

97-21

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes  No

Public Works recommends that the Board of Supervisors adopt this resolution,

1. Approving the FINAL SUBDIVISION MAP FOR BRIAN J. ANTHONY, Major Subdivision No. 1/13/92;
2. Accepting on behalf of the public, the dedications of public utility easements as shown on said map;
3. Accepting for public use but not maintenance the dedication of public road easement for Mueller Court as shown on said map;
4. Require that the subdivider form a Zone of Benefit for maintenance of Mueller Court, including paying all upfront fees, as required by the County Road Improvement and Circulation Policy; or require the subdivider to form a private Road Maintenance Agreement through a property owners association, with lien rights. In either case, direct staff to review and approve the selected road maintenance mechanism before submitting the map to the Clerk of the Board for signature; and
5. Authorizing the Clerk of the Board to sign the map, upon satisfactory completion of Item 4. above.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

This was submitted for Board approval at their regular meeting on Dec. 12, 1996. The recommendation at that time was to accept the road into the County-maintained road system which was made by the prior Public Works Director based on Section II.H of the County Road Improvement and Circulation Policy. The subject road meets all of the criteria except Paragraph II.H.4.c, connection to another public road or highway. Rigidly interpreted, that provision would suggest that the County not accept this road for maintenance.

The Board declined to accept the road for maintenance, and discussed whether a zone of benefit or private road maintenance association should be formed by the subdivider. Current County policy would stipulate a zone of benefit, however, the Board has waived this requirement within the Mariposa T.P.A. in the past. The Board directed staff to inform the subdivider of its action, reschedule this item for a later Board meeting and invite the subdivider to indicate his preference for either road maintenance option (refer to letter to subdivider, Attachment #1).

State Law and County Code require approval of final maps by the Board of Supervisors. The Mariposa County Road Improvement and Circulation Policy spells out the criteria for acceptance or rejection of dedications; the recommendations contained herein conform to those policies.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

1. State Law requires that the Board approve the map if it conforms to the approved tentative map. The FINAL SUBDIVISION MAP FOR BRIAN J. ANTHONY conforms to the tentative map approved by the Mariposa County Planning Commission on May 8, 1992.
2. The Board could reject the dedications of public utility easements; if so, no public utility easements would be created for the existing utility facilities constructed by Mr. Anthony to serve the lots shown on this map.

COSTS: ( X ) Not Applicable

A. Budgeted current FY> \$ \_\_\_\_\_

B. Total anticipated Costs> \$ \_\_\_\_\_

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. Edwards letter to Anthony dated 12/17/96  
(1 page)

2. Location Map (1 page)

3. Final Subdivision Map for Brian J. Anthony  
(1 page)

**CLERK'S USE ONLY**

Res. No.: 97-21 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:**

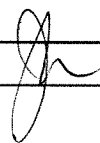
This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted for Comment
- Returned for Further Action

Comment:

\_\_\_\_\_

\_\_\_\_\_



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: MIKE EDWARDS, Public Works Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: FINAL SUBDIVISION MAP FOR BRIAN ANTHONY; RES. 97-21

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 14, 1997

ACTION AND VOTE:

Mike Edwards, Public Works Director;  
Resolution Approving the Final Subdivision Map for Brian J. Anthony, Major Subdivision  
1/13/92 (Continued from 12/10/96)

**BOARD ACTION:** Discussion was held with Mike Edwards and he advised the Board of his discussion with the applicant relative to the road maintenance issue. Brian Anthony/applicant, asked why he is required to build a road to County specifications and then the County will not take the road into its maintained system; noted that the requirement for a curb and gutter will allow leaves to accumulate; stated he prefers to go with a private road maintenance association, but would accept a zone of benefit if it is just for the road in his subdivision. (M)Parker, (S)Reilly, Res. 97-21 adopted approving Final Subdivision Map for Major Subdivision No. 1/13/92/Anthony, applicant; accepting on behalf of the public, the dedications of public utility easements; accepting for public use but not maintenance, the dedication of public road easement for Mueller Court; require the subdivider to form a private Road Maintenance Agreement through a property owners association, with lien rights, subject to review by County Counsel; and authorizing the Clerk of the Board to sign the map, as recommended/Ayes: Unanimous.

