RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

Public Works recommends that the Board of Supervisors adopt the attached resolution vacating a portion of Sierra Pines Drive.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This easement was offered for dedication to the County by Parcel Map Book 15, Page 38, and again by Parcel Map Book 16, Page 42. Road and utility easements were shown on the maps to serve to the parcels created. Lot Line Adjustment No. 507 moved the property line between two of these parcels eliminating the need for one of the easements. The owners of the property over which this easement passes, wish to have the easement abandoned since it is no longer necessary for access to their property. The County has accepted the dedications of public utility easements on both of the subject parcel maps and has accepted the road easement for public use but not for maintenance shown on Parcel Map Book 15, Page 38. Therefore, the owner has requested that the County abandon the subject easement.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not abandon this easement, it will remain a burden upon the property over which it crosses.

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Vicinity Map (1 page)
2. Exhibit Map showing roads (1 page)
3. Parcel Map Book 15, Page 38 (1 page)
4. Parcel Map Book 16, Page 42 (1 page)
5. Site Plan for Lot Line Adjustment 507 (1 page)
6. Resolution Vacating Easement (4 pages)

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

[ ] Recommended
[ ] Not Recommended
[ ] For Policy Determination
[ ] Submitted for Comment
[ ] Returned for Further Action

Comment:

C.A.O. Initials:

Transmittal Form Revised 8/20/94
MARIPOSA COUNTY RESOLUTION NO. 99-180
A RESOLUTION OF THE SUMMARY VACATION OF AN EASEMENT

RESOLVED, by the Board of supervisors of the County of Mariposa, a political subdivision of the State of California, that:

WHEREAS, a request to abandon a portion of this easement has been made by the owners of the property upon which said easement lies; and

WHEREAS, this easement lies within property under one ownership and does not continue through such ownership or end touching property of another.

NOW THEREFORE, this Board hereby determines and orders as follows:

1. The County of Mariposa, by and through its Board of Supervisors, summarily vacates the easement described in this resolution pursuant to Streets & Highways Code Division 9, Chapter 3, § 8334.

2. The easement hereby vacated is described in "Exhibit A" attached hereto and by reference made a part hereof.

4. A certified copy of this resolution, No. 99-180, shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation the easement hereby vacated shall no longer constitute a street, highway or public service easement.
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 1st day of June, 1999, by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None

ABSTAINED: None

ABSENT: None

BOB PICKARD, 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 portions of Sections 18 and 19, Township 5 South, Range 20 East, M.D.B. & M., Mariposa County, State of California, said tract of land also being situated in a portion of Parcel B as said Parcel B is delineated on that map entitled “Parcel Map for Hal R. Godwin”, filed October 23, 1979 in Book 16 of Parcel Maps at page 42, Mariposa County Records, said tract of land being more particularly described as follows:

Commencing at the southeast corner of said Parcel B; thence S89°59′12″W, along the southerly line of said Parcel B, a distance of 807.52 feet to an angle point in the southerly line of said Parcel B, said angle point also being a point on the southwesterly right-of-way line of an existing 60.00 foot wide easement as delineated on said map, said angle point also being a point on the centerline of a second 60.00 foot wide easement as delineated on said map; thence, leaving the southerly line of said Parcel B, N26°38′57″E, along the centerline of said second 60.00 foot wide easement, a distance of 55.95 feet; thence leaving the centerline of said second 60.00 foot wide easement, N89°59′12″E for 8.07 feet to a point on the northeasterly right-of-way line of said existing 60.00 foot wide easement, said point also being the POINT OF BEGINNING of the herein described tract of land; thence continuing N89°59′12″E for 25.50 feet to a point on the easterly right-of-way line of said second 60.00 foot wide easement; thence N26°38′57″E, along the easterly right-of-way line of said second 60.00 foot wide easement, for 216.55 feet to the northerly terminus of the easterly right-of-way line of said second 60.00 foot wide easement, said northerly terminus also being a point of the northerly line of said Parcel B; thence N84°28′36″W, along the northerly line of said Parcel B, for 49.24 feet to an angle point in the northerly line of said Parcel B; thence S76°46′30″W, along the northerly line of said Parcel B, for 18.33 feet to the northerly terminus of the westerly right-of-way line of said second 60.00 foot wide easement; thence S26°38′57″W, along the westerly right-of-way line of said second 60.00 foot wide
easement, for 193.43 feet to a point on the northeasterly right-of-way line of said existing 60.00 foot wide easement; thence S55°36'22"E, along the northeasterly right-of-way line of said existing 60.00 foot wide easement, for 37.56 feet, more or less, to the POINT OF BEGINNING.

The above described tract of land contains 0.29 acres, more or less, and is further delineated on that map entitled “Record of Survey for Chris and Mardell Kendall” filed August 4, 1998 in the Book of Maps at Page 2547, Mariposa County Records.

Prepared by:

Richard A. Seaman, L.S. 5339

Date: 5/18/49