for existing general bonded indebtedness of any agency whose boundaries are changed; and

(h) The Public Works Department has evaluated the possible environmental impacts of this action and concluded that it can be seen with certainty there is no possibility that the proposed action may have a significant effect on the environment pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act (CEQA) of 1970 Guidelines and the possible environmental impacts of the proposed assessments are recommended to be found statutorily exempt from the requirements for preparation of environmental documents pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines. Pursuant to the provisions of the State CEQA Guidelines, a Notice of Exemption will be prepared and filed upon approval of this action; and

(i) Charges shall be collected on the tax roll in the same manner and at the same time as the County's general ad valorem property taxes are collected as provided by Government Code Section 25215.5; and

(j) By resolution adopted on October 19, 2010 this Board ordered the Clerk of this Board to cause a notice of hearing to be published in a newspaper of general circulation in the County pursuant to the provisions of Section 6061 of the Government Code as well as written personal notice by mail as provided in Section 54986(a) of the Government Code; and

(k) Notice of Hearing has been given in accordance with law and the provisions of the resolution of this Board fixing the date and place therefore; and

(l) The Board has provided a 45-day written mailed notice and ballot to each record owner of assessable parcels of real property located within the boundaries of the proposed Zone of Benefit, a public hearing was conducted on Tuesday, December 14, 2010, at a regularly scheduled meeting of the Board of Supervisors, in the Board Chambers, located at 5100 Bullion Street, Mariposa, California, on the issue of whether the County Service Area should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2011-2012; and

(m) The form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the Zone for fiscal year 2011-2012; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public input portion of the public hearing on December 14, 2010, in order to be valid and counted, and that all assessment ballots received would be tabulated after the conclusion of the public input portion of the public hearing on December 14, 2010; and

(n) Pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the County Service Area have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel; and

(o) This Board desires to proceed with levying assessments within County Service Area No. 1, Royal Oaks Estates accordance with the provisions of Article XIID of the California Constitution and with the provisions of Government Code Section 25210.77a as well as the requirements of Government Code Sections 54985 and 54986 in order to carry said ordinances into effect; and

(p) In accordance therewith a public hearing has been held before this Board today at which time this Board heard and considered all objections and protests to said assessments; and

(q) At said hearing all ballots received in favor of and opposed to the fee assessments were tabulated. A majority of the ballots received in said matter were cast in favor of levying the fee assessments.

SECTION 2. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mariposa, State of California, as follows:

1. This Board finds that all of the facts recited in Section 1 are true, and that it has jurisdiction to consider the subject of this resolution.

2. This Board finds and determines that the action being taken is exempt from the requirements of the California Environmental Quality Act of 1970, pursuant to Section 15061(b)(3) and the assessments are statutorily exempt pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, for which reason no environmental evaluations or documents will be required.

3. The public hearing upon the levying of assessments within County Service Area No. 1, Royal Oaks Estates to provide road maintenance within said ZONE is hereby concluded and closed.

4. This Board does hereby find that a majority of the ballots received in said matter were cast in favor of levying the assessments and finds that the tabulated balloting at today's hearing gives this Board

authority to establish assessments up to \$10,062.41, per year for the maintenance of roads within said zone with an escalator of not to exceed 2% per year; and this Board further confirms that these assessments comply with the applicable provisions of Article XIID of the California Constitution.

5. This Board does hereby confirm the written engineer's report filed by the Director of the Public Works Department and the proposal described in the report to levy assessments within County Service Area No. 1, Royal Oaks Estate up to \$10,062.41 per year for road maintenance with an escalator of not to exceed 2% per year, is hereby approved; and this Board hereby determines to adopt and accept an ordinance enacting such assessment levy.

6. This Board does hereby establish Royal Oaks Estates within County Service Area No. 1.

7. This Board finds that the fee establishment will be for the benefit of the landowners and the present and future inhabitants within the Royal Oaks Estates, County Service Area No. 1

8. The terms and conditions of said fee establishment shall be as recited hereinabove.

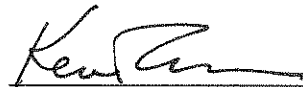
9. The complete legal description of the boundaries of said territory marked Exhibit "A" is on file with the Clerk of the Board, and attached hereto and made a part hereof by reference.

