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 an unnamed and unused easement near Mt. Bullion Ridge Road.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Parcel Map Book 15, Page 8, and Parcel Map Book 15, Page 42 were recorded at a time when no road improvements were required for minor subdivisions. Road and utility easements were shown on the maps to serve to the parcels created. Since these particular maps were recorded, there have been no roads or utilities built within these easements. The owners of the properties that are served by these easements and across which these easements pass wish to relocate the easements. 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 42. Therefore the owners need the County to abandon the subject easements in order to accomplish this relocation. The property owners have delivered signed and notarized easement documents to Public Works to be recorded with the attached Resolution replacing and relocating the easement being abandoned.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not abandon these easements, the property owners will not be able to relocate them.

COSTS:  ( X ) Not Applicable
A. Budgeted current FY> $ __________
B. Total anticipated Costs> $ __________ - 0 -
C. Required additional funding> $ __________
D. Internal transfers> $ __________

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 8 (1 page)
4. Parcel Map Book 15, Page 42 (1 page)
5. Resolution Vacating Easement (3 pages)

CLERK’S USE ONLY

Res. No.: 98-68 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 for Comment

☐ Returned for Further Action

Comment: __________

C.A.O. Initials: __________

Action Form Revised 8/20/94
MARIPOSA COUNTY RESOLUTION NO. 98-68

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 will be superseded by the creation of an easement in a location different than the location of this easement.

WHEREAS, the easement being vacated has not been used for the purpose for which it was offered for dedication for five (5) consecutive years.

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, § 8333.

2. The easement hereby vacated is described in “Exhibit A” attached hereto any by reference made a part hereof B.

4. A certified copy of this resolution, No. 98-68, 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 3rd day of March, 1998, by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None
ABSTAINED: None
ABSENT: None

PATTI A. REILLY, Chair
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"

All of that "60' NON-EXCLUSIVE P.U. & ACCESS EASEMENT" across Parcel B, as shown on that Parcel Map for GIL HOLLOWAY, filed February 6, 1979 in Book 15 of parcel maps at Page 42, Mariposa County Records, situated in Section 6, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, the centerline of which is more particularly described as follows:

Commencing at the southwest corner of said Parcel B; thence along the south line of said Parcel B, north 88° 06' 15" east, 313.43 feet to a point on the centerline of said 60' NON-EXCLUSIVE P.U. & ACCESS EASEMENT and the Point of Beginning; thence along said centerline, north 7° 48' 54" west, 293.58 feet; thence continuing along said centerline, north 6° 31' 42" east, 146.53 feet; thence continuing along said centerline, north 40° 41' 34" west, 215.45 feet; thence continuing along said centerline, north 14° 28' 40" east, 219.89 feet; thence continuing along said centerline, north 63° 53' 50" west, 138.64 feet; thence continuing along said centerline, north 38° 22' 32" west, 143.62 feet to a point on the west line of above said Parcel B and the terminus of the herein to be abandoned easement.

ALSO, All of that "40' P.U. & ACCESS EASEMENT (NON-EXCLUSIVE)" across Parcel A, as shown on that Parcel Map for DAN BELEW, filed August 8, 1978 in Book 15 of parcel maps at Page 8, Mariposa County Records, situated in Section 6, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, the centerline of which is more particularly described as follows:

Commencing at the northwest corner of said Parcel A; thence along the north line of said Parcel A, north 88° 06' 15" east, 313.43 feet to a point on the centerline of said 40' P.U. & ACCESS EASEMENT (NON-EXCLUSIVE) and the Point of Beginning; thence along said centerline, south 7° 48' 54" east, 84.68 feet; thence continuing along said centerline, south 34° 35' 54" east, 145.93 feet to the terminus of the portion of the easement to be hereby abandoned.

Description Prepared by:

[Signature]
Charles M. Pratt, L.S. 4891