

DEPARTMENT: Public Works

BY: Dana Hertfelder
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Authorize the Public Works Director to work with Caltrans to expedite placement of a street tree and bench at 7th Street Bus Stop to be maintained by Mother Lode Lodge.

The proposal is for both a tree and a memorial bench to be placed and maintained by the Lodge, with the encroachment permit handled by the County. Details of the installation are included with the attached permit which was previously submitted to Caltrans. Caltrans requested that a Chinese Pistache be selected.

Caltrans also requires a maintenance agreement between the County and Caltrans. One possibility may be to amend these items into the existing maintenance agreement the County already has with Caltrans for the sidewalks between the Mother Lode Lodge and 10th Street.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

As part of the 2003 Highway Sidewalk project and the Mariposa town tree planting project, property owners were asked if they would sponsor a tree adjacent to their businesses. The only one to respond along the project that was constructed was Lisa Green at the Mother Lode Lodge. Woody Rodriguez, the previous owner, formerly maintained a rose garden in the area that was later converted to the YARTS bus stop.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Deny cooperation with the Lodge, and they will not improve the bus stop area.

Financial Impact? () Yes (X) No *	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Encroachment Permit for tree and bench _____
Source:		Plans for tree and bench _____
Internal Transfer _____		Letter from Caltrans requesting agreement & plan _____
Unanticipated Revenue _____ 4/5's vote		Existing agreement for maintenance of sidewalk area _____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		* administrative costs only

CLERK'S USE ONLY:

Res. No.: 07-382 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
AW 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

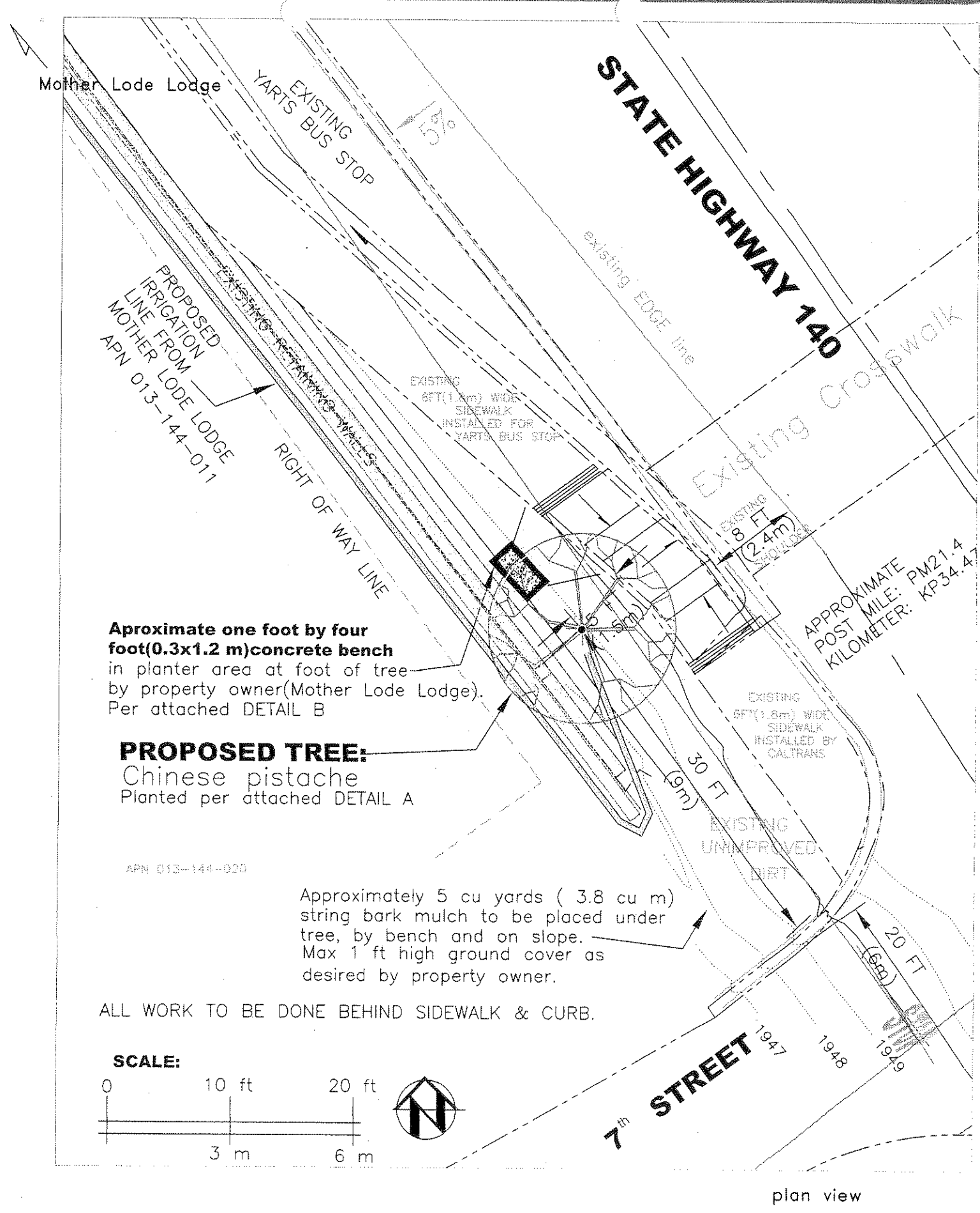
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: *[Signature]*

DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
10	MPA	140	1 LOCATION-KP34.4 APPROX PM 21.4	1	2

