

DEPARTMENT: Public Works

By: Dana Hertfelder, Asst. Director

Phone: 966-5356

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

1. Adopt the attached Resolution approving the Amendment of the Saint Andrews Road Maintenance Zone of Benefit;
2. Adopt the attached Resolution amending previously established assessment fees for the Saint Andrews Road Maintenance Zone of Benefit;
3. Authorize the Chairman of the Board to sign the attached Statement(s) of Zone Creation and Notice of Formation; and
4. Authorize the recordation of the Notice of Formation, as provided in the conditions.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 24, 2000, the Board adopted Resolution No 00-367, a Resolution of Intention to amend the Saint Andrews Road Maintenance Zone of Benefit, Coastal Development Co., LLC, as owners/applicants. For additional details, see attached Assessment Engineer's Report.

The owner and subdivider of the property approved for subdivisions by LDA 1503 into Parcel A and a remainder has filed an application requesting annexation of LDA 1503 Parcel A to the St. Andrews ZOB and the levy of an annual assessment on LDA 1503 Parcel A proportional to the parcel's beneficial share of the estimated cost for annual and periodic long-term maintenance of Modified St. Andrews Road.

The Saint Andrews Road Maintenance Zone of Benefit, County Zone No. 94-04, Tax Area 51052 was approved December 6, 1994, by Board Resolution No. 95-516 pursuant to site development planning needs for Parcels B and C of Parcel Map Book 20, Page 13. The existing Saint Andrews Road was constructed pursuant to the development of Parcels B and C of PM 20-13 and provides access to those two parcels and to APN 013-020-005 occupied by the Saint Andrews Episcopal Church. Since the Episcopal Church already had access along the alignment of Saint Andrews Road, it was not benefited by the Saint Andrews Road improvements and is, accordingly, not included in the St. Andrews ZOB to provide for maintenance of those improvements.

The existing St. Andrews ZOB and its annual per parcel assessment rate were approved for the purpose of providing a source of funding to pay the annual and periodic long-term costs of maintaining Original Saint Andrews Road. The existing boundaries, the scope of authorized maximum annual per parcel assessment rate are proposed to be amended for the following reasons:

1. To reduce the scope and estimated costs of the annual and periodic long-term maintenance work approved in 1994 as the maintenance work needed to keep Original Saint Andrews Road in fit operating condition. The proposed reduced scope of work will bring the estimated cost of long-term maintenance of Original Saint Andrews Road into balance with the estimated revenue the St. Andrews ZOB will receive from the continuing levy and collection of annual parcel road maintenance assessments at the \$795.00 per year rate approved in 1994;
2. To add the scope of work and estimated cost of maintaining the 156 foot easterly extension of Saint Andrews Road to the scope of annual and periodic long-term County-road maintenance extended services and estimated costs approved for funding by the St. Andrews ZOB;
3. To annex the property described herein as LDA 1503 Parcel A to the boundaries of the St. Andrews ZOB as a parcel that will receive a special benefit from the annual and periodic long-term maintenance of Modified St. Andrews Road (from Hospital Road to 660 feet easterly) and which, accordingly, is proposed to be assess a share of the stimated cost of the amended

County road maintenance extended services proposed to be provided for Modified Saint Andrews Road; and

- 4. To amend the total and per benefited parcel annual assessment amount authorized for levy and collection pursuant to the St. Andrews ZOB to include funding for the estimated total annual cost of providing the amended scope of annual and periodic long-term maintenance of Modified St. Andrews Road.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No action could delay process of recording a parcel map under LDA 1503, Fischer as applicants.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY> \$ _____</p> <p>B. Total anticipated Costs> \$ _____</p> <p>C. Required additional funding> \$ _____</p> <p>D. Internal transfers> \$ _____</p> <p>COSTS: () 4/5th Vote Required</p> <p>A. Unanticipated revenues> \$ _____</p> <p>B. Reserve for contingencies> \$ _____</p> <p>C. Source description: > _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p><u>1. Amended Resolution of Formation (w/3 Exhibits: 7 pages) w/Statement of Amended Zone Formation</u></p> <p><u>2. Fee Resolution (w/2 Exhibits: 4 pages)</u></p> <p><u>3. Notice of Formation (w/2 Exhibits: 3 pages)</u></p> <p><u>4. Assessment Engineer's Report</u></p> <p>_____</p> <p>_____</p>
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CLERK'S USE ONLY

