RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes _ No X)
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: ________________________________
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: ________________________________

Action Form Revised 8/20/94
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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

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

Sincerely,

[Signature]

Michael D. Edwards
Public Works Director

dp

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