

DEPARTMENT: Public Works

By: Michael D. Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes No)

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> \$ _____

COSTS: () 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. 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: 5 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: gh

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

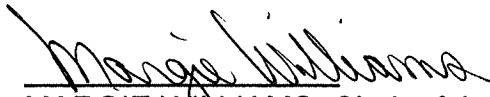
NOES: None

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"

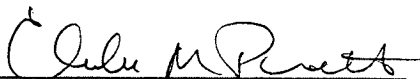
All of that "60' NON-EXCLUSIVE P.U. & ACCESS EASEMENT" across Parcel B, as shown on that Parcel Map for GIL HOLLOWAY, filed February 6, 1979 in Book 15 of parcel maps at Page 42, Mariposa County Records, situated in Section 6, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, the centerline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

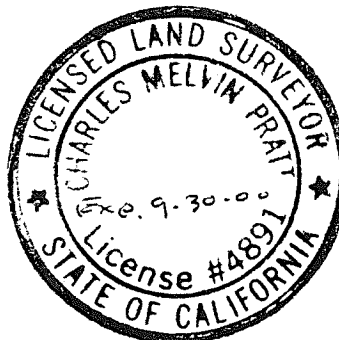
Commencing at the southwest corner of said Parcel B; thence along the south line of said Parcel B, north 88° 06' 15" east, 313.43 feet to a point on the centerline of said 60' NON-EXCLUSIVE P.U. & ACCESS EASEMENT and the Point of Beginning; thence along said centerline, north 7° 48' 54" west, 293.58 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.

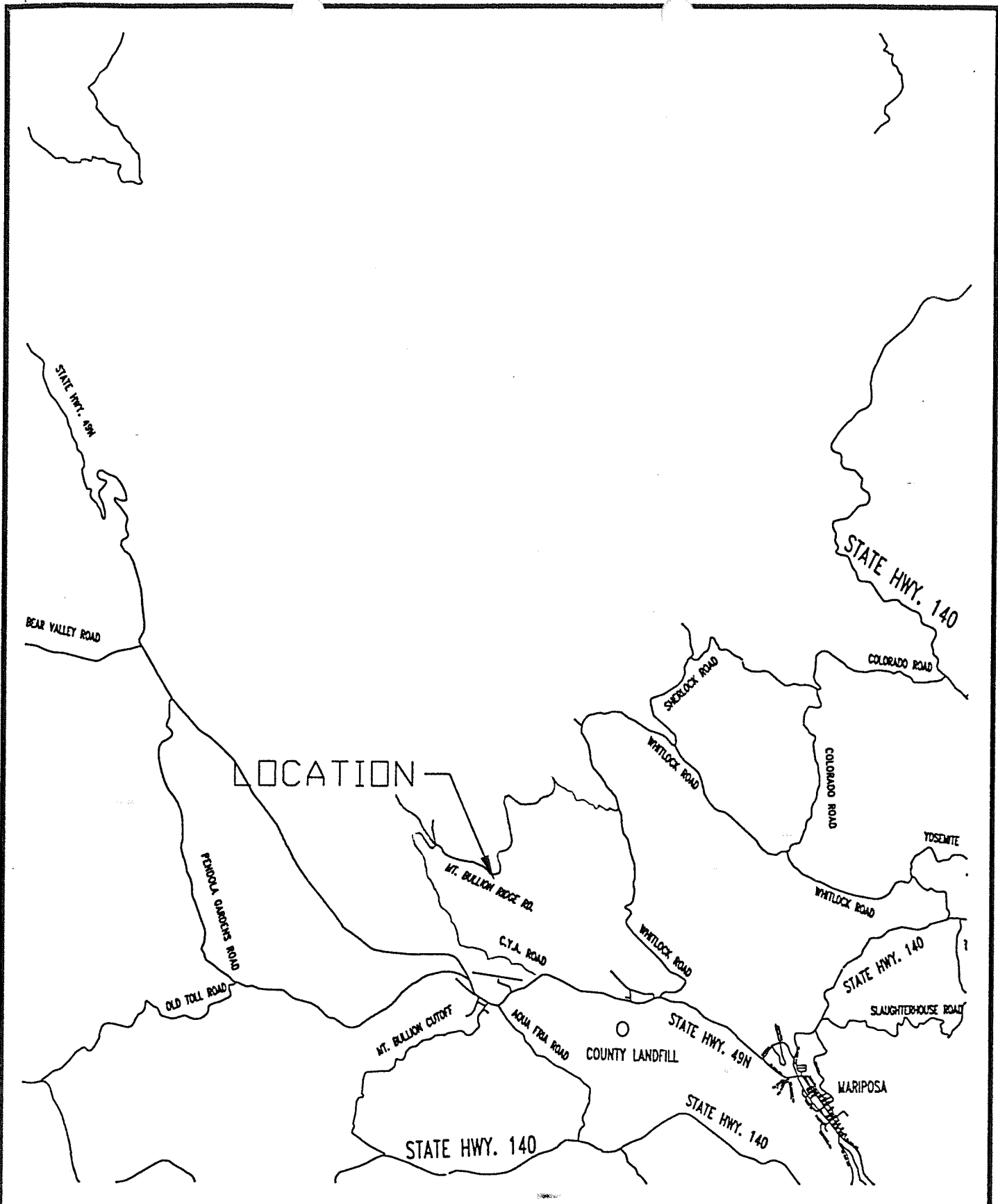
ALSO, All of that "40' P.U. & ACCESS EASEMENT (NON-EXCLUSIVE)" across Parcel A, as shown on that Parcel Map for DAN BELEW, filed August 8, 1978 in Book 15 of parcel maps at Page 8, Mariposa County Records, situated in Section 6, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, the centerline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