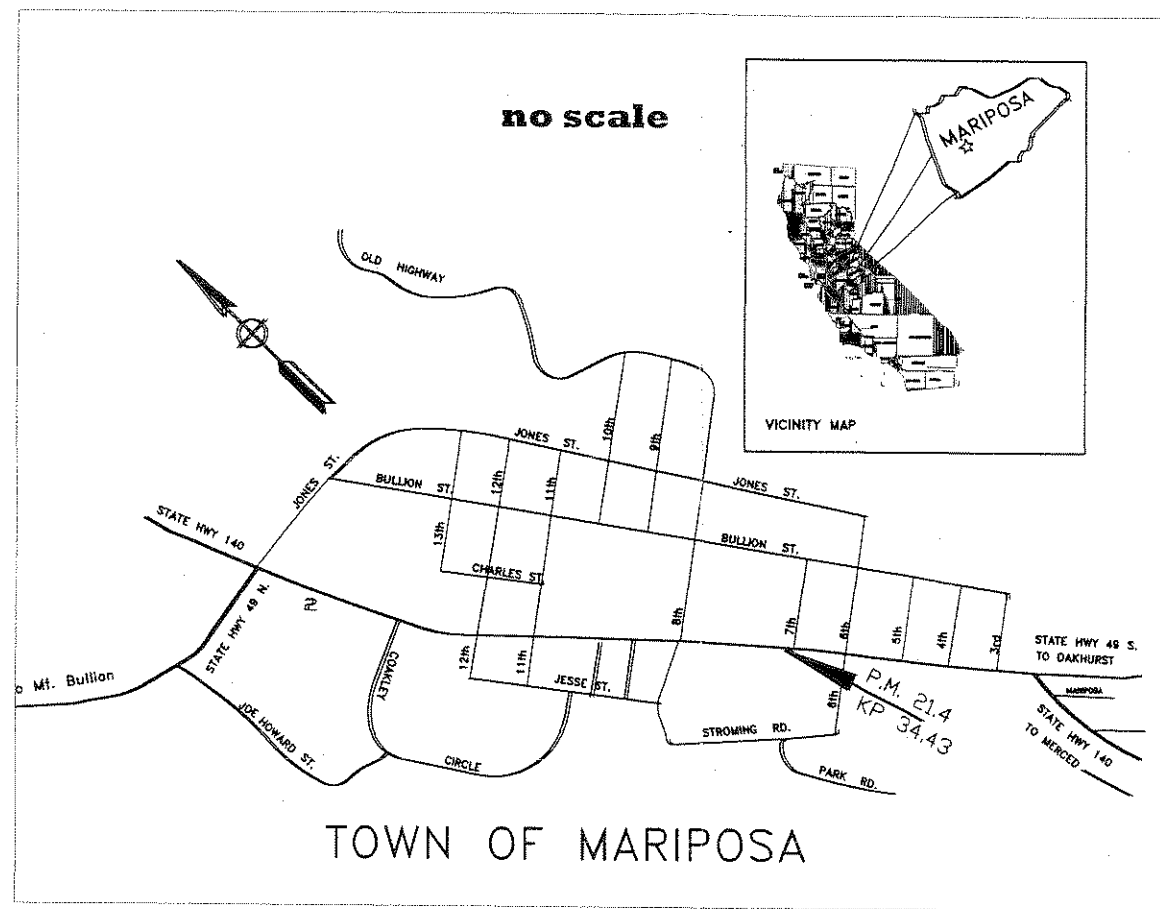
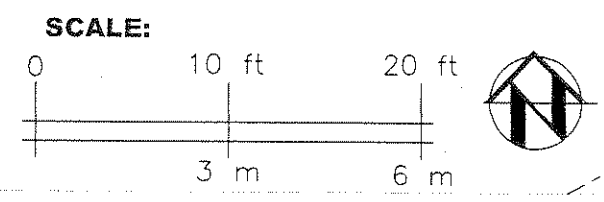


Approximate one foot by four foot (0.3x1.2 m) concrete bench in planter area at foot of tree by property owner (Mother Lode Lodge). Per attached DETAIL B

PROPOSED TREE:
Chinese pistache
Planted per attached DETAIL A

Approximately 5 cu yards (3.8 cu m) string bark mulch to be placed under tree, by bench and on slope. Max 1 ft high ground cover as desired by property owner.

ALL WORK TO BE DONE BEHIND SIDEWALK & CURB.



- Notes:
1. Tree, bench, mulch, and ground cover to be installed entirely behind existing sidewalk and curb.
 2. Tree to be Chinese Pistache
 3. Installation, maintenance, irrigation, and vegetation care by Mother Lode Lodge per maintenance agreement.
 4. Any ground cover to not exceed 1 foot in height.