Res. No.: _____ 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

By: _____

Deputy

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: WMA

12/9, 1/9



COUNTY of MARIPOSA

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

DOUG BALMAIN, CHAIRMAN

ROBERT C. STEWART, VICE-CHAIRMAN

PATTI A. REILLY

GARRY R. PARKER

BOB PICKARD

DISTRICT II

DISTRICT III

DISTRICT I


DISTRICT IV

DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: AMENDMENT TO SAINT ANDREWS ROAD MAINTENANCE
ZONE OF BENEFIT
Res. 01-12 and 01-13

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 9, 2001

ACTION AND VOTE:

Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

PUBLIC HEARING to Amend the Saint Andrews Road Maintenance Zone of Benefit (Continued from 12/19/00)

BOARD ACTION: Dana Hertfelder presented the staff report. Dan Gibbs, PWD-Senior Civil Engineer, and Ed Wilson, Wilson and Associates, were present to respond to questions. Dana Hertfelder advised of the ballot process and results pursuant to the Proposition 218 requirements to amend the Zone of Benefit. Jeff Green, County Counsel, provided input relative to the property owners involved in the ballot process and the Proposition 218 process. Staff responded to questions from the Board relative to the clarification of the ballot process and how future increases in assessments would be handled. Public portion of the hearing was opened and there was no public input. Public portion of the hearing was closed and the Board commenced with deliberations. Barry Brouillette responded to a question from the Board relative to the reason one of the property owners voted in opposition to the amendment of the Zone of Benefit – the property owner was hoping the assessment fee would decrease. Ed Wilson responded to a question from the Board relative to the intent of Proposition 218 for situations like this. Staff responded to questions from the Board relative to the location of parcel “A” and the project, relative to parcels adjoining the road that are not included in the Zone of Benefit, and relative to the distribution of the maintenance costs.

(M)Pickard, (S)Parker, Res. 00-12 adopted approving the amendment of the Saint Andrews Road Maintenance Zone of Benefit; Res. 00-13 adopted amending the previously established assessment fees for the Zone of Benefit; authorization was given for the Chairman to sign the Statement(s) of Zone Creation and Notice of Formation; and authorization was given for the recordation of the Notice of Termination, as

provided in the conditions. Jeff Green advised of corrections to the resolutions. Ayes: Unanimous. Hearing was closed.

cc: Jeff Green, County Counsel
Ken Hawkins, Auditor
File



COUNTY of MARIPOSA

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

GARRY R. PARKER, CHAIRMAN
DOUG BALMAIN, VICE-CHAIRMAN
PATTI A. REILLY
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BOB PICKARD

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: PUBLIC HEARING – SAINT ANDREWS ROAD MAINTENANCE
ZONE OF BENEFIT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 19, 2000,

ACTION AND VOTE:

Jim Petropulos, Public Works Director;

A) **PUBLIC HEARING** to Amend the Saint Andrews Road Maintenance Zone of Benefit
BOARD ACTION: Jeff Green, County Counsel, advised that the ballots were just received for this matter, and he requested that the hearing be continued to allow time to review the ballot results. Board concurred, and the hearing was continued to January 9, 2001, at 2:00 p.m.

cc: Ken Hawkins, Auditor
Jeff Green, County Counsel
File

MARIPOSA COUNTY RESOLUTION NO. 01-12

**A RESOLUTION APPROVING AMENDMENTS TO THE SAINT ANDREWS
ROAD MAINTENANCE ZONE OF BENEFIT**

WHEREAS, applicant for the landowners of property adjacent to the boundaries of the Major Subdivision Application No. 94-04, tax area 51052 has applied for the reorganization of the Saint Andrews Maintenance Zone of Benefit known as Application No. 98-01 to extend or provide services within Countywide Service Area No. 1, in accordance with the provisions of Mariposa County resolution No. 90-140; and