cc: Jeff Green, County Counsel  
File  
*Ed Johnson, Planning Dir.*



# COUNTY of MARIPOSA

4639 Ben Hur Road  
Mariposa, CA 95338  
(209) 966-5356 FAX (209) 966-2828

DEPARTMENT OF  
PUBLIC WORKS  
Divisions of:  
• Design & Construction  
• Administration  
• Operations

December 17, 1996

**MICHAEL D. EDWARDS**  
*Director*

Mr. Brian J. Anthony  
P. O. Box 1255  
Mariposa, CA 95338

**Re: Final Map for Major Subdivision 1/13/92**

Dear Mr. Anthony:

This letter will serve to confirm my phone call to you informing you about the Board of Supervisors' action of December 10, 1996, regarding your final subdivision map.

The Board did not act to approve your map. The Board was clear that the only reason they did not approve the map was because they are not willing to accept Mueller Court into the County-maintained road system. The Board further directed me to inform you of this and your two other options for providing for a road maintenance mechanism for Mueller Court, i.e. either (1) a Private Road Maintenance Agreement, with lien rights, through a property owners' association or (2) a County-managed Zone of Benefit through the County Service Area laws.

In our phone conversation, I briefly discussed the pros and cons of each of the two options described above. The Board was interested in your opinion in this regard. The current County policy stipulates that a Zone of Benefit be required; however, the Board has waived this policy in favor of a Private Road Maintenance Agreement for a similar subdivision in the recent past.

As discussed, I will calendar this item for the January 14, 1997 Board agenda. I intend to request requirement of one of the two maintenance mechanisms, and approval of the map with actual recording of the map being held until the required maintenance mechanism is approved by County staff.

I will send you a copy of the Board agenda package when it is complete. You should call my office or the Clerk of the Board at 966-3222 after January 7 to find out the time that this item is scheduled on their agenda.

Anthony - Major Subdivision  
Page 2

In the meantime, if you would like to discuss the two options further, please call my office.