Dana S. Hertfelder, RCE C56601
Director of Public Works
County of Mariposa

MARIPOSA TOWN TREE PLANTING
Encroachment Permit Application
1005-NLC-0239

DATE: 6/30/2006
DRAWN BY: GJF

COUNTY OF MARIPOSA
DEPARTMENT OF PUBLIC WORKS

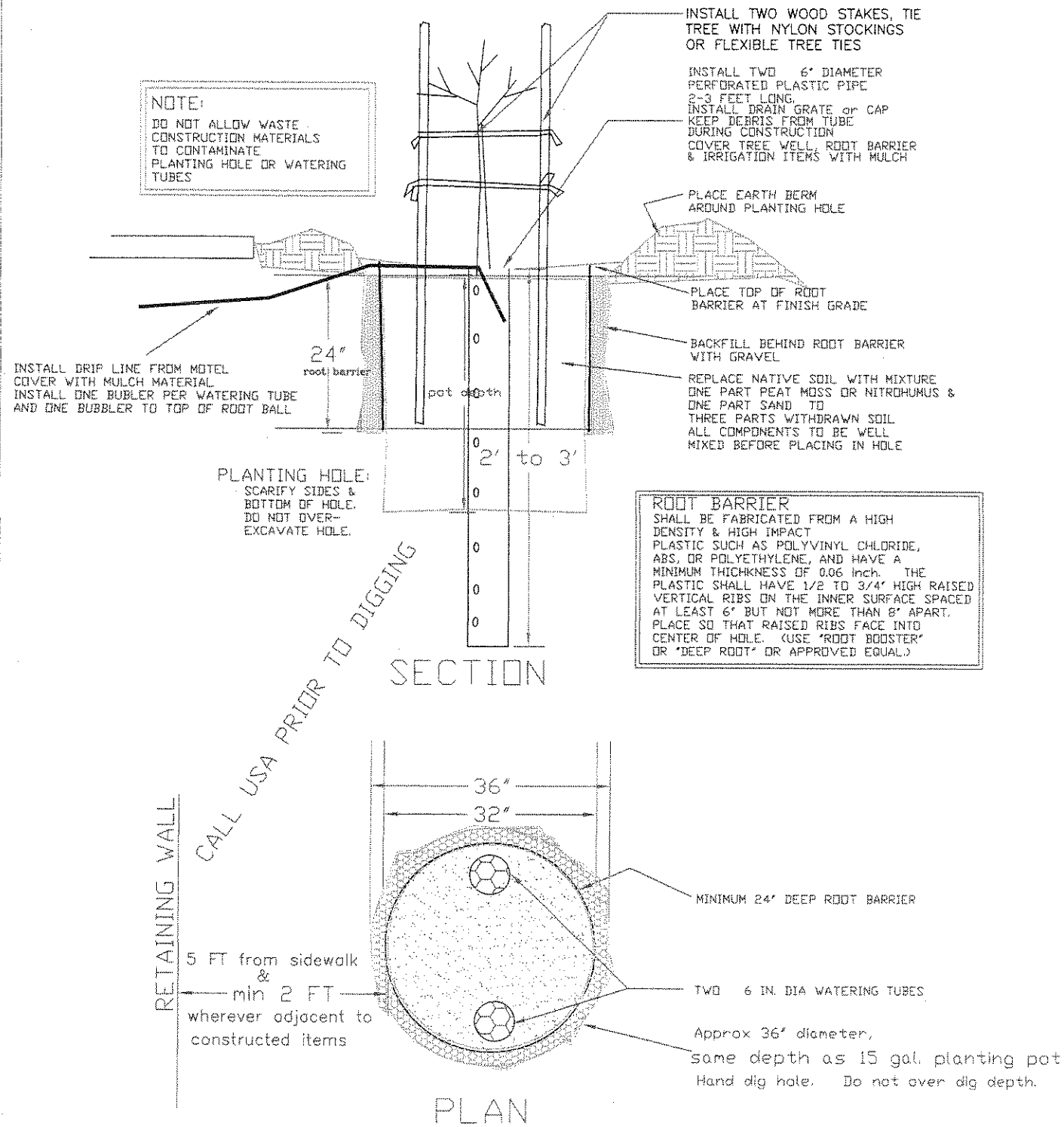
4639 Ben Hur Rd
Mariposa, CA
(209) 966-5356

"EXHIBIT A"

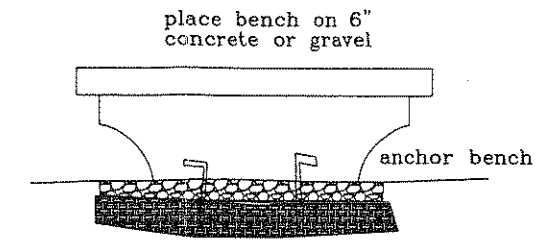
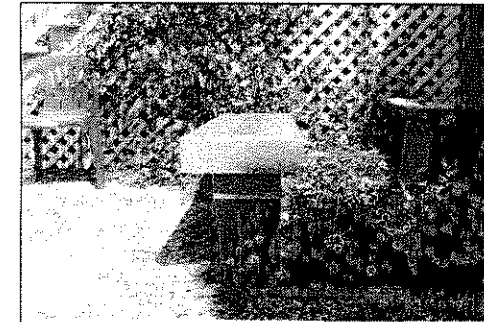
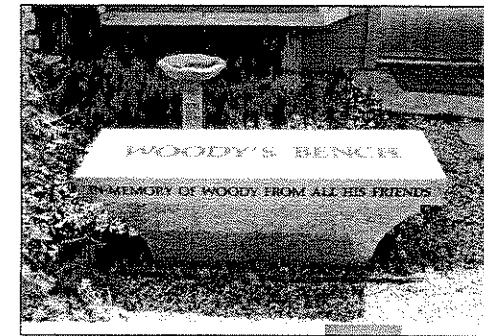
Scale: AS SHOWN

