

DEPARTMENT: Public Works BY: James Petropoulos PHONE: 966-5356
RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Conduct a public meeting to accept comment; and adopt a Resolution of Necessity for Authorization to Institute Eminent Domain Proceedings to Acquire Property for the Expansion and Improvement of the Existing Mariposa/Yosemite Airport Pursuant to CCP Sec 1245.235 for acquisition of the property of GEORGE MEYER, BETTY MANKINS, TRACY JAY, DEANNA WILLIAMS, JULIE BAXLEY, GARNET TURNER, TIM MANKINS, MIKE MANKINS, JANET BIBBY, MILLICENT JUNE MEYER. (Portions of APN's 012-040-089 and 012-040-087.)

On September 10, 2002, the Department of Public Works requested that a public meeting be set regarding the intent to acquire property by eminent domain and regarding consideration of adopting a Resolution of Necessity for the expansion and improvement of the existing Mariposa/Yosemite Airport, scheduled for September 24, 2002 at 11:00 o'clock AM, in the Board of Supervisors chambers. The project consists of acquiring two parcels: one parcel approximately 8.67 acres adjacent to and south of the airport and the other parcel approximately 17.9 acres adjacent to and north of the Airport. The acquisition is necessary to comply with FAA approved improvements. The County has been unable to negotiate a sale with all of the owners, and therefore if the necessary property is to be acquired, must proceed as outlined here.

There are no publishing requirements for this meeting and there is no legal requirement to give notice; however, those holding an interest in the affected property were mailed a notice letter by the Department of Public Works pursuant to CCP section 1245.235 to appear before the Board of Supervisors on this date and to raise questions concerning public interest, location, and necessity of the project as set forth in CCP Sec 1240.030.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County adopted the Airport Master Plan in June 1995. The County constructed an FAA and State funded project in 1998 that was completed by June of 2000. This required land acquisition from the same family in order to complete the area where hangars are now being constructed. On November 10, 1998 the Board approved a pre-application for additional FAA funds. The Board approved execution of the grant agreement for a phase II project on March 23, 1999. The Board approved advertising for construction of this project on July 23, 2002. Bids closed September 5, 2002. The Board met September 10, 2002 to set today's meeting.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The project has already been delayed considerably. The project must be under construction this year, and the project completed and filed by March 2003 at the latest to retain the Federal Aviation Administration funding. There is no guarantee the County will be able to obtain these funds again. Without the property, the County will not be able to construct the helipads (Alternate 1), and this amount of funding would be lost.

COSTS: () Not Applicable
A. Budgeted current FY \$ 76,802**
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
A copy of the appraisal report is available at the Board Office
Resolution _____
Staff Report and Attachments _____

** Property acquisition cost is estimated at \$76,802, and is included in the FAA project description.
(Airport project total: \$ 2.44 million FAA, \$122,400 State \$ 149,600 County, budgeted over 00, 01 and 02 FYs)

CLERK'S USE ONLY:
Res. No.: 02-362 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: JJCA



COUNTY of MARIPOSA

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

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Eminent Domain Proceedings to Acquire Property at Mariposa/Yosemite Airport
Resolution No. 02-362

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 24, 2002

ACTION AND VOTE:

11:12 a.m. Jim Petropulos, Public Works Director;

Public Meeting to Accept Public Comment and Adopt a Resolution of Necessity for Authorization to Institute Eminent Domain Proceedings to Acquire Property for the Expansion and Improvement of the Existing Mariposa/Yosemite Airport Pursuant to CCP Sec 1245.235 for Acquisition of the Property of George Meyer, Betty Mankins, Tracy Jay, Deanna Williams, Julie Baxley, Garnet Turner, Tim Mankins, Mike Mankins, Janet Bibby, Millicent June Meyer

BOARD ACTION: Jim Petropulos presented the staff report, reviewed the process for this public meeting and the efforts on the part of the Board and all of the parties to resolve the issues. He advised that an agreement was reached, and he requested that Attorney Terry Allen provide information on the details of the agreement.

Attorney Allen advised that two meetings were held on Monday with members of the family, and he thanked Supervisor Parker for his efforts in this matter and the landowners whom came to the meetings. He advised that he and Jim Petropulos recommend the agreement, and he reviewed its details: the County would purchase three plus or minus acres of the 8.67 acre parcel; Dave Giomi, appraiser, will appraise the property for the landowners and all parties agree to be bound by his appraised fair market value; since agreement was reached for the three acres, it was agreed to not proceed with the public meeting set for this date for the two parcels; and it was agreed to continue to negotiate for at least 90-days, with extension for a reasonable period of time, to resolve this matter. Attorney Allen asked the landowners that were present to indicate their agreement with this, and he requested that other comments be held until later in this discussion. The following landowners provided input.

- George Meyer stated he was speaking for himself and his mother. They are in agreement as long as the parcel size does not exceed three acres. Jim Petropulos stated he was in agreement with the three acres.

- Betty Mankins stated she agreed with George Meyer, three acres only. She said that, as she understands it, the County has no exact plans for what it wants to do with the extra land. She feels that until the County has completed the heliport and has its future plans defined, they should not be bothered. She stated she feels that the County just wants this land.

- Janet Bibby stated she agrees with Betty Mankins and George Meyer relative to the limit of three acres. But, she requested more time than the ninety days proposed in the tentative agreement to negotiate the final agreement given the upcoming holidays. She also stated she can not commit herself to the remaining parcels in question.