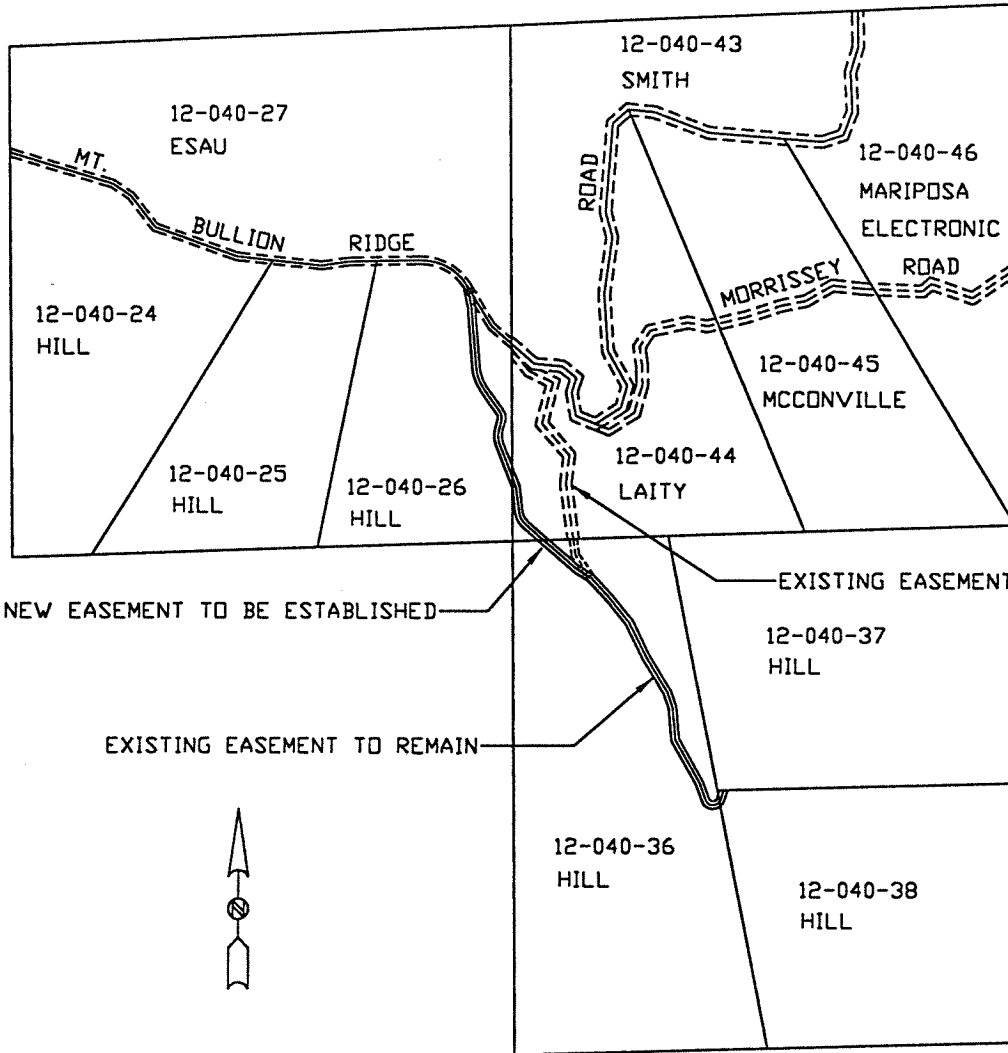

Charles M. Pratt, L.S. 4891





MARIPOSA COUNTY ENGINEERING DEPARTMENT

Drawn <u>Chas</u>	Sheet <u>1</u> of <u>1</u>	VICINITY MAP	
Checked _____	Scale = none		
Date <u>2-3-98</u>			



MARIPOSA COUNTY ENGINEERING DEPARTMENT

Drawn Chas

Sheet 1 of 1

EXHIBIT MAP

Checked _____

Date 2-3-98

Scale = none

Approved By
Engineer _____

Dwg. No. _____

LEGEND

- Found 3/4" iron pins, L.S. 3812, unless otherwise indicated herein
- Found 1/2" iron pins, L.S. 3812
- SA 3/4" iron pipe with plastic plug stamped L.S. 3812
- SA 1/2" iron pipe with plastic cap stamped L.S. 3812
- R Refers to numbers on reference table
- M Measured on this survey
- P Private

BASIS OF BEARING

111° 14' 11" to the North, true of this survey as per M.L.N. 87° 57' 14" E.

REFERENCES

1 Parcel Map, Book 11, Page 3A, Mariposa County Records

SURVEYOR

This map was prepared by me or under my supervision and is based on a field survey in accordance with the requirements of the Subdivision Map Act of 1979, at the request of Gil Holloway in August 1978. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.



Paul J. Haggerty
 This is a copy of U.S. 3812

COUNTY SURVEYOR

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Felix J. Carter
 County Surveyor

COUNTY RECORDER

I filed this map on February 1979 at 9:30 A.M. in Book 15 of Parcel Maps, at Page 42, at the request of Gil Holloway et al.