WHEREAS, the zone of benefit to be amended is in an unincorporated area within the boundaries of the County of Mariposa; and

WHEREAS, Mariposa County, through Resolutions 94-516 and 94-517 did previously approve and establish said zone of benefit and associated assessment fees; and

WHEREAS, the terms, conditions and reasons for this zone of benefit amendment are expressed in an application to the County requiring recordation of all maps and easement of said major subdivision application prior to this zone of benefit amendment becoming effective; and

WHEREAS, the applicants have proposed inclusion of amended properties as shown and described on the legal descriptions and map of the boundaries, which are attached hereto and marked Exhibit "A" and Exhibit "B", and by reference are incorporated herein; and

WHEREAS, the Board of Supervisors, through Resolution No. 00-367 filed a Resolution of Intention to amend a zone of benefit, as required by Government Code Section 25210.32, and set a date and time for a public hearing; and

WHEREAS, the Board of Supervisors, received no dissenting public input at the public hearing for said Resolution of Intention; and

WHEREAS, approval for amendment of said boundaries and fees by the Board is contingent upon receipt and tabulation by the County Clerk of certain assessments and ballots submitted by all affected property owners favorable to the terms, conditions and reasons for this zone of benefit amendment as expressed in a report prepared by Wilson & Associates dated October 6, 2000 and submitted herein, and made a part thereof; and

WHEREAS, the Mariposa County Board of Supervisors, a political subdivision of the State of California, did hold a public hearing on January 9, 2001, at 2:00 p.m., in the Board of Supervisors Meeting Room, County Administrative Building, Mariposa, California, to consider provisions for the annexation of territory, addition of improvements and related maintenance costs and amendment to existing assessments proposed in the zone of benefit to be amended, and a determination of the appropriate charges for the extended services will be provided; and

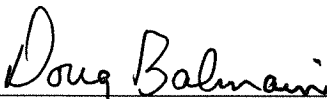
WHEREAS, the Clerk of the Board of Supervisors did give proper notice of such public hearing as required in Government Code section 25210.33.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, hereby conditionally approves the amendment of the SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT, as described and shown on the attached STATEMENT OF ZONE CREATION.

BE IT FURTHER RESOLVED, the Board of Supervisors adopts the conditions provided in the attached Exhibit "C", and directs that they be implemented by County Staff.

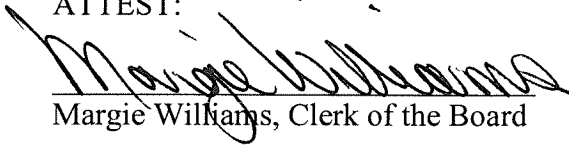
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 9th day of January, 2001, by the following vote:

AYES:	REILLY, BALMAIN, STEWART, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



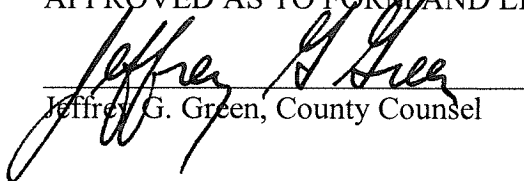
Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Jeffrey G. Green, County Counsel

EXHIBIT A

A tract of land situated in a portion of Projected Section 14, Township 5 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:

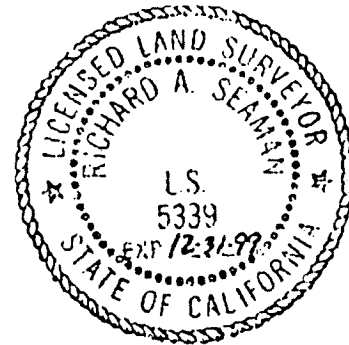
BEGINNING at the easterly most corner of the Saint Andrews Road Maintenance Zone of Benefit, established by Mariposa County through Resolution No. 94-516, passed and adopted by the Mariposa County Board of Supervisors on December 6, 1994, on file in the office of the Clerk of the Board of Supervisors of the County of Mariposa, said most easterly corner also being a point on the southwesterly line of the REMAINDER, as said REMAINDER is delineated on that certain map entitled "Parcel Map for Thomas Coakley" filed February 4, 1980 in Book 17 of Parcel Maps at Page 11, Mariposa County Records; thence traversing around the boundary of the herein described tract of land the following six (6) courses and distances:

1. N36°54'34"W, along the southwesterly line of said REMAINDER, for 811.79 feet to the southeast corner of Parcel A as said Parcel A is delineated on said map; thence
2. N26°23'37"E, along the southeasterly line of said Parcel A, for 310.00 feet; thence,
3. leaving the southeasterly line of said Parcel A, S38°40'30"E for 884.49 feet; thence
4. S49°01'02"E for 161.35 feet to a point on the northwesterly line of State Highway 140, said point being a point on a non-tangent curve concave to the southeast, having a radius of 550.00 feet, to said point a radial line bears N54°05'24"W; thence
5. southerly along said curve and the northwesterly line of State Highway 140, through a central angle of 49°21'08" and a chord distance of 459.24 feet, an arc distance of 473.75 feet to a point, to said point a radial line bears S76°33'28"W; thence

6. leaving the northwesterly line of State Highway 140, N36°19'58"W, along the
 southwesterly line of said REMAINDER, for 397.22 feet, more or less, to the POINT
 OF BEGINNING.

The above described tract of land contains 7.45 acres, more or less, is subject to any rights-of
 way or easements of record or legally acquired.

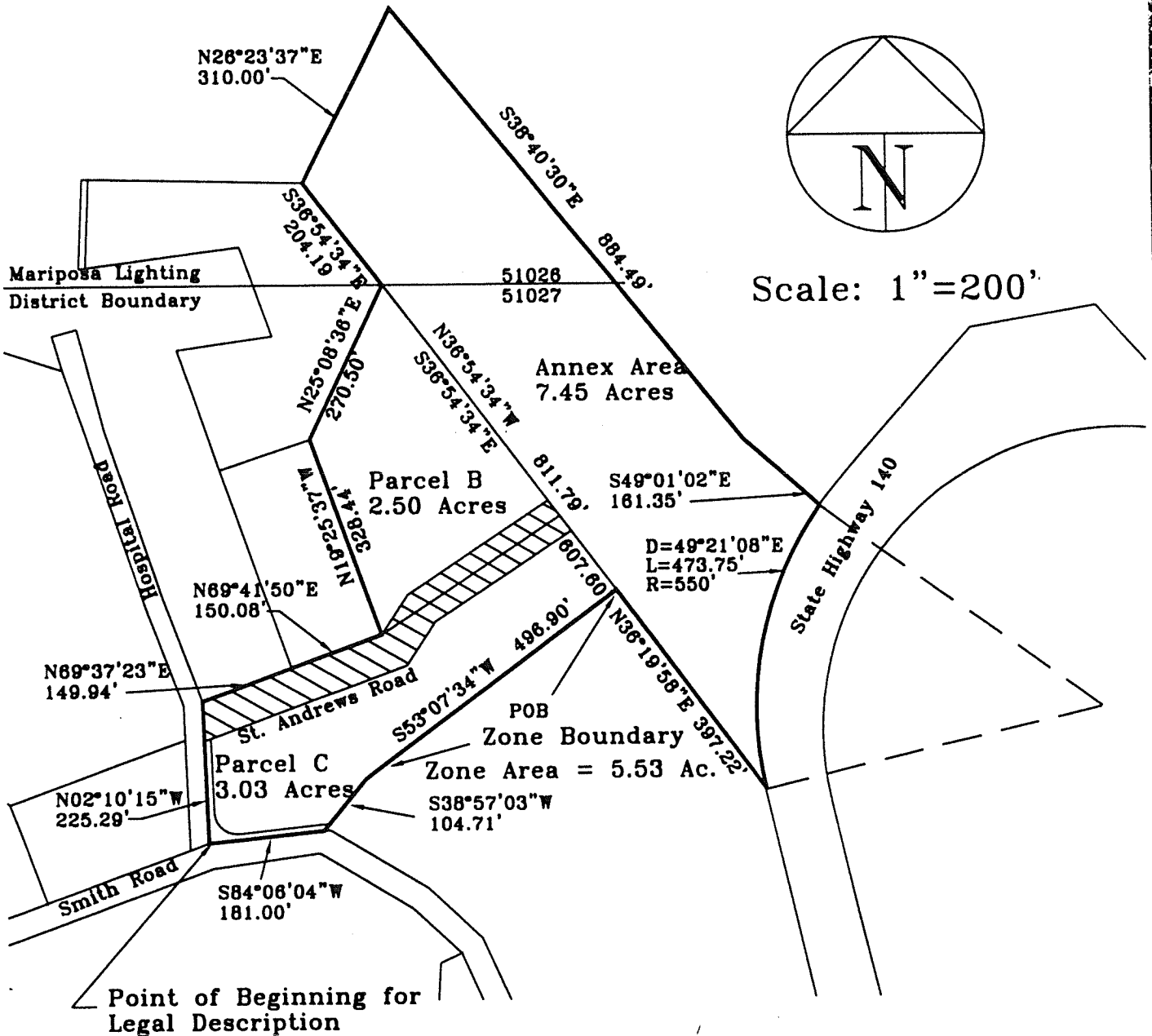
Prepared by:



Richard A. Scaman
 Richard A. Scaman, L.S. 5339

7/21/98
 Date

EXHIBIT "B"



Sketch Map of Amended Boundaries of
St. Andrews Road Maintenance
Zone of Benefit

Situated in Projected Section 14, T.5 S., R.18 E., M.D.B. & M.
Rancho Las Mariposas, County of Mariposa
State of California

EXHIBIT "C"

**CONDITIONS OF APPROVAL FOR AMENDMENT OF THE SAINT ANDREWS
ROAD MAINTENANCE ZONE OF BENEFIT**

The following condition shall apply to the Resolution Approving Amendment to the Saint Andrews Road Maintenance Zone of Benefit:


- 1) This Resolution, amending zone boundaries and established annual assessment rates and up front costs to amend the zone (including any required two years up front maintenance costs) will be adopted at the conclusion of the Public Hearing.
- 2) Following the Public Hearing, the applicants will be required to deposit with Mariposa County, the amount identified in the Fee Resolution as the up front costs to initiate this zone.
- 3) The zone will not be filed (finalized) with the State Board of Equalization (SBE), the County Assessor, or the County Auditor, until the roadway construction is completed. The "Notice of Formation" will not be recorded until said construction is completed.
- 4) Engineered construction plans must be submitted for review and approval by the Public Works Department, prior to the commencement of any road construction.
- 5) The roadway construction must be completed and finalized within one year from the date of the Resolution conditionally approving zone formation.
- 6) The roadway construction will be monitored, inspected, and approved by the Public Works Department.
- 7) Plan check fees and inspection fees will be required.
- 8) If the roadway construction is not completed within the stipulated time period, the Resolution approving Amendment of the Saint Andrews Road Maintenance Zone of Benefit will be rescinded. All zone initiation funds deposited by the applicants will be returned to said applicants.

AMENDED STATEMENT OF ZONE FORMATION

In accordance with Sections 54900-54903 of the California Government Code, this statement is hereby issued by the Chairman of the Board of Supervisors of the County of Mariposa, acting as Chairman of the Board of Directors of the Countywide County Service Area No. 1, County of Mariposa, State of California.

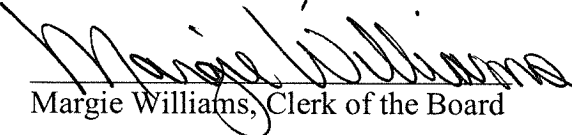
1. A certified copy of the resolution approving the amendment of the SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT is attached hereto and titled "MARIPOSA COUNTY RESOLUTION NO. 12" – A RESOLUTION APPROVING AMENDMENTS TO THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT, and by reference incorporated herein. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.
2. The affected territory included within this amended zone of benefit will not be taxed for any existing bonded indebtedness or contractual obligation.
3. This statement, along with the attached map and legal description, shall be filed prior to January 1 of the year in which the jurisdictional change is to be reflected on the tax rolls, and shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization, Sacramento, California.