PROJECT NO. 99-10 & 95-42

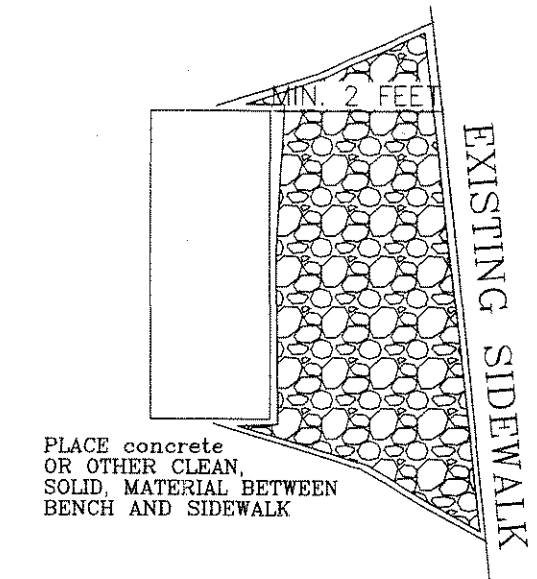
DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
10	MPA	140	1 LOCATION-1hp34.4 APPROX pm 21.4	2	2



DETAIL A--TYPICAL TREE INSTALLATION



compact below concrete to 95% relative compaction



DETAIL B-- BENCH INSTALLATION

Dana S. Hertfelder, RCE C56601
Director of Public Works
County of Mariposa

MARIPOSA TOWN TREE PLANTING
Encroachment Permit Application
1005-NLC-0239

DATE: 7/30/2006
DRAWN BY: GJF

COUNTY OF MARIPOSA
DEPARTMENT OF PUBLIC WORKS
4639 Ben Hur Rd
Mariposa, CA
(209) 966-5356

"EXHIBIT A"

Scale:
AS SHOWN

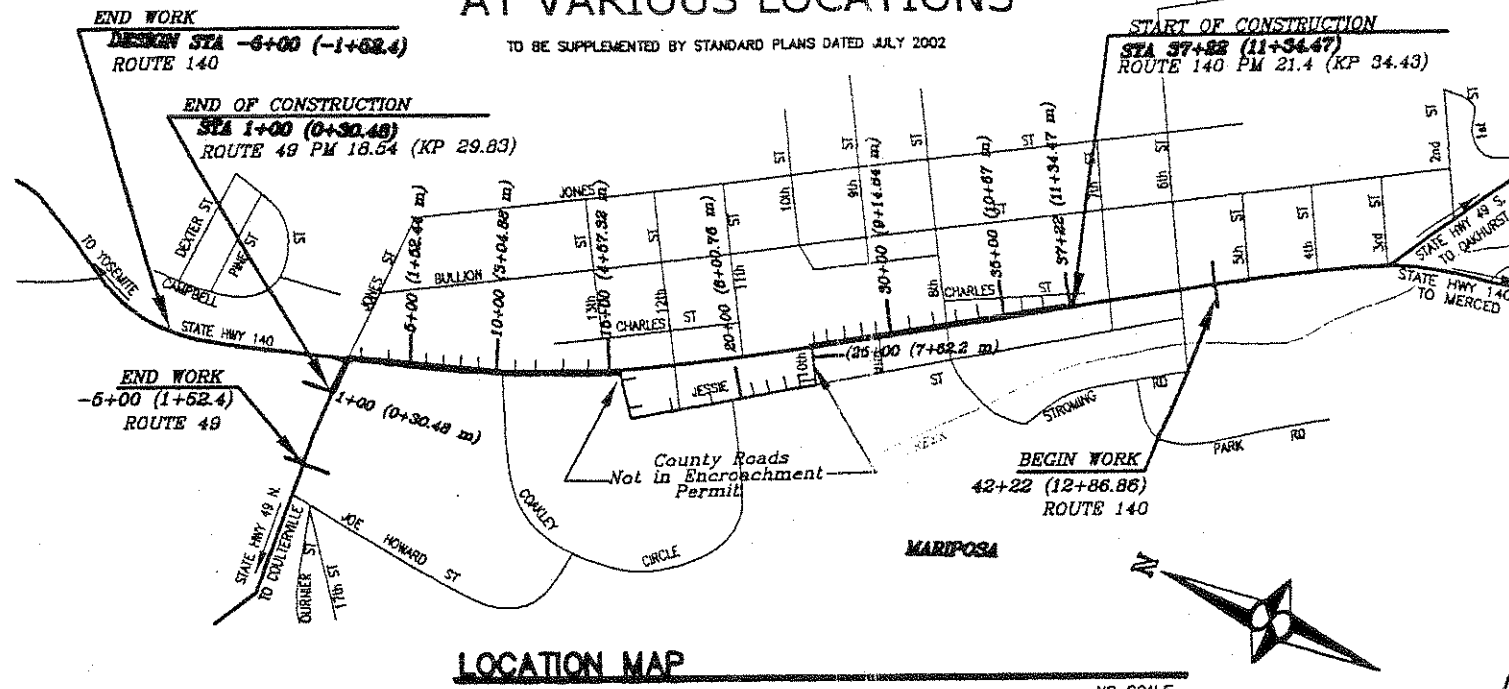
PROJECT NO.
99-10 &
95-42

INDEX OF SHEETS

SHEET	DESCRIPTION
1	TITLE SHEET
X-1	TYPICAL CROSS SECTIONS
[1-1	GRADING & PROFILE
[1-2	CONTINUED
[1-3	CONTINUED
[1-4	CONTINUED
[1-5	CONTINUED
[1-6	CONTINUED
[1-7	CONTINUED
C1	CONSTRUCTION DETAILS
C2	CONSTRUCTION DETAILS
C3	8TH STREET SECTION & DETAILS
C4	PONY EXPRESS DRIVEWAY & SECTIONS & DETAILS
C5	SECTIONS & PROFILES
PD1	PAVEMENT DELINEATION & SIGN PLAN
CS1	CONSTRUCTION SIGN PLAN
D1	DRAINAGE PLAN
D2	DRAINAGE DETAILS
D3	DRAINAGE DETAILS
U1	UTILITY PLAN & NOTES
U2	UTILITY PLAN CONT.
E	ELECTRICAL PLAN