10. A map delineating said boundaries was filed with the Clerk of the Board on October 19, 2010.

11. A Notice of Exemption, pursuant to CEQA and said guidelines, will be filed with the County Recorder upon adoption of this resolution.

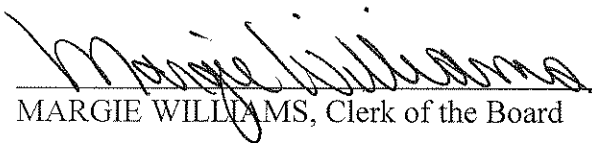
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 14th day of December, 2010, by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



Kevin Cann, Chair
Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:



Steven W. Dahlem, County Counsel

EXHIBIT A

A tract of land situated in a portion of projected Section 3, Township 6 South, Range 18 East, M. D. B & M., Rancho Las Mariposas, Mariposa County, State of California, said tract of land being more particularly described as follows:

BEGINNING at the northwest corner of Section 2 of Township 6 South, Range 18 East, M. D. B & M., said corner also being the northeast corner of the REMAINDER as said REMAINDER is delineated on that certain map entitled "Parcel Map for George, Gordon, Edwin, & Darryl Greenamyre" filed December 23, 1975 in Book 10 of Parcel Maps at Page 6, Mariposa County Records; thence, traversing around the boundary of the herein described tract of land, the following twenty-seven (27) courses and distances:

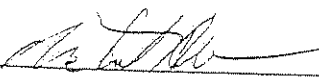
1. S00°29'30"E, along the westerly line of said Section 2 and the easterly line of said REMAINDER, for 2640.93 feet to the W1/4 corner of said Section 2; thence
2. S00°03'26"E, along the westerly line of said Section 2 and the easterly line of said REMAINDER, for 1360.23 feet to the northeast corner of Lot 10 of Unit One of Buckeye Ranch Estates as said Lot 10 is delineated on that certain map entitled "Map of Unit One Buckeye Ranch Estates" filed February 19, 1980 in the Book of Maps at Page 2058, Mariposa County Records; thence.
3. leaving the easterly line of said REMAINDER and the westerly line of said Section 2, N89°55'31"W, along the north line of said Lot 10 for 529.71 feet to the northwest corner thereof, said corner also being a point on the easterly line of that certain road known as Burl Drive, as said Burl Drive is delineated on said "Map of Unit One Buckeye Ranch Estates"; thence
4. N04°35'32"E, along the easterly line of said Burl Drive for 44.94 feet to the beginning of a tangent curve concave to the southwest having a radius of 200.00 feet and a chord length of 100.87 feet; thence
5. northerly, along the easterly line of said Burl Drive and along said curve, through a central angle of 29°12'43", an arc distance of 101.97 feet to the point of tangency; thence
6. N24°37'11"W, along the easterly line of said Burl Drive, for 9.80 feet to the beginning of a tangent curve concave to the northeast, having a radius of 195.00 feet and a chord length of 100.54 feet; thence