DATED: January 22, 2001



Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams, Clerk of the Board

MARIPOSA COUNTY RESOLUTION NO. 01-13

A RESOLUTION AMENDING ASSESSMENT FEES FOR THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

WHEREAS, Zones of Benefit created prior to January 1, 2002, are to be assessed fees during the calendar year of 2002 for the services included in the "zone" being created; and

WHEREAS, the fees were established through a legal public hearing process.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS, of the County of Mariposa, a political subdivision of the State of California, hereby establishes as follows:

SECTION I: In regards to the SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT; during the public hearing on January 9, 2001, the amended annual fees established were: (1) the up front costs to amend this existing zone, an amount of three thousand five hundred ten dollars (\$3,510.00); and (2) for the first year's assessment (2002), an amount of three thousand ninety five dollars (\$3,095.00); and (3) any County costs incurred in processing this zone amendment that exceeds the amount of the applicant's deposit.

Said fees described in the preceding items (1) and (3) shall be apportioned equally among the parcels that exist within the boundaries of the area to be annexed into the existing zone. In 2001, the two (2) parcels that existed prior to amendment shall be assessed a yearly sum of seven hundred ninety five dollars (\$795.00) each. Parcel A of LDA 1503 shall be assessed a yearly sum of one thousand five hundred and five dollars (\$1,505.00). Said fees shall be reviewed annually, and adjusted by Board of Supervisors. Said zone of benefit was approved and adopted by Board Resolution No. 01-12. A legal description and map of the boundaries are attached hereto and marked Exhibit "A" and Exhibit "B", and by reference, incorporated herein.

SECTION II: This Resolution shall become effective thirty days from the date of final passage pursuant to California Government Code Section 25123.

PASSED AND ADOPTED this 9th day of January, 2001, by the Mariposa County Board of Supervisors by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

Doug Balmain
Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Margie Williams, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
Jeffrey G. Green
County Counsel

EXHIBIT A

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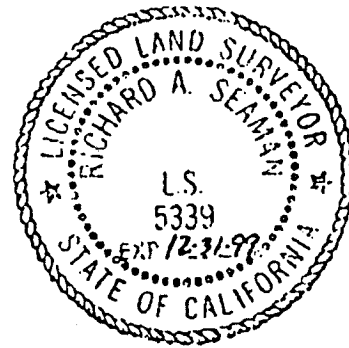
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The above described tract of land contains 7.45 acres, more or less, is subject to any rights-of way or easements of record or legally acquired.