MARIPOSA COUNTY
DEPARTMENT OF PUBLIC WORKS
PROJECT NO. 95-42
**PROJECT PLANS FOR CONSTRUCTION OF
SIDEWALKS ADJACENT TO
STATE HIGHWAYS AND COUNTY ROADS
IN MARIPOSA COUNTY
AT VARIOUS LOCATIONS**

DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
10	MPA	49 140	VAR	1	22



BASIS OF BEARINGS

The meridian of this survey is identical with that of the map entitled "Record of Survey for Elmer Stronning" filed for record in the Book of Maps at Page 2414, Mariposa County Records, and is based upon the bearing (N49°20'48"W) of the line between the monuments as delineated thereon.

BENCH MARK DATA

Elevations are based on a control survey between U.S. Coast & Geodetic Survey Benchmarks U 888 & T 888.

Benchmark U 888, a brass disk set in the granite step at the entrance to the old Bank of America building. Benchmark is located on the southwesterly side of State Highway 140, approximately midblock between 5th and 6th streets.

Elevation (NGVD 29) = 1943.74 feet (592.454 meters)

Benchmark T 888, a brass disk set in the top of a concrete culvert. Benchmark is located on the northerly side of Jones Street at the intersection of Jones Street, State Highway 140, and State Highway 49 North.

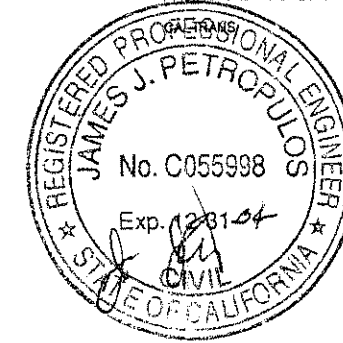
Elevation (NGVD 29) = 2048.06 feet (623.639 meters)

LEGEND

SSP	CALTRANS STANDARD PLANS July 2002	⊙	Sign	⊙	Water Meter.
SSS	CALTRANS STANDARD SPECIFICATIONS JULY 2002	⊕	Tree	⊕	Fire Hydrant.
C&G	Curb & gutter	-T-T-	Edge of pavement.	⊖	Drop Inlet, drainage.
BS	Back of sidewalk	-E-E-	Overhead telephone line.	-G-G-	Gas Line.
FL	Flow line	-C-C-	Overhead electrical lines.	⊗	Sign
TBC	Top back curb	-U-U-	Overhead cable TV lines.	⊗	LPG tank.
C.S.P.	Corrugated steel	-W-W-	Exposed utility conduit.	⊗	Light Post.
ga.	Gage	+	Exposed water transmission pipe.	⊗	Electrical utility box/vault.
B.C.	Begin curve	+	Guy Wire.	⊗	Telephone utility box/vault.
E.C.	End curve	⊙	Telephone pedestal.	⊗	Utility box.
B.V.C.	Begin vertical curve	⊙	Power/utility pole.	⊗	Wetlands Flag.
E.V.C.	End vertical curve	⊙	Sewer or Storm drain	⊗	Gas Valve.
P	Point of intersection	⊙	Sewer clean out	⊗	Culvert, located at end; length and direction are for pictorial purposes only.
P	Percent	⊙	Water valve	⊗	Curb, concrete unless otherwise noted.
Δ	Curve center angle (degrees)	⊙	Guard Rail	⊗	Light
R	Curve radius (feet)	⊙	Wire fence.	⊗	Sign
T	Curve tangent (feet)	⊙	Wood board fence/Wood Rail	⊗	532.25 (162.23m) Decimal feet (Decimal meters)
L	Curve length (feet)	⊙	Assessor's Parcel Number	⊗	Ref. Line - A - Reference Line used throughout the project - used to Caltrans monuments. All stations are taken from this line.
N	North	⊙	Surface Rock	⊗	
E	East	⊙	Note reference number	⊗	
S	South	⊙	FES Flared end section	⊗	
W	West	⊙	ETW Edge of travel way looking upstation	⊗	
⊕	Center line	⊙	(R) Record	⊗	
1+20(0+36.58m) 120 Feet(36.58 meters)		⊙	Reference line angle point	⊗	
LT	Left of reference line looking upstation	⊙	Survey monument marker	⊗	
RT	Right of reference line	⊙	State Highway Right of Way	⊗	
(E)	Existing	⊙	State Highway Center Line	⊗	
ROW	State Highway Right of Way	⊙		⊗	

PUBLIC AGENCIES & UTILITIES

AGENCY	TELEPHONE NUMBERS
UNDERGROUND SERVICE ALERT(USA)	1-800-842-2444
SIERRA TELEPHONE COMPANY	1-800-424-3447
SIERRA TELEPHONE ENGINEERING	(209) 683-5410
MARIPOSA PUBLIC UTILITY DISTRICT	(209) 966-2515
PACIFIC GAS AND ELECTRIC	(209) 968-3448 (209) 726-6598