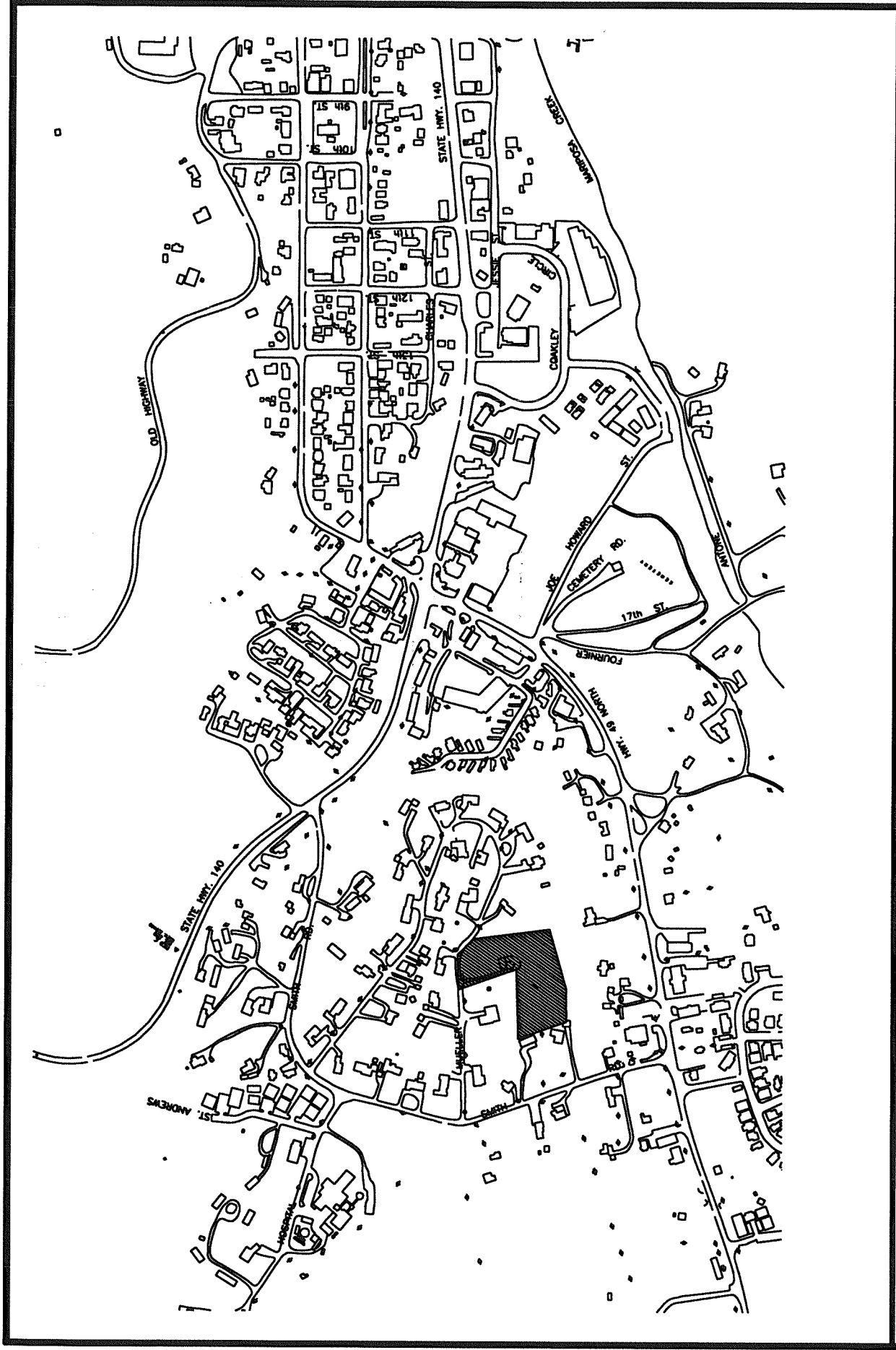
Sincerely,



Michael D. Edwards  
Public Works Director

dp

cc: Charlie Pratt, Associate Surveyor  
Ed Johnson, Planning/Building Director



Drawn By: <u>Chas</u>	County of Mariposa Department of Public Works	Dwg. No. _____
Approved By: _____	LOCATION MAP	Date: <u>11/20/96</u>

# FINAL SUBDIVISION MAP FOR BRIAN J. ANTHONY, TR.

BEING A DIVISION OF LOT 32 OF THE MUELLER SUBDIVISION AND SITUATED IN PERSPECTED SECTIONS 14 & 15, T. 5 S., R. 16 E., M.D.B.M. LANCHES CAS MARIPOSA

SHEET 1 OF 1 SHEET

MARIPOSA COUNTY, CALIFORNIA, UNITED STATES OF AMERICA  
MARCH, 1993

TOTAL SUBDIVIDED AREA = 3.49 ± ACRES

**OWNER'S STATEMENT**  
THE UNDERSIGNED BEING THE PARTY HAVING A RECORD TITLE INTEREST IN THE LAND AS PLOTTED BY THIS MAP, HEREBY CONSENTS TO THE PREPARATION AND RECORDATION OF THIS MAP, FOR ALL PUBLIC UTILITIES, PIPES, CABLES, AND ACCESS AND UNDER THE STRIPS OF LAND DESIGNATED THEREON, TO BE DESIGNATED AS "ROAD" AND "ALLEY" ALONG MUELLER ROAD AND "COUNTY ROAD" AND MUELLER CEMETERY AND "MARIPOSA COUNTY STATE" REMAIN OPEN UNTIL EITHER ACCEPTED OR REJECTED, IN WRITING, BY MARIPOSA COUNTY.