7. northerly, along the easterly line of said Burl Drive and along said curve, through a central angle of $29^{\circ}52'38''$, an arc distance of 101.68 feet to the point of tangency; thence
8. $N05^{\circ}15'27''E$, along the easterly line of said Burl Drive, for 56.65 feet to the northeast corner thereof; thence
9. $N84^{\circ}44'33''W$, along the northerly line of said Burl Drive, for 60.00 to the northwest corner thereof, said corner also being the northeast corner of Lot 11 of Unit One of Buckeye Ranch Estates as said Lot 11 is delineated on said "Map of Unit One Buckeye Ranch Estates"; thence
10. $S80^{\circ}48'53''W$, along the northerly line of said Lot 11, for 515.51 feet to the northwest corner thereof; thence
11. $S07^{\circ}19'37''E$, along the westerly line of said Lot 11, for 355.84 feet to the southwest corner thereof, said corner also being an angle point in the northerly line of Lot 9 of Unit One of Buckeye Ranch Estates as said Lot 9 is delineated on said "Map of Unit One Buckeye Ranch Estates"; thence
12. $S82^{\circ}27'41''W$, along the northerly line of said Lot 9, for 300.27 feet to the northwest corner there, said corner also being an angle point in the easterly line of Lot 2 of Unit One of Buckeye Ranch Estates as said Lot 2 is delineated on said "Map of Unit One Buckeye Ranch Estates"; thence
13. $N07^{\circ}44'09''W$, along the easterly line of said Lot 2 and the easterly line of Lot 1 of Unit One of Buckeye Ranch Estates as said Lot 1 is delineated on said "Map of Unit One Buckeye Ranch Estates", for 499.96 feet to the northeast corner of said Lot 1; thence
14. $S82^{\circ}25'09''W$, along the northerly line of said Lot 1, for 486.13 feet to the northwest corner thereof, said corner also being a point on the westerly line of said REMAINDER; thence
15. $N07^{\circ}34'55''W$, along the westerly line of said REMAINDER, for 1450.47 feet to an angle point therein; thence
16. $S82^{\circ}27'51''W$, along the westerly line of said REMAINDER for 732.56 feet to an angle point therein; thence
17. $N39^{\circ}38'16''W$, along the westerly line of said REMAINDER for 391.95 feet to an angle point therein; thence
18. $N46^{\circ}41'22''E$, along the westerly line of said REMAINDER, for 241.95 feet to an angle point therein.
19. $N00^{\circ}45'11''E$, along the westerly line of said REMAINDER, for 368.82 feet to an angle point therein; thence

20. N33°20'55"E, along the westerly line of said REMAINDER, for 286.27 feet to an angle point therein; thence
21. N22°36'54"W, along the westerly line of said REMAINDER, for 902.74 feet to the northwest corner thereof; thence
22. N78°50'43"E, along the northerly line of said REMAINDER, for 457.81 feet to an angle point therein; thence,
23. S25°12'52"E, along the northerly line of said REMAINDER; for 295.50 feet to an angle point therein; thence,
24. N78°35'03"E, along the northerly line of said REMAINDER; for 270.51 feet to an angle point therein; thence,
25. N60°22'52"E, along the northerly line of said REMAINDER; for 673.78 feet to an angle point therein; thence,
26. N40°32'11"E, along the northerly line of said REMAINDER; for 385.19 feet to an angle point therein; thence,
27. S89°50'50"E, along the northerly line of said REMAINDER; for 1437.07 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 212.72 acres, more or less, and is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

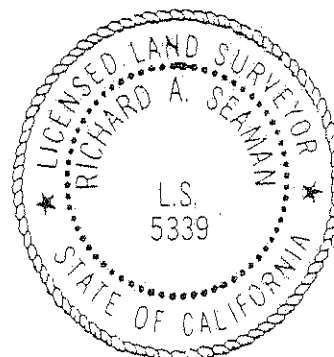


Richard A. Seaman, L.S. 5339

License Expires 12/31/05

1/21/04

Date



**NOTICE OF HEARING
COUNTYWIDE SERVICE AREA #1
ZONE OF BENEFIT ROYAL OAKS ESTATES
FOR ROAD IMPROVEMENTS & MAINTENANCE**

NOTICE IS HEREBY GIVEN that pursuant to Government Code Section 25217 the Board of Supervisors will conduct a public hearing on the proposal to establish a zone of benefit within Countywide Service Area No.1, for Royal Oaks Estates and the proposed ordinance to establish assessments for parcels within said county service area on Tuesday, December 14, 2010, at the hour of 9:00 a.m. or as soon thereafter as the item may be heard, in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California. The boundaries of the proposed zone are generally described as the Royal Oaks Estates Subdivision and are described in more detail within the engineer's report available for review at the Mariposa County Department of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338. At said time, the Board shall hear the testimony of all interested persons or taxpayers for or against the establishment of the zone, the extent of the area or the furnishing of specified types of extended services and consider all objections and protests, if any, to establishing assessments.

Said zone is to be established in order to provide road maintenance to non-county maintained roads within the Royal Oaks Estates subdivision. Maintenance will be financed through annual assessments to all parcels within the proposed zone.

The Mariposa County Public Works Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Anyone wishing to present evidence or be heard on this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance establishing service charges in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

If the property owners do not approve those funding methods, the zone shall not be formed.