Barbara B. Sligo
 County Recorder
 by *Deanne Salsopoli*, Deputy

PARCEL MAP FOR GIL HOLLOWAY et al

OF A DIVISION OF PARCEL A AS SHOWN ON PARCEL MAP, BOOK 11, PAGE 31, IN PROJECTED SECTION 6, T.5S., R.18E., RANCHO LAS MARIPOSAS.

MOUNT DIABLO BASE AND MERIDIAN.
 MARIPOSA COUNTY, CALIFORNIA.
 DATE: AUGUST 1978
 TOTAL AREA: 159.17 AC.
 SCALE: 1" = 300'

APPLICATION NO. 686

OWNER

The undersigned, being the parties having a record title interest in the land as plotted by this map, hereby consent to the preparation and recording of this map and offer for dedication to Mariposa County all easements as shown on this map and so marked as offered for dedication. This offer of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Richard S. McLaughlin
Angene H. Holloway
Gregory M. Albright
Henry R. ...

ACKNOWLEDGMENT

I, the undersigned, being the parties having a record title interest in the land as plotted by this map, hereby consent to the preparation and recording of this map and offer for dedication to Mariposa County all easements as shown on this map and so marked as offered for dedication. This offer of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Richard S. McLaughlin
 National Public in and for the County of Mariposa, State of California

My commission expires SEPTEMBER 1979.

