

DEPARTMENT: Public Works

By: Jerry Freeman

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes No)

Public Works recommends that the Board of Supervisors adopt the attached resolution accepting an existing bridge and an unnamed easement between Joe Howard Street and Antone Road in the County of Mariposa, and direct the Public Works Director to record the resolution upon its approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This easement over Mariposa Creek between Joe Howard Street and Antone Road upon which the bridge now exists, was created by Grant Deed recorded March 23, 1984.

On September 14, 1999, per Resolution 99-282, the Board approved reimbursing \$10,000 to George Greenamyler for a portion of the costs to provide an affordable means of implementing a crossing for the future Mariposa Creek project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not accept this easement into the Mariposa County Road System. The existing property owner of record may be liable, both legally and monetarily, for damages.

| | |
|--|-------------------------------|
| COSTS: (X) Not Applicable | |
| A. | Budgeted current FY > |
| B. | Total anticipated Costs > |
| C. | Required additional funding > |
| D. | Internal transfers > |
| SOURCE: () 4/5th Vote Required | |
| A. | Unanticipated revenues > |
| B. | Reserve for contingencies > |
| C. | Source description: > |
| Balance in Reserve Contingencies, If Approved: | |

- SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Resolution (1 page)
 2. Grant Deed (1 page)
 3. Highway Easement Deed (1 page)
 4. Site Plan (1 page)
 5. Parcel Map (1 page)
 6. Letter dated 11/07/00 Stephens to Petropulos (1 page)
 7. Memo dated 11/22/00 Green to Petropulos (1 page)

CLERK'S USE ONLY

Res. No.: 00-444
Vote - Ayes: 5
Abstained: _____
Approved: Minute Order Attached
Approved: Denied
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: MMW

MARIPOSA COUNTY RESOLUTION NO. 00-446

A RESOLUTION OF THE SUMMARY ACCEPTANCE OF AN EASEMENT AND AN EXISTING BRIDGE INTO THE MARIPOSA COUNTY ROAD SYSTEM

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

WHEREAS, an oral request to accept into the Mariposa County Road System the existing bridge and easement over Mariposa Creek between Joe Howard Street and Antone Road has been made by the owner of the property upon which said easement lies.

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

1. The easement hereby accepted is described in Volume 258 of Official Records at page 404, Mariposa County Records.
2. A certified copy of this resolution, No. 00-446, shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation, the easement hereby accepted shall become part of the Mariposa County Road System.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 19th day of December, 2000, by the following vote:

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

Garry R. Parker
 GARRY R. PARKER, CHAIR
 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

COUNTY OF MARIPOSA

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

GARRY R. PARKER, CHAIRMAN
DOUG BALMAIN, VICE-CHAIRMAN
PATTI A. REILLY
ROBERT C. STEWART
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 

SUBJECT: ACCEPTANCE OF BRIDGE AND EASEMENT BETWEEN JOE HOWARD STREET AND ANTONE ROAD
Res. No. 00-446

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 19, 2000

ACTION AND VOTE:

B) Resolution Accepting an Existing Bridge and an Unnamed Easement Between Joe Howard Street and Antone Road and Direct the Public Works Director to Record the Resolution upon its Approval
BOARD ACTION: Discussion was held with Jim Petropulos.

Input from the public was provided by the following:

Nadean Peterson stated they planted trees and placed boulders in their yard to plan for this bridge. During her husband's illness and subsequent death, and her own illness, she lost contact with the plans for the bridge. Then last March or April she received a letter relative to assessing the value of improvements for the bridge, and she became concerned with liability issues. She stated Mr. Greenamyer has an easement over her property where the bridge was constructed – she supports the bridge, but feels she has lost a portion of her property without being compensated. She would like to be released of any obligation for the bridge. She expressed frustration with her dealings with the County.

Discussion was held relative to the issues raised. Supervisor Stewart advised of his research on this matter and the right-of-way issues. Jeff Green, County Counsel, advised of his opinion that was given on the matter – if the bridge is taken into the County system, it will resolve the tax assessment issue. He advised of his discussion with Nadean Peterson relative to the liability issue – she owns the underlying fee title to the property where the bridge is located and the County will hold her harmless when the bridge is taken into the County system; however, nothing precludes her from being named in a suit in this situation. If she grants fee title to the County, her name would be removed from the record. Jerry Freeman/PWD-Surveyor, provided input relative to the easement and location of the bridge. Discussion was held relative to potential flood issues.