Prior to the hearing, a public informational meeting on the proposed assessments will be held by the Mariposa County Public Works Department, as follows:

November 8, 2010, at the hour of 6:00 p.m. in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California.

The proposed charges are as follows:

The total amount of the proposed assessment chargeable to the entire district is \$10,062.41, annually with an escalator of not to exceed 2% per year. Amount chargeable to each record owner's parcel are described on (Exhibit D) of the engineer's report. Duration of the payments are indefinite. If approved, the revenues from the proposed assessment will be used to maintain non-county maintained roads within the Royal Oaks Estates.

Each parcel's assessment was calculated as a fraction of the total initial road improvement and maintenance costs using the distance from the intersection of Old Highway and Burl Road and is described in more detail in the engineer's report.

The assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.

If a parcel is owned by multiple parties, only one owner is required to sign the ballot.

Signed ballots must be returned to the Mariposa County Clerk of the Board Office, 5100 Bullion Street Mariposa, California 95338 no later than 5:00 p.m., December 13, 2010 or ballots may be hand delivered to the Board of Supervisors at 9:00 a.m., December 14, 2010 for tabulation at the hearing.

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December 14, 2010

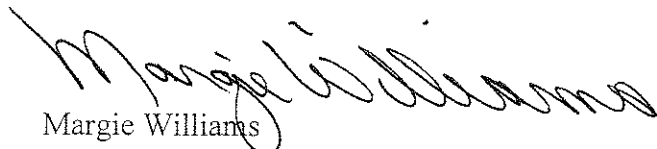
Report on Results of Ballot Tabulation for Royal Oaks Estates:

23 ballots were returned and all were valid ballots.

17- "yes" ballots – 69.30 percent

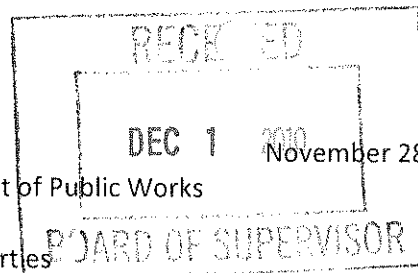
6 – "no" ballots – 30.70 percent

Respectfully submitted,



Margie Williams
Clerk of the Board

To: Royal Oaks Estates Property Owners
CC: Mariposa County Board of Supervisors and Department of Public Works



cc: BOS
CAO
CITY C
PW
COTB
File

Subject: Proposed Assessments to Royal Oaks Court Properties

My name is Ken Jorgensen and my wife, Joyce, and I own lot 11, 4557 Royal Oaks Court. Because of experience we strongly support the creation of the zone of benefit for road maintenance but we think the road maintenance assessments to properties on Royal Oaks Court are unfair, violate Article 13D of the State Constitution and should be corrected before another vote is taken. We want the zone of benefit with fair assessments.

Unreasonable Assessments Violate Article 13D of the State Constitution

The Department of Public Works has proposed that all parcels be assessed equally for the maintenance of the through road, Burl Drive, because two points of egress are required for the subdivision. However, the State Constitution does not impose an equal assessment requirement and is intended to prevent unreasonable assessments from being imposed.

The critical sentence of Article 13D reads: "No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." Stated in context, the provision reads 'no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional road maintenance conferred on that parcel.' Rather than debate individual parcels, I considered each road because that is easily done using the engineer's report; most of the numbers are readily available.

I obtained a copy of the engineer's report and created the table shown below using numbers from Table D, the assessments for each parcel, and Exhibit 4-B which shows the lengths of each road, the costs for maintenance of each road and details of the assessments for the parcels on Royal Oaks Court (ROC) and Little Buck Court. The assessments for Little Buck Court are correct so I will focus only on Burl and ROC from this point.