TRUSTEE

The undersigned, MARIPOSA COUNTY TITLE COMPANY, trustee under trust deed recorded FEBRUARY 4, 1978 in Volume 14 of Official Records of Mariposa County, Mariposa County Records, and affecting the land embraced within the area shown on this map, does here by consent to the making and filing of the same.

Paul Carter
 Mariposa County Title Company

ACKNOWLEDGMENT

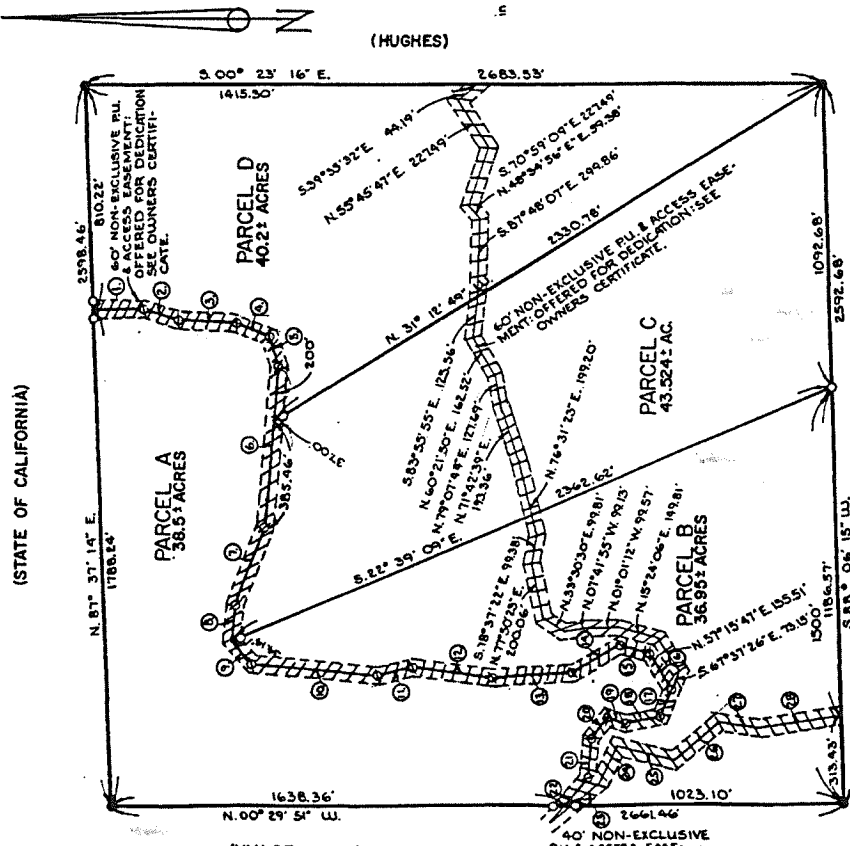
I, the undersigned, being the parties having a record title interest in the land as plotted by this map, hereby consent to the preparation and recording of this map and offer for dedication to Mariposa County all easements as shown on this map and so marked as offered for dedication. This offer of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Richard S. McLaughlin
 National Public in and for the County of Mariposa, State of California

My commission expires SEPTEMBER 1979.