Rachel Oliver noted that in the fifteen years she has lived in the area, she has never seen the water rise to the level of Antone Road.

cc: Supervisor Stewart
Jeff Green, County Counsel
File

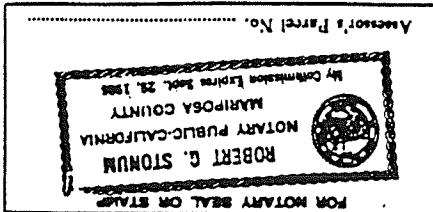
(M)Stewart, (S)Balmain, Res. 00-446 adopted accepting an existing bridge and an unnamed easement between Joe Howard Street and Antone Road and directing the Public Works Director to record the Resolution. Supervisor Parker initiated discussion relative to trying to resolve the issues with Nadean Peterson. Jeff Green provided input relative to the process to obtain fee title, and he suggested that perhaps Supervisor Stewart could discuss this with her. Ayes: Unanimous.

404

VOL 258

CAL-1 (Rev. 8-82)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE



STATE OF CALIFORNIA
COUNTY OF MARIPOSA
On this the 12th day of DECEMBER, 1983, before me the undersigned, a Notary Public in and for said County and State, personally appeared AND CHRISTINE J. WEATHERFORD

1983, before me the undersigned, a

Harlan L. Weatherford
Christine J. Weatherford

Dated December 8, 1983

Commencing at the most easterly point of above said Parcel 1; thence along the Northerly line of said Parcel 1, North 50° 54' 26" West, 18.62 feet to the Point of Beginning; thence continuing along said Northerly line, North 50° 54' 26" West, 61.07 feet; thence leaving said Northerly line, South 49° 50' 27" West, 31.48 feet; thence along a line parallel to and 20.00 feet Northerly from the Northerly line of a 40' wide private road and utility easement as shown on said Parcel Map for J. G. Greenmeyer, North 55° 05' 15" West, 220.87 feet to the Westerly line of said Parcel 1; thence along said Westerly line, South 11° 37' 00" East, 87.21 feet to the southerly line of said 40' wide private road and utility easement; thence along said southerly line, South 55° 05' 15" East, 203.68 feet; thence leaving said southerly line, North 49° 50' 27" East, 88.96 feet to the Point of Beginning.

The following described real property in the county of Mariposa, a non-exclusive public access and utility easement for public use, on over across and under that portion of Parcel 1 as shown on that Parcel Map for J. G. Greenmeyer, recorded April 29, 1976 in Book 10 of Parcel Maps at Page 32, Mariposa County Records and situated in the N.W. 1/4 of the N.W. 1/4 of projected Section 23, T. 5 S., R. 18 E., M.D.B. & K., Mariposa County, California, as described as follows:

herby GRANT(S) to KENNETH VAUGHN, JOE CROSS, LOUIS W. BITTNER and SANDRA M. BITTNER

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, HARLAN L. WEATHERFORD and CHRISTINE J. WEATHERFORD, husband and wife
The undersigned declares that the documentary transfer tax is \$.....NONE and is computed on the full value of the interest or property conveyed, or is computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land, interests or realty is located in [] city of [] and [] unincorporated area

GRANT DEED

Recorded at the Request of MARIPOSA COUNTY TITLE COMPANY
Vol. 258 Official Records page 404 Fcs 5748
EVELYN N. ELLINGS
Mariposa County Recorder
Deputy Recorder

No. 1127

990503

42287 AMHEZ

RECORDING REQUESTED BY MARIPOSA COUNTY TITLE COMPANY
WIDE SHOWN BELOW, MAIL TAX STATEMENTS TO:
NAME: Louis Bittner
ADDRESS: Box 319 Mariposa, CA 95338
CITY & STATE ZIP: Mariposa, CA 95338
Title Order No. Escrow No.

Signed and delivered in the presence of

Executed this day of

(As used above, the term "grantor" shall include the plural as well as the singular number and the words "himself" and "his" shall include the feminine gender as the same may be.)
The grantor hereby further grants to grantee all trees, growths (growing or that may hereafter grow), and road building materials within said right of way, including the right to take water, together with the right to use the same in such manner and at such locations as said grantee may deem proper, needful or necessary, in the construction, reconstruction, improvement or maintenance of said highway.
The grantor, for himself, his successors and assigns, hereby waives any claim for any and all damages to grantor's remaining property contiguous to the right of way hereby conveyed by reason of the location, construction, landscaping, improvement or maintenance of said highway.