	Length Ft.	Total Assessment	Maint. Cost \$	Assessment per Ft. \$	Maint. Cost per Ft. \$	% of Total
Burl Drive	7,051	4,686.47	7,219.17	0.56	1.02	47%
Royal Oaks Court	2,310	4,897.80	2,365.10	2.12	1.02	49%
Little Buck Court	467	478.14	478.14	1.02	1.02	5%
Total	9,828	10,062.41	10,062.41	1.02	1.02	100%

I assume the Engineer's cost for the maintenance of each road is reasonable. Since the total assessment for ROC (\$4897.80) is more than twice the cost of maintenance for ROC (\$2365.10), I conclude that the assessments for parcels on ROC are unreasonable and therefore violate Article 13D of the State Constitution. The assessments per foot for ROC are over three times the assessments per foot for Burl. The assessment per foot for ROC is more than twice the cost of maintenance per foot; the assessment for Burl is less than the cost of maintenance.

All Lots in the Subdivision Do Not Receive the Same Benefit from Road Maintenance of Burl Drive

The Engineer stated "all lots within the Royal Oaks Estates Subdivision receive a same and equal special benefit for the maintenance expenses of the through road known as Burl Drive." This is why each parcel received a \$218.76 assessment.

Parcels on ROC certainly do need to use Burl Drive between the Old Highway and the ROC intersection. That part of Burl provides the most direct access to the mail boxes, newspaper slots and common destinations such

as Mariposa, Oakhurst, Merced and points beyond. That is also true for most or all of the other parcels in the subdivision so all parcels benefit equally from the maintenance of that part of Burl Drive.

Only in the rare occasion, when Burl Drive is cut off between the Old Highway and ROC, would residents of ROC require the use of Burl Drive beyond the ROC intersection. This must be regarded as an unusual exception that would be quickly remedied if the zone of benefit is passed. But that does not mean residents of ROC have the same need to use Burl as do residents whose parcels front on Burl Drive. If some other part of Burl Drive were cut off, ROC residents would not be impacted.

Finally, since the engineer said Burl Drive is a through road, residents of Buckeye Rd. might use it to exit their area in case of emergency and they receive no assessment for this potential need. So Burl Drive is not a road meant for the exclusive use of residents of the subdivision and Calfire would certainly open the road if an emergency on Buckeye Rd. required it.

A Special Benefit Does Exist from the Maintenance of Royal Oaks Court

The engineer said "lots not fronting on or accessed from the cul-de-sacs Royal Oaks Court and Little Buck Court receive no special benefit from these roads and should not be assessed for their maintenance cost." The prevailing wind in the area is from the west so any fire that starts west of the subdivision will most likely be blown to the east. That means Royal Oaks Court will be the first line of defense in the subdivision against fires that start to the west of the subdivision. This is not theory, it is history. On Nov. 12, 2005 a controlled burn on a property on Buckeye and was blown to the east onto lot 4. Calfire used Royal Oaks Court to fight the fire and prevent it from spreading onto lots 10 and 11 where it could easily have moved to parcels on Burl Drive. Since Royal Oaks Court can be and has been a first line of defense against a fire blown from the west, maintenance of ROC certainly does provide a special benefit to the rest of the parcels in the subdivision. In addition, properly developed and maintained properties on ROC also provide a buffer that can help prevent fires from the west from spreading to many parcels fronting on Burl Drive.

It seems obvious to me that all parcels in the subdivision benefit in one way or another from the maintenance of the roads. We can agree that ROC residents might need to use Burl Drive beyond the ROC intersection and we can agree that ROC can be used to fight fires that approach from the west. But how can we say which situation is more likely and which road provides the greatest benefit? I think it is reasonable to conclude that all parcels in the subdivision benefit equally from road maintenance so the assessments should be equal.

So what do we do now?

First, if the ZOB is approved on December 14, assessments that violate the State Constitution will have been approved. That cannot stand so the vote should be ignored and assessments recomputed so each parcel receives the same assessment.

Then the process of notice, voting etc. should be repeated. Hopefully the zone of benefit will, at last, be approved.

If you agree with me, vote yes on the zone of benefit but send your objections to the Board of Supervisors.