EASEMENT CENTERLINE

- 1. S. 0° 05' 14" E. 184.04'
- 2. S. 0° 05' 14" E. 184.04'
- 3. S. 0° 05' 14" E. 184.04'
- 4. S. 0° 05' 14" E. 184.04'
- 5. S. 0° 05' 14" E. 184.04'
- 6. N. 89° 22' 00" W. 122.21'
- 7. N. 89° 22' 00" W. 122.21'
- 8. N. 89° 22' 00" W. 122.21'
- 9. N. 89° 22' 00" W. 122.21'
- 10. N. 89° 22' 00" W. 122.21'
- 11. S. 14° 40' 57" E. 135.70'
- 12. S. 14° 40' 57" E. 135.70'
- 13. S. 04° 00' 57" E. 293.94'
- 14. S. 04° 00' 57" E. 293.94'
- 15. S. 04° 00' 57" E. 293.94'
- 16. S. 04° 00' 57" E. 293.94'
- 17. S. 04° 00' 57" E. 293.94'
- 18. N. 10° 17' 26" W. 103.80'
- 19. N. 10° 17' 26" W. 103.80'
- 20. N. 10° 17' 26" W. 103.80'
- 21. N. 10° 17' 26" W. 103.80'
- 22. N. 10° 17' 26" W. 103.80'
- 23. N. 10° 17' 26" W. 103.80'
- 24. N. 10° 17' 26" W. 103.80'
- 25. S. 14° 40' 57" E. 135.70'
- 26. S. 14° 40' 57" E. 135.70'
- 27. S. 04° 00' 57" E. 293.94'
- 28. S. 04° 00' 57" E. 293.94'
- 29. S. 04° 00' 57" E. 293.94'
- 30. S. 04° 00' 57" E. 293.94'
- 31. S. 04° 00' 57" E. 293.94'
- 32. S. 04° 00' 57" E. 293.94'
- 33. S. 04° 00' 57" E. 293.94'
- 34. S. 04° 00' 57" E. 293.94'
- 35. S. 04° 00' 57" E. 293.94'
- 36. S. 04° 00' 57" E. 293.94'
- 37. S. 04° 00' 57" E. 293.94'
- 38. S. 04° 00' 57" E. 293.94'
- 39. S. 04° 00' 57" E. 293.94'
- 40. S. 04° 00' 57" E. 293.94'
- 41. S. 04° 00' 57" E. 293.94'
- 42. S. 04° 00' 57" E. 293.94'
- 43. S. 04° 00' 57" E. 293.94'
- 44. S. 04° 00' 57" E. 293.94'
- 45. S. 04° 00' 57" E. 293.94'
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- 47. S. 04° 00' 57" E. 293.94'
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- 50. S. 04° 00' 57" E. 293.94'
- 51. S. 04° 00' 57" E. 293.94'
- 52. S. 04° 00' 57" E. 293.94'
- 53. S. 04° 00' 57" E. 293.94'
- 54. S. 04° 00' 57" E. 293.94'
- 55. S. 04° 00' 57" E. 293.94'
- 56. S. 04° 00' 57" E. 293.94'
- 57. S. 04° 00' 57" E. 293.94'
- 58. S. 04° 00' 57" E. 293.94'
- 59. S. 04° 00' 57" E. 293.94'
- 60. S. 04° 00' 57" E. 293.94'
- 61. S. 04° 00' 57" E. 293.94'
- 62. S. 04° 00' 57" E. 293.94'
- 63. S. 04° 00' 57" E. 293.94'
- 64. S. 04° 00' 57" E. 293.94'
- 65. S. 04° 00' 57" E. 293.94'
- 66. S. 04° 00' 57" E. 293.94'
- 67. S. 04° 00' 57" E. 293.94'
- 68. S. 04° 00' 57" E. 293.94'
- 69. S. 04° 00' 57" E. 293.94'
- 70. S. 04° 00' 57" E. 293.94'
- 71. S. 04° 00' 57" E. 293.94'
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- 73. S. 04° 00' 57" E. 293.94'
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- 78. S. 04° 00' 57" E. 293.94'
- 79. S. 04° 00' 57" E. 293.94'
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- 81. S. 04° 00' 57" E. 293.94'
- 82. S. 04° 00' 57" E. 293.94'
- 83. S. 04° 00' 57" E. 293.94'
- 84. S. 04° 00' 57" E. 293.94'
- 85. S. 04° 00' 57" E. 293.94'
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- 87. S. 04° 00' 57" E. 293.94'
- 88. S. 04° 00' 57" E. 293.94'
- 89. S. 04° 00' 57" E. 293.94'
- 90. S. 04° 00' 57" E. 293.94'
- 91. S. 04° 00' 57" E. 293.94'
- 92. S. 04° 00' 57" E. 293.94'
- 93. S. 04° 00' 57" E. 293.94'
- 94. S. 04° 00' 57" E. 293.94'
- 95. S. 04° 00' 57" E. 293.94'
- 96. S. 04° 00' 57" E. 293.94'
- 97. S. 04° 00' 57" E. 293.94'
- 98. S. 04° 00' 57" E. 293.94'
- 99. S. 04° 00' 57" E. 293.94'
- 100. S. 04° 00' 57" E. 293.94'