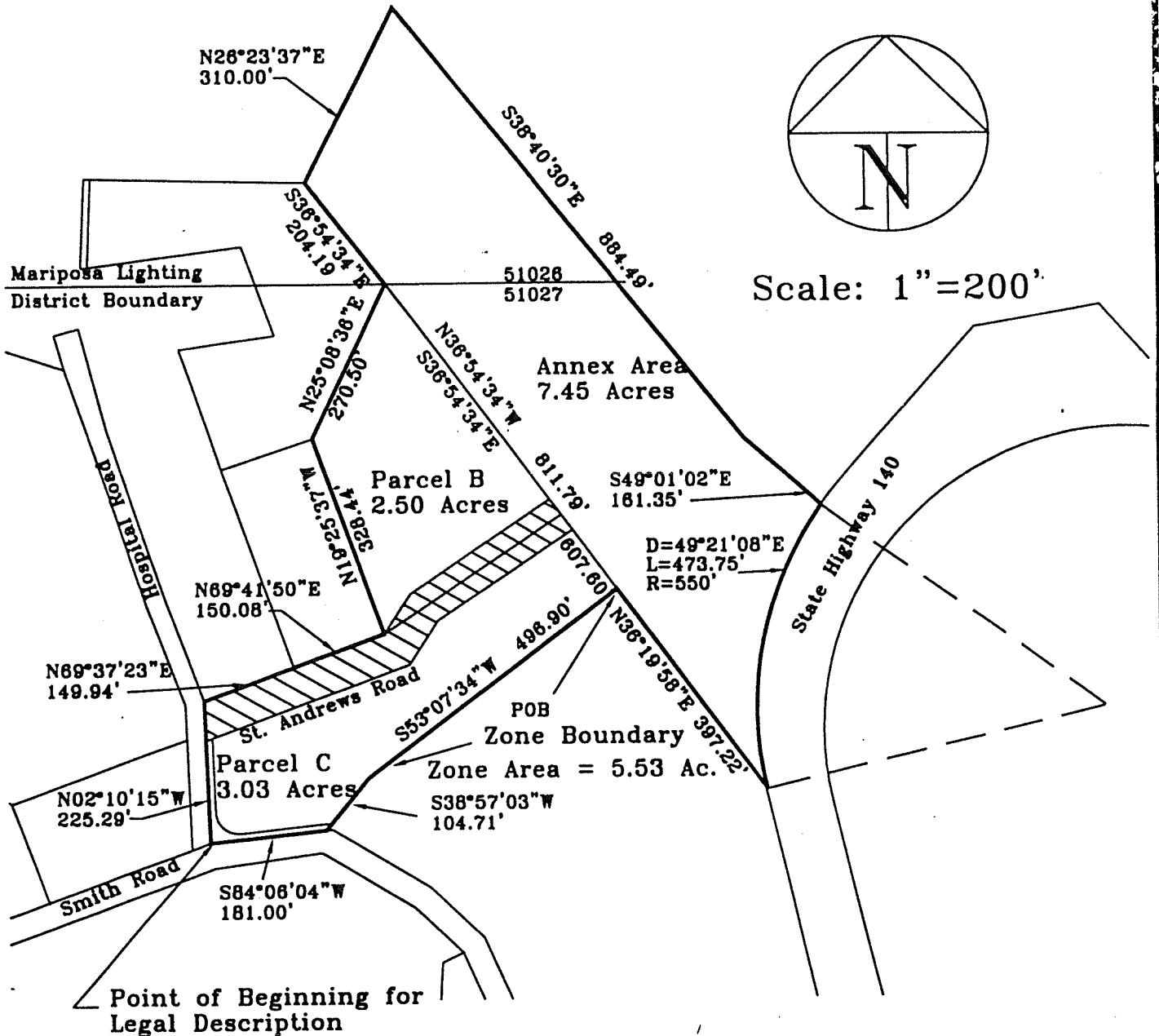
Prepared by:



Richard A. Seaman
Richard A. Seaman, L.S. 5339

7/21/98
Date

EXHIBIT "B"



Sketch Map of Amended Boundaries of
St. Andrews Road Maintenance
Zone of Benefit

Situated in Projected Section 14, T.5 S., R.18 E., M.D.B. & M.
Rancho Las Mariposas, County of Mariposa
State of California

EXHIBIT "C"

CONDITIONS OF APPROVAL FOR AMENDMENT OF THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

The following condition shall apply to the Resolution Approving Amendment to the Saint Andrews Road Maintenance Zone of Benefit:

- 1) This Resolution, amending zone boundaries and established annual assessment rates and up front costs to amend the zone (including any required two years up front maintenance costs) will be adopted at the conclusion of the Public Hearing.
- 2) Following the Public Hearing, the applicants will be required to deposit with Mariposa County, the amount identified in the Fee Resolution as the up front costs to initiate this zone.
- 3) The zone will not be filed (finaled) with the State Board of Equalization (SBE), the County Assessor, or the County Auditor, until the roadway construction is completed. The "Notice of Formation" will not be recorded until said construction is completed.
- 4) Engineered construction plans must be submitted for review and approval by the Public Works Department, prior to the commencement of any road construction.
- 5) The roadway construction must be completed and finaled within one year from the date of the Resolution conditionally approving zone formation.
- 6) The roadway construction will be monitored, inspected, and approved by the Public Works Department.
- 7) Plan check fees and inspection fees will be required.
- 8) If the roadway construction is not completed within the stipulated time period, the Resolution approving Amendment of the Saint Andrews Road Maintenance Zone of Benefit will be rescinded. All zone initiation funds deposited by the applicants will be returned to said applicants.