Sincerely,

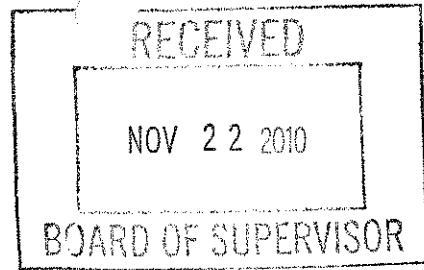
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(10)

Mariposa Gazette
P.O. Box 38
5024 State Highway 140
Mariposa, CA 95338-0038



cc: pw

Invoice

Bill To:

Mariposa Cnty Board of Supes
P.O. Box 784
Mariposa, CA 95338

*add 700 Res
for item after
Dec. 14*

011722
/19/10

DATE	DESC		AMOUNT
	10/28/10 11/18/10 Publication of Noti	ea	\$752.00
Invoice Only--No Statement Will Follow--We Appreciate Your Business!		Sales Tax:	\$0.00
		Total Amount:	\$752.00
		Amount Applied:	\$0.00
		Balance Due:	\$752.00

Certificate of Publication

C.C.P. 2015.5



STATE OF CALIFORNIA)

) ss.

COUNTY OF MARIPOSA)

I, the undersigned, state:

I am the publisher and principal clerk of the GAZETTE AND MINER, an established weekly newspaper circulation, within the Town and County of Mariposa, County of Mariposa, State of California, since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County of Mariposa; that the notice, of which the annexed is a printed copy published in each regular issue of said newspaper and any supplement thereof on the following dates, to wit:

10/28/10 +

11/18/10

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date 11/18 2010

NOTICE OF HEARING COUNTY OF MARIPOSA (WIDE SERVICE AREA #1) ZONE OF BENEFIT ROYAL OAKS ESTATES FOR ROAD IMPROVEMENTS & MAINTENANCE

NOTICE IS HEREBY GIVEN that pursuant to Government Code Section 25217 the Board of Supervisors will conduct a public hearing on the proposal to establish a zone of benefit within Countywide Service Area No.1, for Royal Oaks Estates and the proposed ordinance to establish assessments for parcels within said county service area on Tuesday, December 14, 2010, at the hour of 9:00 a.m. or as soon thereafter as the item may be heard, in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California. The boundaries of the proposed zone are generally described as the Royal Oaks Estates Subdivision and are described in more detail within the engineer's report available for review at the Mariposa County Department of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338. At said time, the Board shall hear the testimony of all interested persons or taxpayers for or against the establishment of the zone, the extent of the area or the furnishing of specified types of extended services and consider all objections and protests, if any, to establishing assessments.

Said zone is to be established in order to provide road maintenance to non-county maintained roads within the Royal Oaks Estates subdivision. Maintenance will be financed through annual assessments to all parcels within the proposed zone.

The Mariposa County Public Works Department has considered the environmental impacts of this project and concluded that this project will not have a significant effect on the environment pursuant to the provisions of Section 21080(b)(8) of the Public Resources Code and Section 15061 (b) (3) of the State CEQA Guidelines.

Anyone wishing to present evidence or be heard on this matter may present or speak at said hearing or any continuation thereof. If you challenge the adoption of the proposed ordinance establishing service charges in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

If the property owners do not approve those funding methods, the zone shall not be formed.

Prior to the hearing, a public informational meeting on the proposed assessments will be held by the Mariposa County Public Works Department, as follows:

November 8, 2010, at the hour of 6:00 p.m. in the Chambers of the Board of Supervisors, Mariposa County Government Center, 5100 Bullion Street, Mariposa, California.

The proposed charges are as follows:

The total amount of the proposed assessment chargeable to the entire district is \$10,062.41, annually with an escalator of not to exceed 2% per year. Amount chargeable to each record owner's parcel are described on (Exhibit D) of the engineer's report. Duration of the payments are indefinite. If approved, the revenues from the proposed assessment will be used to maintain non-county maintained roads within the Royal Oaks Estates.

Each parcel's assessment was calculated as a fraction of the total initial road improvement and maintenance costs using the distance from the intersection of Old Highway and Burl Road and is described in more detail in the engineer's report.

The assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.

If a parcel is owned by multiple parties, only one owner is required to sign the ballot.

Signed ballots must be returned to the Mariposa County Clerk of the Board Office, 5100 Bullion Street Mariposa, California 95338 no later than 5:00 p.m., December 13, 2010 or ballots may be hand delivered to the Board of Supervisors at 9:00 a.m., December 14, 2010 for tabulation at the hearing.

10/28/10 11/18/10:2C