**ACKNOWLEDGEMENT**  
STATE OF CALIFORNIA } ss.  
COUNTY OF MARIPOSA }  
ON JULY 23, 1993, BEFORE ME DOUGLAS A. BRADSHAW, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN J. ANTHONY, TR. WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN FULL FREEDOM OF MIND AND UNDER THE PRESSURE OF WHICH THE PERSON ACTED EXECUTED THE INSTRUMENT.  
WITNESS MY HAND AND SIGNATURE: Douglas A. Bradshaw  
MY COMMISSION EXPIRES JULY 23, 1996

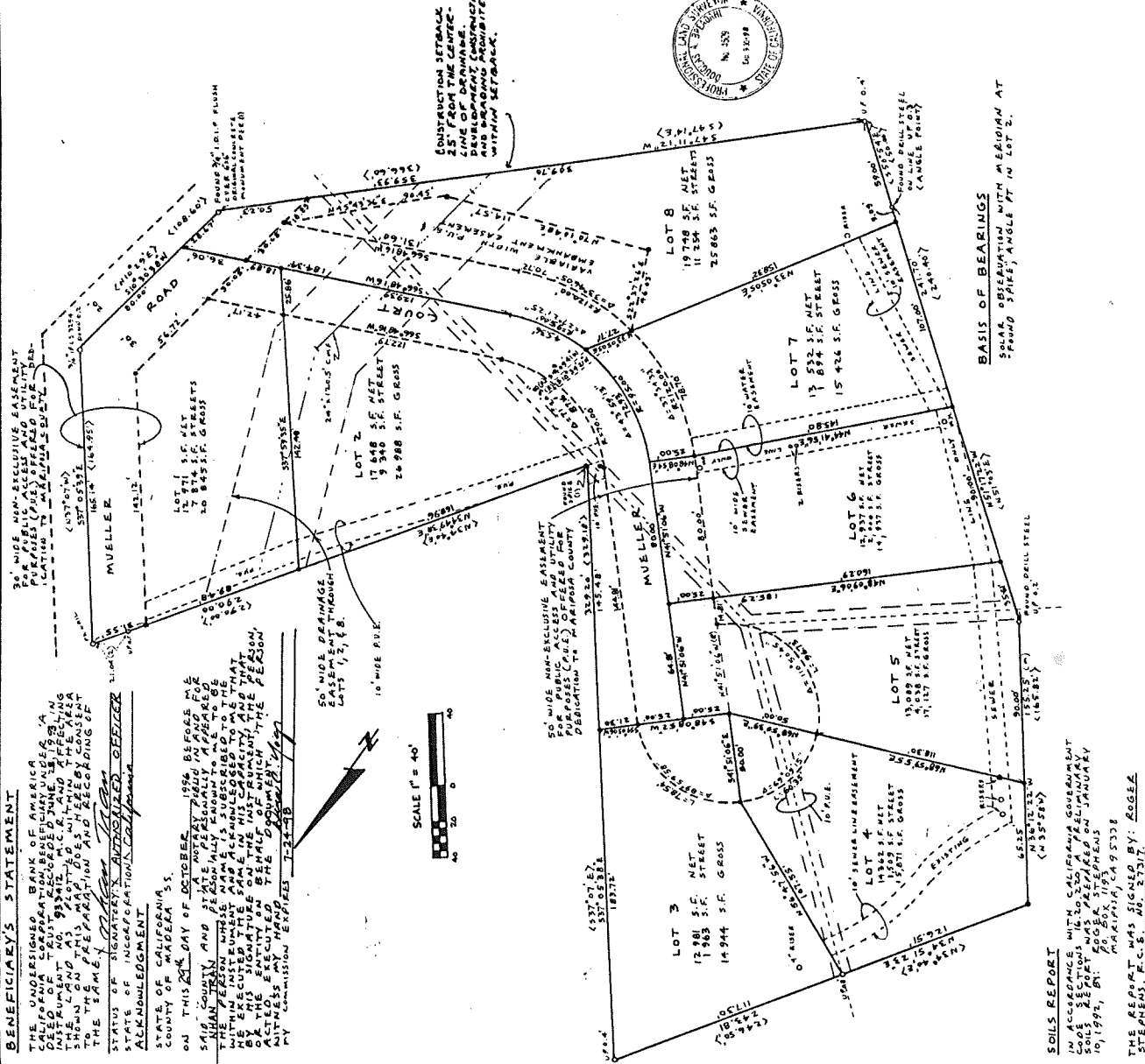
**COUNTY SURVEYOR'S STATEMENT**  
OF CALIFORNIA HEREBY STATE THAT I HAVE EXAMINED THIS FINAL SUBDIVISION MAP PREPARED BY THE SURVEYOR AND THE SUBDIVISION MAP AND THAT ALL DIVISIONS OF STATE LAND AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS IN THIS COUNTY ARE TECHNICALY CORRECT, AND THAT I AM SATISFIED THAT THE DATE:  
COUNTY SURVEYOR