JAMES PETROPULOS R.C.E. C055998 DATE
DIRECTOR OF PUBLIC WORKS
COUNTY OF MARIPOSA
9/19/03
PLANS APPROVAL DATE

FREEMAN & SEAMAN LAND SURVEYORS
5137 Bullion Street, Mariposa, CA 95338

ROGER STEPHENS ENGINEERING
5077 Bullion Street, Mariposa, CA 95338

ENCROACHMENT PERMIT PLANS

PERMIT # 1002-NCS-0673

PLAN SET # 3 SHEET 1 OF 22

09/09/03

A digital file is provided as a courtesy to the addressee. Delivery of this electronic media does not constitute delivery of Roger Stephens Engineering's professional work product. Roger Stephens Engineering will not be responsible for any modifications made to this electronic file, and any products derived from it. Roger Stephens Engineering also will not be responsible for providing updates of this digital file when changes are made. The user is responsible for checking all dimensions, line work, materials, specifications and any other information against the approved, signed and sealed hardcopy of the work product. The user, by signing herein, hereby agrees to hold harmless, indemnify and defend Roger Stephens Engineering from and against any and all claims arising from the use or misuse of the electronic information provided.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
STANDARD ENCROACHMENT PERMIT APPLICATION
PART A

TR-0100 (REV. 6/2000)

Permission is requested to encroach on the State Highway Right of Way as follows: (Complete all items: NA if not applicable.)
 Application is not complete until all required attachments are included.

FOR CALTRANS USE	
PERMIT NO.	
DIST/CO/RTE/IPM	
SIMPLEX STAMP	
DATE OF SIMPLEX STAMP	
15. SURFACE TYPE	16. EST. COST IN STATE RAW
dirt	\$300
20. PRODUCT	none

1. COUNTY Mariposa	2. ROUTE 140	3. POSTMILE 21.4
4. ADDRESS OR STREET NAME 7th Street & Highway 140, NW corner	5. CITY Mariposa	
6. CROSS STREET (Distance and direction from site) 30 Feet north and west of 7th Street	7. PORTION OF RIGHT OF WAY behind sidewalk & curb in planter	
8. WORK TO BE PERFORMED BY <input checked="" type="checkbox"/> OWN FORCES <input type="checkbox"/> CONTRACTOR	9. EST. START DATE Nov 2003	10. EST. COMPLETION DATE June 2004
EXCAVATION	11. MAX. DEPTH 18 inches	12. AVG. DEPTH 18 inches
	13. AVG. WIDTH 3 feet	14. LENGTH 3 feet
PIPES	17. TYPE none	18. DIAMETER none
	19. VOLTAGE / PSIG none	20. PRODUCT none

21. FULLY DESCRIBE WORK WITHIN STATE R/W (additional space on reverse side if needed): Attach complete plans (minimum 5 sets folded 8.5" X 11" [216 mm X 280 mm]) specs, calcs, maps, etc., if applicable.

Planting of street tree with associated amendments and stakes. Placement of 1'X4' stone bench. Placement of erosion and weed control material in vicinity of tree and bench. Connection of irrigation line from neighboring property (Mother Lode Motel). Tree is proposed to be 15 gallon male Hackberry or 15 gallon Zelkova serrata, to be placed behind sidewalk, behind curb, approximately 60 feet from centerline of 7th Street, in planter area next to YARTS bus stop. Tree is for shading bus stop users; bench is for use of bus stop patrons. Property owner will maintain and irrigate tree, per attached maintenance agreement with County. County will oversee tree planting and bench placement.

YOUR OWN REFERENCE NO. _____ Has any other Caltrans Department reviewed your plans? YES NO

22. Is any work being done on applicant's property? YES NO (If "YES," briefly describe in section #21, and attach site and grading plans.)

23. Is a city, county, or other agency involved in the environmental approval?

YES (Check documentation type and attach approved copy) CATEGORICALLY EXEMPT N.D. EIR
 NO (Check the category below in section 23a, which describes the project)

- 23 a.
- | | | |
|---|--|--|
| <input type="checkbox"/> FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS | <input type="checkbox"/> CONSTRUCTION / MODIFICATION OF SIGNALS OR ANY OTHER TRAFFIC CONTROL SYSTEMS AND DEVICES, INCLUDING ADDITION OF NEW ELEMENTS | <input type="checkbox"/> CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, OR RESURFACING OF A DRIVEWAY OR ROAD APPROACH |
| <input type="checkbox"/> DITCH PAVING | <input type="checkbox"/> PUBLIC UTILITY MODIFICATIONS, EXTENTIONS, HOOKUPS | <input type="checkbox"/> ADDITION OR REPLACEMENT OF ROADWAY DEVICES OR MARKINGS (GLARE SCREEN, BARRIER, LIGHTING, STRIPING, MARKERS, ETC.) |
| <input type="checkbox"/> FENCE | | <input type="checkbox"/> MOVIE, TV FILMING |
| <input type="checkbox"/> MAILBOX | | <input checked="" type="checkbox"/> EROSION CONTROL |
| <input type="checkbox"/> SIDEWALKS / GUTTERS | | <input type="checkbox"/> SURVEY |
| <input type="checkbox"/> REPAIR / MAINTENANCE OF EXISTING HIGHWAYS | | |
| <input type="checkbox"/> NONE OF THE ABOVE (If project cannot be described in above categories, request application Part B from the Permit Office.) | | |

23 b. Does this project cause a substantial change in the significance of a historical resource? YES NO (If "YES," request application Part "B" from the Permit Office)

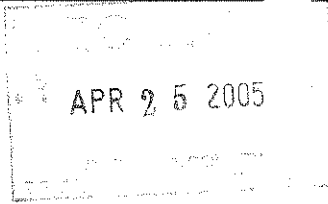
23 c. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a stand of trees, a rock outcroppng or a historic building? YES NO (If "YES," request application Part "B" from the Permit Office)

The undersigned agrees and understands that a permit can be denied or a bond required for non-payment of prior or present permit fees, that the work will be done in accordance with Caltrans rules and regulations subject to inspection and approval, and that permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed in accordance with California Streets and Highways Code, Section 671.5.