- Tim Mankins stated he agrees with the three acres and the extension of the ninety days.

- Mike Mankins – was not present.

- Deanna Williams stated she was also representing her sisters, Tracy Jay, Julie Baxley, and Garnet Turner. They are in agreement with the three acres and with the extension of time.

Attorney Allen requested that Public Works explore what the three-acre parcel consists of.

Jim Petropulos advised that the three-acre parcel will allow for completion of the construction portion of the Airport Grant project for three helipads on the South side of the Airport. He further advised that they have received a valid bid for the construction project and are prepared to award that bid. He advised that the helipads are important to the project as they will provide dedicated parking with an appropriate design for helicopters. He noted that the helipads will be mostly used for medi-flights, fire-fighting activities, the USDA, an occasional tourist, and by dignitaries.

Gwen Foster/PWD-Engineer, provided more details on the project, location, and relative to definition of terms used for helipads, heliports, and helibase.

Discussion was held relative to the project and the proposed agreement.

Attorney Allen advised that if the Board approves the purchase of the three acres, as proposed, he will open an escrow at the title company, with no time limit on the escrow period. He also clarified that Public Works can meet the grant requirement with the three acres. He advised that they are pulling the rest of this agenda item, and will start over if that portion needs to come back.

Further discussion was held. Board members thanked members of the family for their efforts and recognition for the need for this type of facility.

(M)Parker, (S)Pickard, Res. 02-362 was adopted agreeing to the terms and conditions as outlined in the Agreement Letter from Attorney Allen, with the acreage to be no more than three acres and the timeframes are to be left open; and direction was given for the escrow to be opened and for the Auditor to draw warrants as necessary for this purchase. Supervisor Reilly asked about taking public input. The Board concurred with holding the motion to receive public comment on the acquisition of the three acres. The Chairman requested that the comments be relative to the three-acre parcel issue, as the rest of the matter is not being considered this date.

Input from the public was provided by the following:

- Bart Brown stated he feels there is a question about doing a limited evaluation of a large project, and he asked when the public will know the total picture. He noted that there are discussions in the Airport Plan and the General Plan, and he feels that all of this needs to be pulled together for the public to know what is planned. He further stated that he feels the Federal grant was obtained with information that was inaccurate, and he feels future grants will be at risk if the funding is used for this project. He feels the flight numbers are not accurate and he referred to the statements in the Plan and the zoning.

Jim Petropulos commented on the FAA's involvement in this process and relative to changes to the grant information. He advised that the FAA has been kept up-to-date and has reviewed the project plans, and that there is some discretion with their staff in changing things; i.e., if during the construction phase it is found that the soil conditions are different that what they thought, they can adjust the grant.

- Yvonne Bennett, as a citizen and resident of the County, stated she is outraged by what she has found in her research relative to the Airport. She feels the Expansion Plan has no documentation showing the need; and according to the CDF contact she made, there is no need. She stated she feels the Board has been providing false information. She referred to a statement in the Airport Plan relative to runway extension.

Chairman Stewart advised that a runway extension is not being discussed, and requested that the input be kept to the three-acre issue. Discussion was held relative to accepting public input on other Airport issues.

- Yvonne Bennett continued with her input. She referred to the accident statistics and the runway extension issue. She referred to the condemnation process and stated she does not feel there is any reason to pursue this process. She stated she feels the statistics are conflicting for the number of operations. She further stated she will provide a copy of this information and a letter that was written to the FAA.

- Dick Kunstman stated he hopes that the family has an attorney of their own during these negotiations because he would never sign anything prepared by another attorney unless his attorney advised that there is nothing to come back and bite him later.

- Bob McHugh stated he is a resident and bases his airplane at the Airport. He spoke in support of the Airport and developing a general use plan so that the Airport and the community can live in harmony in the future. He stated he is not aware of plans to extend the runway, and he does not feel that this will become a large airport. However, he feels the Airport could be used to stimulate the economy.

- Joe Carbaugh stated he was an original member of the Airport Advisory Committee and has experience with airport management. He noted that with living in the mountains with all of the vegetation a firestorm could occur and he feels we need the protection of the fire fighting equipment. He stated he feels the current Public Works Director is doing a good job, and he feels the Airport is needed and well-deserved.

- Janet Bibby stated she wants it known that she does not necessarily agree that this is a public need. She does not feel that it has met that need, and she reviewed issues that she asked the Board to consider. She stated she does not feel that property should be taken, and she referenced a previous presentation by the Fire Chief. She stated she feels there should be a study to determine the need. She questioned the additional needs of the County after this project is constructed. She stated she finds it offensive that her and her children's inheritance will go for others to enjoy. She referred to the housing provided for the Airport Manager, who is a County employee, and she noted that this benefit is not provided to others. She also referred to their flight counts and the statistics that the County gathered.

Supervisor Reilly referred to the process for adopting the Airport Master Plan, and she noted that she feels the Airport is an important part of the County and has a great benefit to more than just those that use it.

- Betty Mankins stated she has not been able to discuss this matter with her mother, and they need to get her approval before the agreement is binding. She stated she hopes they can have a formal agreement to sign, and she noted there will be a few things that will need to be clarified such as fencing, etc.

Attorney Allen noted that until everyone signs the agreement, it is not a done deal.

Ayes: Unanimous..

cc: Jeff Green, County Counsel
File