**LICENSED LAND SURVEYOR'S STATEMENT**  
THIS MAP TELLS AND CIRCUMSTANTIALY REFLECTS A FIELD SURVEY MADE BY ME, THE LAND SURVEYOR, AND LOCAL ORANGE COUNTY RECORDS WITH THE RESULTS OF THE SURVEY. THE MAP SHOWS THE POSITIONS OF THE CHARACTER SPONSOR ON THIS MAP OCCUPY THE POSITIONS INDICATED AND THESE ARE TO BE USED TO BE, RETURNED TO THE SURVEYOR'S OFFICE, L.S. 4509

**COUNTY RECORDERS STATEMENT**  
FILED THIS DAY OF \_\_\_\_\_ 1993 AT \_\_\_\_\_ M., IN \_\_\_\_\_ COUNTY, CALIFORNIA.  
BOOK OF MAPS AT PAGE \_\_\_\_\_ AT THE REQUEST OF BRIAN J. ANTHONY, TR. (DEBIT)

**LEGEND**  
O MONUMENTS FOUND AND ACCEPTED, 3/4" DIAMETER TAGGED L.S. 3812, OR AS NOTED  
● MONUMENTS SET 3/4" DIAMETER TAGGED L.S. 4509, OR AS NOTED, UP OR  
--- ROAD RIGHT-OF-WAY LINES  
--- RECORD DATA PER REBERT MUELLER SUBDIVISION MAP, PAGE 674, M.C.R.  
--- MARIPOSA COUNTY RECORDS  
--- MEASURED UTILITY (A) RADIAL  
--- POE POWER TRANSMISSION LINE WITH LOCATED POLE  
--- DRAINAGE EASEMENT LIMITS & POE EASEMENT LIMITS  
--- 6" DRILL HOLES  
--- 6" DRILL HOLES

**REFERENCES**  
(1) UNRECORDED RECORD OF SURVEY FOR BRIAN ANTHONY BY PAUL GREGORY, AUGUST, 1991  
(2) DECLARATION, DOCUMENT NO. \_\_\_\_\_, M.C.R.  
(3) DECLARATION, DOCUMENT NO. \_\_\_\_\_, M.C.R.



**BENEFICIARY'S STATEMENT**  
THE UNDERSIGNED, BRIAN J. ANTHONY, TR., OF THE COUNTY OF MARIPOSA, CALIFORNIA, DO HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED AND ACCEPTED THE BENEFIT OF THE SURVEY AND RECORDATION OF THIS MAP AND THAT I AM SATISFIED THAT THE DATE:  
COUNTY SURVEYOR

**SOILS REPORT**  
IN ACCORDANCE WITH CALIFORNIA GOVERNMENT SOILS REPORTING ACT, A SOILS REPORT WAS PREPARED ON JANUARY 10, 1993, BY: ROGER STEPHENS, MARIPOSA, CA 95378  
THE REPORT WAS SIGNED BY: ROGER STEPHENS, P.C.S. NO. 27317