24. ORGANIZATION OR APPLICANT NAME (Print or Type) Mariposa County Public Works	25. BUSINESS PHONE (209) 966-5356
26. ARCHITECT, ENGINEER OR PROJECT MANAGER NAME (Print or Type) Gwen Foster, Project Manager	27. BUSINESS PHONE (209) 966-5356
28. BUSINESS ADDRESS (Include City and Zip Code) 4639 Ben Hur Road, Mariposa, CA 95338	
29. AUTHORIZED SIGNATURE	30. PRINT OR TYPE NAME James Petropulos
	31. TITLE Director
	32. DATE 9-22-2003

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE: (209) 948-3819
FAX: (209) 948-7232



*Flex your power!
Be energy efficient!*

April 21, 2005

1005-NLC-0239
10-MPA-140-21.4

Dana Hertfelder
Mariposa County Public Works
4639 Ben Hur Road
Mariposa, CA 95338

Dear Mr. Hertfelder:

Your encroachment permit application for the planting of street tree, installation of concrete bench, connection of irrigation line, and erosion and weed control in vicinity of proposed tree and bench within State Route 140 right of way in the County of Mariposa has been reviewed and we have the following comments:

1. The County of Mariposa shall enter into an agreement for maintenance and landscape area within State Highway 140 right of way before issuance of encroachment permit.
2. Provide 10 copies of approved plans (11" X 17") for landscaping and bench stamped and signed by a Landscape Architect, Architect or Engineer.
3. Tree species should be Chinese Pistache.

If you have any question, please contact Eddie Diwata, Permit Engineer, at (209) 948-7899 or me at (209) 948-3819.

Sincerely,


ALEX MENOR
District 10 Permit Engineer

c: Joe Valdez, File

AGREEMENT FOR MAINTENANCE
WITHIN STATE HIGHWAY RIGHT OF WAY

THIS AGREEMENT is made and executed effective this 21st day of October, 2003, by and between the State of California, acting through its Department of Transportation, hereinafter referred to as "STATE", and the County of Mariposa, hereinafter referred to as "COUNTY".

WITNESSETH

A. RECITALS:

1. The parties desire to work together to allocate the respective obligations of the parties relative to new constructed improvements added within STATE's right-of-way by Permit #1002-NCS-0673.
2. This Agreement addresses COUNTY responsibility for sidewalks, and painting on curbs and parking restriction signs (collectively the "Improvements") constructed within State highway right-of way on State Routes 49 & 140 as shown on Exhibit A, attached to and made a part of this Agreement.

B. AGREEMENT:

In consideration of the mutual covenants and promises herein contained, COUNTY and STATE agree as follows:

1. COUNTY will submit a one time encroachment permit application for COUNTY maintenance functions as required by this AGREEMENT and will submit individual encroachment permit applications for repair activities with excavations greater than one foot in depth and obtain those necessary encroachment permits prior to the start of any repair work within STATE right-of-way.
2. COUNTY contractors will also obtain all necessary encroachment permits prior to the start of any work within STATE's right-of-way.
3. COUNTY agrees, at COUNTY expense, to do the following:
 - a) To keep STATE's drainage gutters, drainage inlets and storm drain pipes free of deleterious material resulting from work on the pedestrian areas.
 - b) To maintain all sidewalks within the AGREEMENT limits of the STATE Highway Right-of-Way, as shown on Exhibit A, at COUNTY expense. Maintenance includes, but is not limited to, concrete repair and replacement, the removal of dirt, debris, graffiti, weeds, and any deleterious item or material on or about the sidewalks in an expeditious manner.

- c) To maintain all curb painting and to reimburse STATE for its costs for STATE performed curb painting if mutually agreed to in a subsequent agreement or contract.
- d) To maintain all parking restrictions signs.
- e) This Agreement does not include removal of snow and ice from sidewalk by COUNTY or STATE (to be performed by adjacent property owners).
- f) To perform periodic inspections of sidewalks to ensure that sidewalks are safe for users.
- g) To grind or patch vertical variations in elevation of sidewalks in an expeditious manner such that an acceptable walking surface is maintained.
- h) To repair breaks, holes or other damage to sidewalks which are hazardous to pedestrians in an expeditious manner such that an acceptable walking surface is maintained.
- i) To allow random inspection of sidewalks and signs by a STATE representative.

4. STATE agrees to:

- a) Provide COUNTY with timely written notice of unsatisfactory conditions that require correction by COUNTY.
- b) Issue encroachment permits to COUNTY and COUNTY's contractors at no cost to COUNTY or COUNTY's contractors.
- c) Ensure that the costs of relocation, reconstruction or replacement of sidewalks, resulting from future public and private projects are borne by the parties responsible for these activities that result in the need to relocate, reconstruct or replace the sidewalks.