③ *Elwood Carroll*

All of that portion of Parcel A as shown on that Parcel Map for Ulie & Associates recorded Sept. 6, 1978 in Book 15 of parcel maps at Page 11, Mariposa County Records, situated in projected sections 14 and 23, T.5 S., R.18 E., M.D.B.M., Rancho Las Mariposas, Mariposa County, California, as described as follows.
BEGINNING at the southwest corner of above said Parcel A; thence along the west line of said Parcel A, north 2° 33' 46" west, 70.51 feet; thence leaving said west line, through a non-tangent curve to the left, concave to the northeast, with a tangent bearing of south 46° 27' 42" east, a radial bearing of north 43° 32' 18" east, a radius of 145.00 feet, through a central angle of 26° 43' 39", an arc distance of 67.64 feet; thence south 73° 11' 21" east, 151.12 feet; thence through a tangent curve to the left, concave to the northeast, with a radius of 145.00 feet, through a central angle of 5° 16' 23", an arc distance of 13.34 feet to the east line of said Parcel A; thence along said east line, south 8° 32' 51" west, 89.15 feet to the southeast corner of said Parcel A; thence along the south line of said Parcel A, north 63° 42' 30" west, 222.12 feet to the POINT OF BEGINNING being the southwest corner of said Parcel A, containing 0.35 acres more or less.

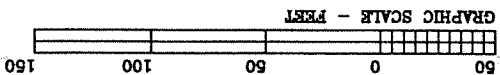
Grant, convey and dedicate to the COUNTY OF MARIPOSA the right of way and includes therein for a public highway upon, over and across that certain real property, in the County of Mariposa State of California, described as:

FOR RECORDERS USE
Recorded at the Request of
L. J. Carroll
MAR 3 1987 at 1:30 PM
Official Records
Fee \$ N/C
EVELYN N BILLINGS
Mariposa County Recorder
Deputy Recorder
Elwood Carroll

Highway Easement Deed
APN 013-070-044
Document No. 87AF-1987-01

87-0778

When recorded return to:
Mariposa County Road Dept.