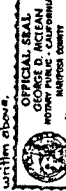
(BELEV)

ACKNOWLEDGMENT

I, the undersigned, being the parties having a record title interest in the land as plotted by this map, hereby consent to the preparation and recording of this map and offer for dedication to Mariposa County all easements as shown on this map and so marked as offered for dedication. This offer of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Richard S. McLaughlin
 National Public in and for the County of Mariposa, State of California

My commission expires FEBRUARY 1979.



My commission expires FEBRUARY 1979.

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My commission expires FEBRUARY 1979.

40' NON-EXCLUSIVE P.U. & ACCESS EASEMENT TO CVA ROAD (HILL) BY PARCEL MAP, BOOK 10, PAGE 11.

LEGEND
 ● Found 3/4" iron pipe, L.S. 3812, unless otherwise indicated hereon.
 ○ Found 1/2" iron rod, L.S. 3812.
 ○ Set 3/4" iron pipe with plastic plug stamped L.S. 3812.
 ○ Set 1/2" iron rod with plastic cap stamped L.S. 3812.
 R1 refers to numbers on reference table.
 P. Prioritized.

BASIS OF BEARING
 The basis of bearing is the West line of this survey as per R1 (N.C. 72) 51' U.I.)

REFERENCES
 1. Parcel Map Book 11, Page 31, Mariposa County Records.

SURVEYOR
 This map was prepared by me or under my supervision and is based on a field survey in compliance with the requirements of the Subdivision Map Act at the request of Dan Belew in May 1978. I hereby state that the parcel map procedures of the local agency have been complied with and that this parcel map conforms to the approved tentative map and the conditions of approval thereof which were required to be fulfilled prior to the filing of the parcel map.



Paul J. Gregory
 Paul J. Gregory, L.S. 3812

COUNTY SURVEYOR
 This map conforms with the requirements of the Subdivision Map Act and local ordinance.
 Date: 5-22-78

COUNTY RECORDER
 Filed this 22 day of August, 1978, at 2:40 P.M. in Book 15 of Parcel Map at Page 8 at the request of Dan Belew

Belewa Layne
 County Recorder
Dianna S. Napoli, Deputy
DAN BELEW
 PARCEL MAP FOR

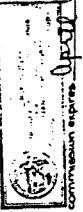
OF A DIVISION OF PARCEL B AS SHOWN ON PARCEL MAP BOOK 11, PAGE 31, MARIPOSA COUNTY RECORDS, SITUATED IN PROJECTED SECTION 6, T. 5S., R. 18E., M.D. 8 M., RANCHO LAS MARIPOsas, MARIPOSA COUNTY, CALIFORNIA.

DATE: MAY, 1978.
 TOTAL AREA: 150.91 ACRES.
 SCALE: 1" = 300'
 APPLICATION NO. 604.

OWNER
 THE UNDERSIGNED, being the parties having a recordable interest in the land as defined by this map, hereby consent to the preparation and recording of this map and offer for subdivision to Mariposa County. My consent is shown on this map and is irrevocable and offered for subdivision. This offer of subdivision by Mariposa County shall remain open until either accepted or rejected in writing by Mariposa County.

[Signature]
 My commission expires _____, 19__.

ACKNOWLEDGMENT
 State of California, ss.
 County of Stanislaus.
 On this 22 day of August, 1978, before me
 a Notary Public in and for said county and state, personally appeared Dan W.C. Staley, Jr. and M.D. Gr. Belew
 known to me to be the persons whose names are subscribed to the foregoing statement, and acknowledged to me that they executed the same.
 Witness my hand and official seal, the day and year in the certificate first written above.

