

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes No)

1. Adopt the attached Resolution of Intention to dissolve The Apple Seed Lane Maintenance Zone of Benefit associated with the Parcel Map for William Maikranz; per a request filed by property owners within or adjoining said Zone of Benefit.
2. Set a date and time for a Public Hearing:
 - a. to consider the elimination of the extended road maintenance services currently provided in the Zone of Benefit to be dissolved, and
 - b. to determine the appropriate charges for the dissolutionment process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Under current County policy, Zones of Benefit for road maintenance shall be required for "all subdivision roads utilizing existing roads currently maintained by a Zone of Benefit." On November 17, 1992, the Board of Supervisors, through Resolution No. 92-596, approved (the formation of) the Apple Seed Lane Maintenance Zone of Benefit for the Parcel Map for William Maikranz. On November 13, 1995, the Public Works Department received an informal petition to dissolve said Zone of Benefit. See attached Staff Report for additional information.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Continue maintenance of "Zone" roads through the Zone of Benefit, while other roads are maintained privately. Services will not be delivered as efficiently.
2. Require applicants to annex adjacent property into the existing Apple Seed Lane Maintenance Zone of Benefit. Solution is contrary to waiver of zone requirement previously granted to developer.

COSTS: () Not Applicable

A. Budgeted current FY> \$ 0

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. Resolution of Intention (2 pages) _____
 2. Staff Report (2 pages) _____
 3. Zone of Benefit Map _____
- _____
- _____
- _____
- _____
- _____

CLERK'S USE ONLY

Res. No.: 96-33 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: _____

A.O. Initials: BA

**A RESOLUTION OF INTENTION TO DISSOLVE THE
APPLE SEED LANE MAINTENANCE ZONE OF BENEFIT
ASSOCIATED WITH THE PARCEL MAP FOR WILLIAM MAIKRANZ**

WHEREAS, RICHARD L. McMECHAN, CAROL A. McMECHAN, TIMOTHY EDWIN CLAIBORNE, RAYLENE JOY CLAIBORNE, DARIN P. McMECHAN, JENNIFER R. McMECHAN, CURTIS KNIGHT, S. LORENE KNIGHT, LARRY W. RICHARDS and DIANE J. RICHARDS, as applicants and landowners of the property within or adjoining the boundaries of the Apple Seed Lane Maintenance Zone of Benefit, Application No. Z92-04, have made application for the dissolutionment of the Apple Seed Lane Maintenance Zone of Benefit that was formed to provide road maintenance services within Countywide County Service Area No. 1, in accordance with the provisions of Mariposa County Resolution No. 90-140; and

WHEREAS, the zone of benefit dissolutionment applied for is in an unincorporated area within the boundaries of the County of Mariposa; and

WHEREAS, the terms, conditions and reasons for this zone of benefit dissolutionment are expressed in an informal application presented to the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board of Supervisors will hold a public hearing on March 5, 1996, at 10:00 A.M., in the Board of Supervisors Meeting Room, County Courthouse, Mariposa, California, to consider elimination of the road maintenance services provided by the zone of benefit established by Mariposa County Resolution No. 92-596, and a determination of the appropriate charges for the extended services to be provided.

A RESOLUTION OF INTENTION TO DISSOLVE THE
APPLE SEED LANE MAINTENANCE ZONE OF BENEFIT
ASSOCIATED WITH THE PARCEL MAP FOR WILLIAM MAIKRANZ

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall give notice of such public hearing as required in Government Code Section 25210.33.

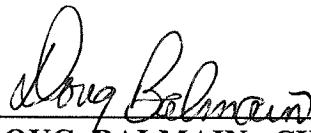
PASSED AND ADOPTED this 23rd day of January, 1996 by the Mariposa County Board of Supervisors by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, and Taber

NOES: None


ABSENT: None

ABSTAINED: None



DOUG BALMAIN, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel

APPLICATION: Proposed Dissolutionment of the
Apple Seed Lane Maintenance Zone of Benefit
Zone of Benefit Application No. Z92-04

APPLICANTS: Richard L. McMechan and Carol A. McMechan
Timothy Edwin Claiborne and Raylene Joy Claiborne
Darin P. McMechan and Jennifer R. McMechan
Curtis Knight and S. Lorene Knight
Larry W. Richards and Diane J. Richards

PROJECT DESCRIPTION:

The applicants have proposed to dissolve the Apple Seed Lane Maintenance Zone of Benefit, which provides road maintenance on Apple Seed Lane, and portions of Nutter Ranch Road. This "road system" currently provides the primary access to a 136.92 acre area containing seven (7) parcels; and with the filing of the Parcel Maps associated with Land Division Application Numbers 1448 and 1451, said "road system" will serve thirteen (13) parcels. The existing zone of benefit only includes four (4) of the parcels served by the road system.