4

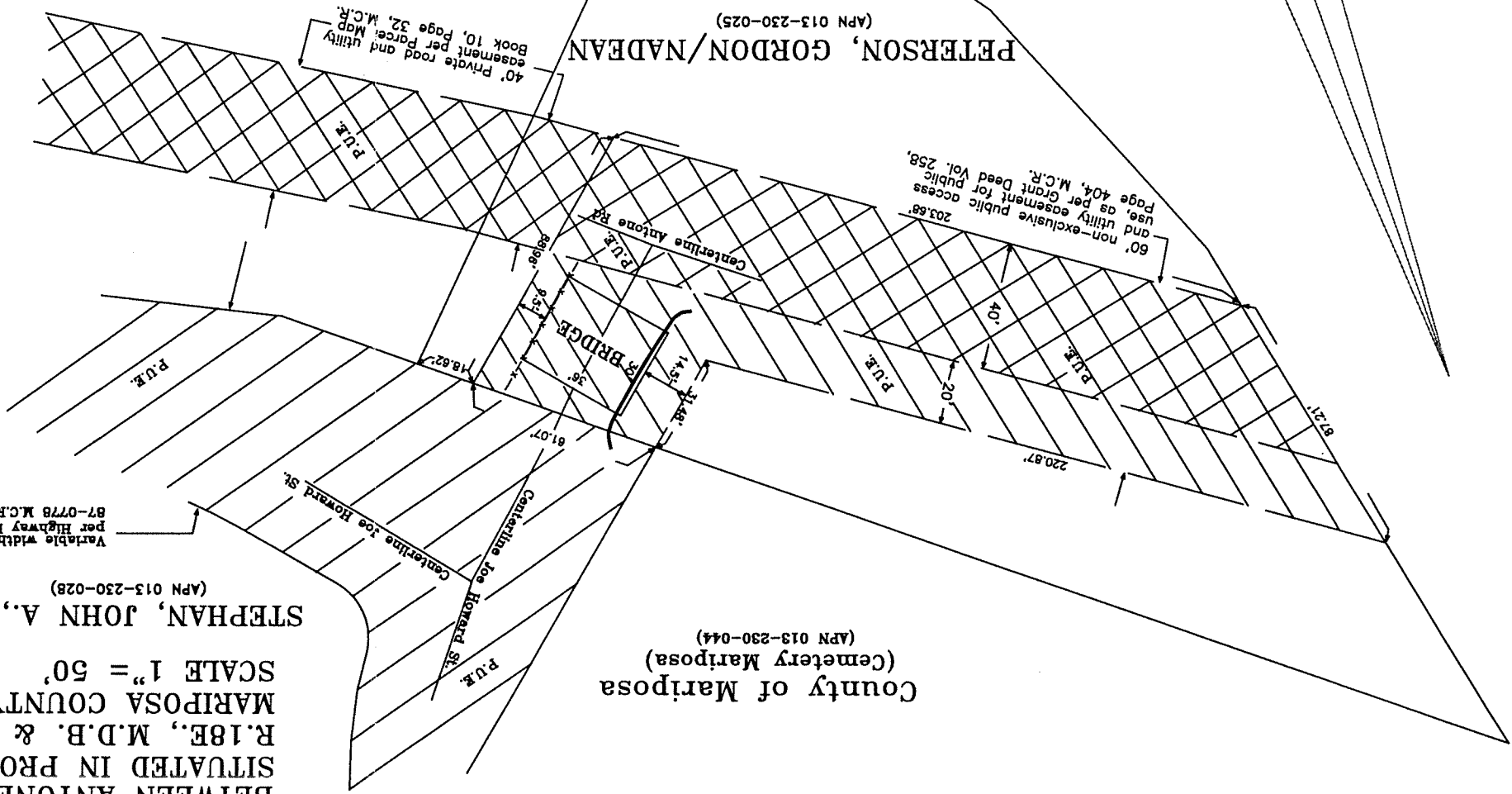
SITE PLAN
FOR
THE COUNTY OF MARIPOSA
OF
THE MARIPOSA CREEK BRIDGE

BETWEEN ANTONE RD. AND JOE HOWARD ST.
 SITUATED IN PROJECTED SECTION 23, T.5S.,
 R.18E., M.D.B. & M. RANCHO LAS MARIPOSAS
 CALIFORNIA
 SCALE 1" = 50'
 NOVEMBER 1, 2000

STEPHAN, JOHN A., TR
 (APN 013-230-028)

County of Mariposa
 (Cemetery Mariposa)
 (APN 013-230-044)

Variable width Right of Way
 per Highway Easement Deed
 87-0776 M.C.R.



PETERSON, GORDON/NADEAN
 (APN 013-230-025)

DELORME, ROSEMARY, TR.
 (APN 013-230-021)

- LEGEND**
- X-X- Cyclone Fence
 - Center Line Road
 - Guard Rail
 - P.U.E. Public Utility Easement
 - M.C.R. Mariposa County Record
- REFERENCES**
- DEED: VOL. 87-0776, MCR
 - DEED: VOL. 258, Pg. 404, MCR
 - PARCEL MAP BK 10, Pg. 321, MCR

County of Mariposa
 Department of Public Works

Drawn By: JMC

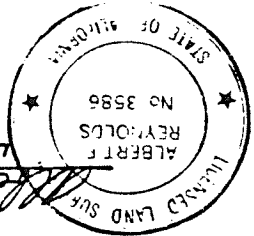
Approved By: _____

Dwg. No. _____

Date: 11/29/00

SURVEYOR'S CERTIFICATE:

This map was prepared by me or under my direction (and was compiled from record data) in conformance with the requirements of the Subdivision Map Act at the request of J. G. Greenamyer, in March, 1976. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