C. LEGAL RELATIONS AND RESPONSIBILITIES:

- 1. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this agreement, or affect the legal liability of either party to the Agreement by imposing any standard of care respecting the design, construction & maintenance of these STATE highway improvements or COUNTY facilities different from the standard of care imposed by law.
- 2. It is understood and agreed that neither STATE, nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by COUNTY under or in connection with any work performed by COUNTY under this Agreement. It is also understood and agreed that, pursuant to Governmental Code Section 895.4, COUNTY shall defend, indemnify and save harmless the STATE, and all of its officers and employees from all claims, suits or actions of every name, kind and description brought for or in account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by COUNTY under and in connection with any work performed by COUNTY under this Agreement.


3. It is understood and agreed that neither COUNTY, nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work performed by STATE under this Agreement. It is also understood and agreed that, pursuant to Governmental Code Section 895.4, STATE shall defend, indemnify and save harmless the COUNTY, and all of its officers and employees from all claims, suits or actions of every name, kind and description brought for or in account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by STATE under and in connection with any work performed by STATE under this Agreement.
4. COUNTY waives any and all rights to any type of express and implied indemnity against STATE, its officers and employees arising from any work performed by COUNTY under this Agreement.

D. TERM OF AGREEMENT

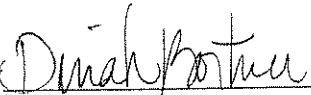
THIS AGREEMENT shall become effective on the date shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the parties.

COUNTY OF MARIPOSA

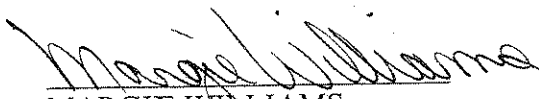
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By 
ROBERT C. STEWART
Chair, Board of Supervisors

JEFF MORALES
Director of Transportation

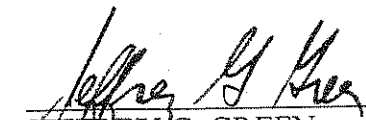
By 
DINAH N. BORTNER
Deputy District Director
Maintenance and Operation

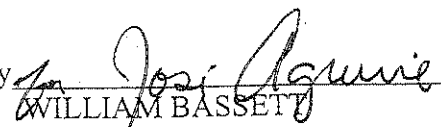
Attest:


MARGIE WILLIAMS
Clerk of the Board of Supervisors
Mariposa County, California

APPROVED AS TO FORM:

APPROVED AS TO FORM & PROCEDURE


JEFFREY G. GREEN
County Counsel

By 
WILLIAM BASSETT
Attorney
Department of Transportation

DEPARTMENT: Public Works

BY: James Petropulos

PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Resolution adopting agreement of maintenance within State Highway right of way for Mariposa Town Sidewalks adjacent to State Highways and County Roads, Project Number 95-42, and authorizing the Chair to execute the Agreement.

Affected areas are:

West side of Highway 140 from the YARTS Bus Stop at 7th to 10th Street

West side of Highway 140 from 13th to Highway 49 North, and

South side of Highway 49 North from Highway 140 to the Yosemite Bank/Miner's Inn driveway

--all as shown on the project plans included with the agreement in ATTACHMENT 2.

Caltrans is requiring the County execute an agreement to maintain the proposed sidewalks that will fall within the State Highway once they are constructed. Caltrans will issue the encroachment permit once the agreement is executed.

Under this agreement, the County would maintain the sidewalks within the State Highway Right of Way, as they would maintain those along County roads or on County property. There would still be a need for the County to submit an encroachment permit for maintenance activity. Caltrans would not reimburse the County for the work. Snow or ice removal from the sidewalks would not be either Caltrans or County responsibility per this agreement. County Counsel reviewed the agreement, per ATTACHMENT 3.

Funding for construction of the sidewalk project is included in the STIP (State Transportation Improvement Program) in the amount of \$650,000. Funding for maintenance of the sidewalk will come from the road fund.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted a resolution executing agreements for STIP funds for right of way, design and construction of the Mariposa Town highway sidewalks on July 27, 1999 and executed an agreement with Roger Stephens on November 2, 1999, and October 2, 2001, for the design work. On January 22, 2002, the Board reviewed the design and discussed a proposed delegated maintenance agreement. On August 27, 2002, the Board approved advertisement and award of the project. (Bids opened Thursday, October 3, 2002). Caltrans developed a new agreement, because the proposed sidewalks are all new construction and the County had not yet agreed to take over maintenance of both the down town sidewalks and these new sidewalks. The delegated maintenance agreement is commonly applied to existing sidewalks that the County would agree to maintain.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Without the agreement, Caltrans may not issue an encroachment permit.

The project must be awarded by February 28, 2003, or the funding will be lost.

COSTS: () Not Applicable

- A. Budgeted current FY S
B. Total anticipated costs S unknown maint cost *
C. Required additional funding S
D. Internal transfers S

SOURCE: () 4/5ths Vote Required

- A. Unanticipated revenues S
B. Reserve for contingencies S
C. Source description:
Balance in Reserve for Contingencies, if approved: \$

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

- 1. Layout Plan, Highway Sidewalks Project
2. Agreement for Maintenance Within State Highway Right of Way
3. Memo from Jeff Green regarding agreement

*will be ongoing cost for maintenance following completion of project

CLERK'S USE ONLY:

Res. No.: 02-390 Ord. No.
Vote - Ayes: Noes:
Absent: Abstained:
Approved () Denied
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

COUNTY ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:

C.A.O. Initials: [Signature]