LOCATION:

The project site is located on the southwestern side of Highway 49 South, approximately one mile east of the East Fork of the Chowchilla River, and fronts on the Bootjack-Ahwahnee Road (a County Road). The site is composed of the following seven (7) parcels: APN 017-220-042, ±51.97 acres; APN 017-220-046, ±27.90 acres; APN 017-220-047, ±12.34 acres; APN 017-220-052, ±6.28 acres; APN 017-220-053, ±6.64 acres; APN 017-220-054, ±5.00 acres; and APN 017-220-055, ±26.79 acres. The project site comprises a total of ±136.92 acres (refer to attached map).

BACKGROUND:

Parcels C, D and Remainder, Parcel Map Book 23, Page 17; recorded July 27, 1987.

RELATIONSHIP TO GENERAL PLAN AND EXISTING ZONES: The project site is located in the Mountain Home (five acre minimum parcel size) land use classification, and is also regulated by a Development Agreement 89-2, approved and adopted by the Board on August 22, 1989, through Ordinance No. 751. The development agreement, among other things, limits development within the project site to a maximum of seventeen (17) parcels. The site is also included in the **Zone of Benefit for Miami Mountain Snowplowing** of the County Road known as the Bootjack-Ahwahnee Road.

ENVIRONMENTAL REVIEW: The project site has been reviewed under three separate applications (LDAs 1377, 1400, and 1451). In each case, an initial study was prepared and a Negative Declaration was adopted by the Mariposa County Planning Commission.

STAFF RECOMMENDATION and DISCUSSION:

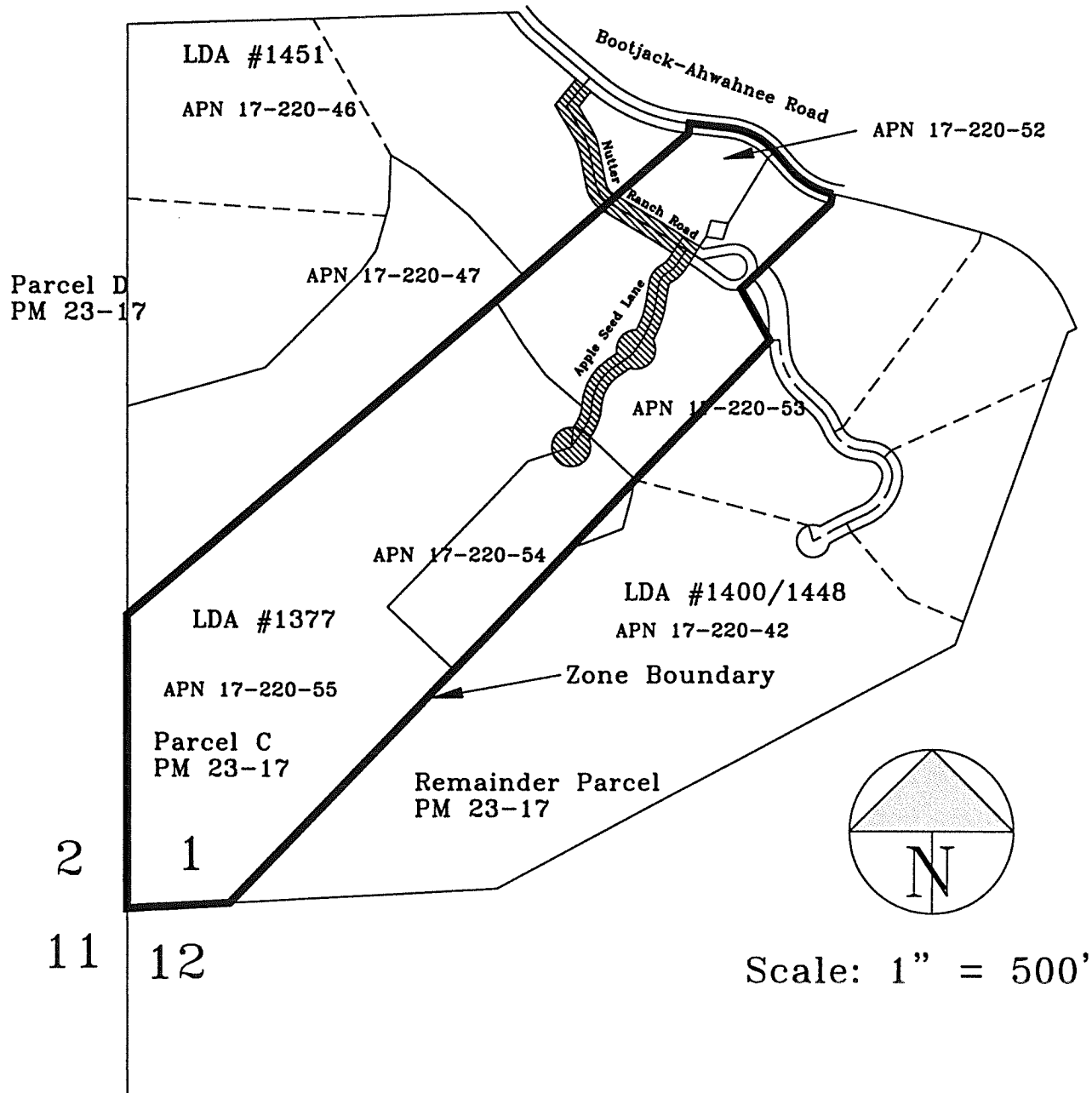
Staff recommends that the Board of Supervisors adopt a Resolution of Intention to Dissolve the Apple Seed Lane Maintenance Zone of Benefit associated with the Parcel Map for William Maikranz, and set a date and time for a Public Hearing to consider elimination of the extended road maintenance services currently being provided by said zone of benefit.