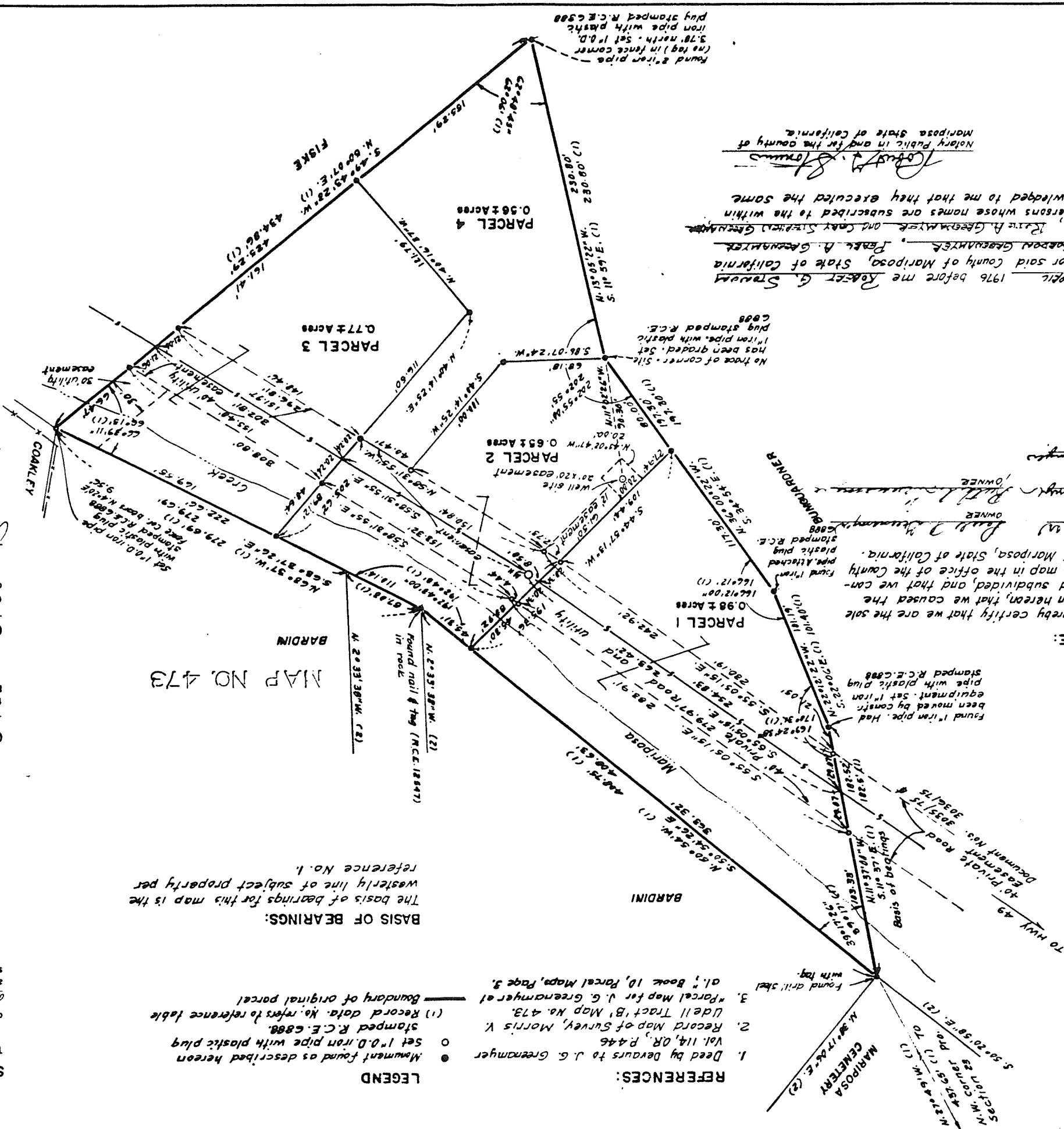


Albert Reynolds
L. L. S. 3586

- LEGEND:**
- Monument found as described hereon
 - Set 1" O.D. iron pipe with plastic plug stamped R.C.E. 6888.
 - (1) Record data. No. refers to reference table
 - Boundary of original parcel

BASIS OF BEARINGS:
The basis of bearings for this map is the westerly line of subject property per reference No. 1.

- REFERENCES:**
- Deed by Devours to J. G. Greenamyer Vol. 114, OR, P. 46
 - Record Map of Survey, Morris V. Udell Tract, B' Map No. 473.
 - Parcel Map for J. G. Greenamyer et al., Book 10, Parcel Maps, Page 3.



COUNTY SURVEYOR'S CERTIFICATE:

This map has been examined this 27 day of April, 1976, for conformance with the requirements of the Subdivision Map Act and local ordinance. Signed: [Signature]

COUNTY HEALTH CERTIFICATE:

This Parcel Map conforms to the requirements of the Mariposa County Subdivision Ordinance with respect to domestic water and sewage disposal.

Mariposa Health Officer: [Signature] Date: 4-27-76

RECORDER'S CERTIFICATE:

Filed this 27 day of April, 1976, at 4 p.m. in Book 10 of Parcel Maps at page 32, at the request of J. G. Greenamyer. (Signed) [Signature] County Recorder

NOTE: This map amends Parcel Map for J. G. Greenamyer et al., Book 10 of Parcel Maps of Page 3 to show the correct location of the well site in Parcel 2, to add a 30' utility easement in Parcel 3, and to indicate the 40' easement across Parcel 3 to be a utility easement only.