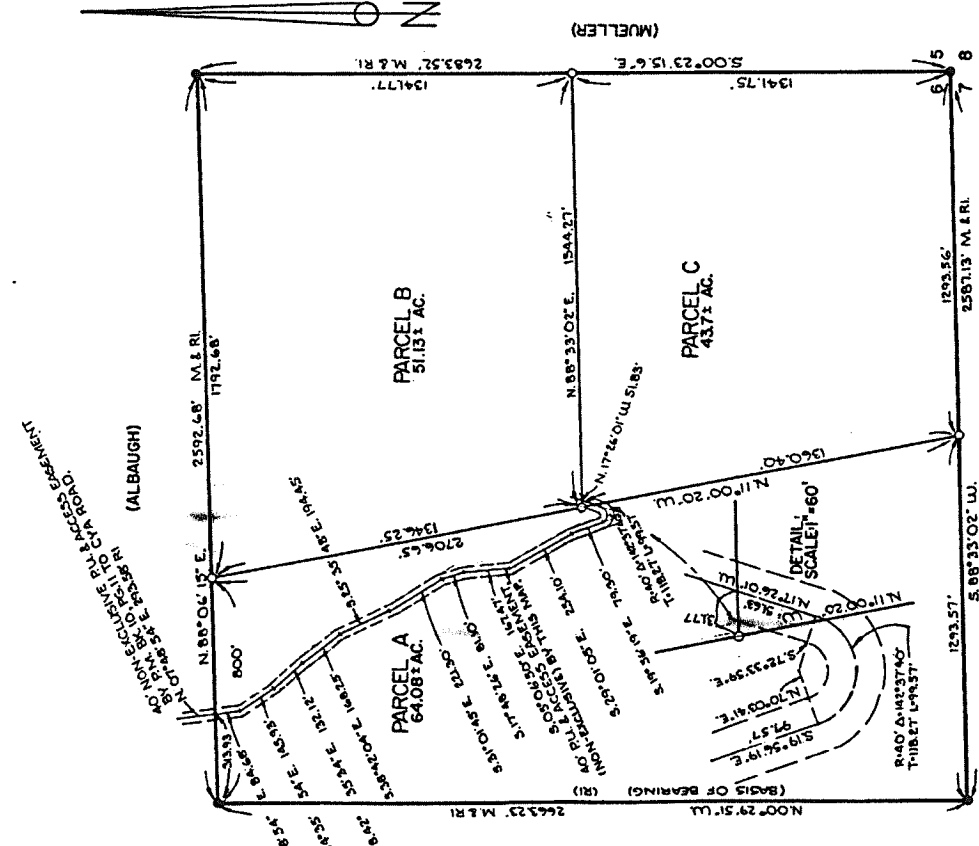


My commission expires April 1, 1981.
TRUSTEE
 THE UNDERSIGNED
 being under a trust deed recorded
 in Volume _____ of Official Records at Page _____, Mariposa County, Records,
 and affecting the land embraced within the area shown on this map, do hereby
 by consent to the making and filing of the same.

By: _____
 _____, before me
 a Notary Public, in and for said county and state, personally appeared _____
 of the corporation that executed the foregoing instrument, and acknowledged to me to be the person who executed it on behalf of said corporation, and acknowledged to me that said corporation
 witnessed the same.
 Witness my hand and official seal, the day and year in the certificate first written above.

ACKNOWLEDGMENT
 State of California, ss.
 County of Mariposa
 On this _____ day of _____, 197____, before me
 a Notary Public, in and for said county and state, personally appeared _____
 of the corporation that executed the foregoing instrument, and acknowledged to me to be the person who executed it on behalf of said corporation, and acknowledged to me that said corporation
 witnessed the same.
 Witness my hand and official seal, the day and year in the certificate first written above.

My commission expires _____, 19__.



(MEYER)