The Public Works Department has encouraged and supported the creation and expansion (through annexation) of zones of benefit, as required by Board policy direction. Since the formation of the Apple Seed Lane Maintenance Zone of Benefit in 1992, modifications to policy by the Board have provided that road maintenance on the subdivided property adjacent to said Apple Seed Lane Zone of Benefit, can be by private maintenance association(s). The final conditions of approval for LDA 1448 (along the southeasterly boundary of the zone) and LDA 1451 (along the northwesterly boundary of the zone), have waived the requirements for zones of benefit for the on-site roads. If the existing zone of benefit continues, the zone area will be a maintenance island of four parcels, between two adjacent areas, containing nine additional parcels, that are privately maintained.

The concept of the zone of benefit program was to provide property owners with a cost effective alternative to road maintenance on private roads. In order to effectively and efficiently provide maintenance on the roadshed in the project site, a single maintenance entity should have control and responsibility for the entire road system. Therefore, at the request of the affected property owners, the Public Works Department recommends that the Board conditionally dissolve the existing Apple Seed Lane Maintenance Zone of Benefit.

The existing zone of benefit was formed as a result of a condition of approval placed on LDA 1377, for William Maikranz. The Apple Seed Lane Maintenance Zone of Benefit was approved and adopted by the Board on November 17, 1992, through Resolution No. 92-596. A Notice of Zone Formation was recorded on January 21, 1993, as Document No. 930286, in conjunction with, and referenced on the Parcel Map for William Maikranz, recorded in Book 26, Page 2, Mariposa County Records. Since the formation of this zone of benefit was required and since its existence is a matter of public record, County Counsel has recommended that all affected properties owners shall be subject to, and a signatory of, the private maintenance association that replaces and assumes the maintenance responsibility of the zone of benefit. At the time of the public hearing, staff will include a set of conditions that should be approved in conjunction with a Resolution to Dissolve Apple Seed Lane Maintenance Zone of Benefit. Public Works Department staff will work with County Counsel to assure that any required stipulations are included prior to final action on the dissolutionment.

Attachment 3 - Zone of Benefit Map Associated with the proposed Zone Dissolutionment of the Apple Seed Lane Maintenance Zone of Benefit.



Apple Seed Lane Maintenance Zone of Benefit
Situating in the S 1/2 Section 1, T.6 S., R.20 E., M.D.B. & M.

L.D.A. = Land Division Application