AMENDED PARCEL MAP FOR

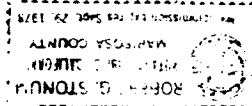
J. G. GREENAMYER, et al.

BEING A DIVISION OF A PART OF THE N.W. 1/4 OF THE N.W. 1/4 OF PROJECTED SECTION 23, T.5S., R.18E., M.D.B. & M. RANCHO LAS MARIPOSAS CALIFORNIA

MARIPOSA COUNTY, CALIFORNIA SCALE: 1" = 50 FT. MARCH, 1976

ACKNOWLEDGEMENT: STATE OF CALIFORNIA (88) County of Mariposa

On this 19th day of April 1976 before me Robert G. Strawn a Notary Public in and for said County of Mariposa, State of California personally appeared J. Greenamyer, Park A. Greenamyer, Estate of Greenamyer and Cary Strawn Greenamyer known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same



Robert G. Strawn
Notary Public in and for the County of Mariposa State of California



ROGER STEPHENS ENGINEERING

RECEIVED
NOV 13 2000
11/16/00 12:48

November 7, 2000

Jim Petropulos, Director
Mariposa County Public Works
4639 Ben Hur Road
Mariposa, CA 95338

Subject: Conspan Bridge @ Joe Howard Street (Mariposa Creek)

Dear Jim:

The Conspan Culvert Bridge is now complete. A traffic control guardrail (flex beam) was installed on the upstream and a pedestrian 42" high chain link fence was installed on the downstream end for the future walk area.

I had recommended that a flex beam be installed at both ends, however, this was not Mr. Greenamyer's understanding in his negotiation with the County and, therefore, one fence and one guardrail was installed.

The culvert/bridge was designed and constructed to meet full highway loading conditions and to pass the 100-year storm flow according to FEMA flood study and can be expected to function satisfactorily as designed.

Plans and documents were given to Dan Gibbs in October, 2000.

If you need additional data please give me a call.

Sincerely,

Roger L. Stephens
Roger L. Stephens, P.E.

Owner

RLS/cc

cc: Dan Gibbs, Public Works
John Davis, Building Dept.

P.O. BOX 1193 • 5077 BULLION STREET • MARIPOSA, CALIFORNIA 95338 • (209) 966-3801

Should you have any questions regarding this matter, please feel free to contact me.

County road system. the County would still indemnify and hold Ms. Peterson harmless once the bridge is accepted into the remove her from even the possibility of being named in a lawsuit. Should she decide not to do that, provide a deed to the County of the underlying property wherein the bridge is located in order to named in a lawsuit. In order to fully protect Ms. Peterson, it would be my suggestion that she the underlying property wherein the bridge is located, she would remove the possibility of her being relative to the bridge. Should Ms. Peterson elect to actually deed in fee to the County of Mariposa system, the County would fully indemnify and hold harmless Ms. Peterson for any liability issues bridge into the County-maintained system. Once the bridge is taken into the County-maintained road weather crossing on Joe Howard Street, and it is in the public interest to take the Joe Howard Street it is further my understanding that it is the position of Public Works that the bridge provides an all-

individual or individuals who constructed the bridge that would be obligated legally to indemnify her. lawsuit regarding the bridge. I believe that Ms. Peterson would be successful in prevailing over the underlying property owner, Ms. Peterson could and probably would be named as a party in any brothers would be ultimately responsible as the entity which constructed the bridge. However, as the maintenance of the bridge at the present time, George Greenameyer and/or the Greenameyer It is my opinion that should anyone be injured as a result of the construction, operation, or

a result of the construction and/or maintenance and operation of the bridge. You have requested that I provide you with my opinion as to the liability issues relating to the Joe Howard Street bridge which was constructed by George Greenameyer and/or the Greenameyer brothers. It is my understanding that the bridge was constructed within a public access easement which overlays property owned in fee by Nadine Peterson. Ms. Peterson has contacted both your office and my office with concerns relative to her liability exposure in the event someone is injured as

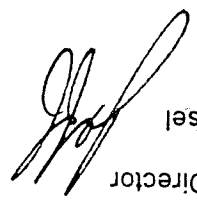
DATE: November 22, 2000

TO: Jim Petropulos, Public Works Director

FROM: Jeffrey G. Green, County Counsel

RE: Joe Howard Street Bridge

CC: Nadine Peterson



MEMORANDUM



OFFICE OF THE COUNTY COUNSEL

NOV 27 2000

RECEIVED