

DEPARTMENT: PLANNING

BY: GRETA HUDAK

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No X)

Adopt a resolution, accepting gift of property along Mariposa Creek (commonly known as APN: 13-210-14) to the County of Mariposa from Ms. Margaret Tuthill.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative - Take no action; County would not acquire property along Mariposa Creek.

Consequence of negative action (rejecting gift) is same as no action alternative.

COSTS: (x) Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

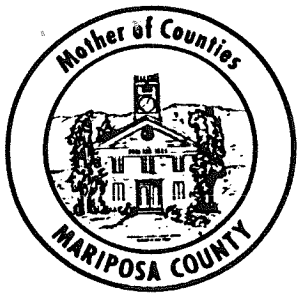
SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Memo to Board _____
2. Vicinity Map _____
3. Draft Resolution _____
4. Draft Acceptance Letter _____
5. Letter from attorney representing Ms. Margaret Tuthill _____

CLERK'S USE ONLY:
Res. No.: 95-19
Vote - Ayes: 5
Absent: _____
Approved: _____
Minute Order Attached ()
Ord. No. _____
Noes: _____
Abstained: _____
() Denied
() 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
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment: _____
A.O. Initials: *W*



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

January 9, 1995

TO: Board of Supervisors

FROM: Greta Hudak, Assistant Planner G.H.
Edward Johnson, Planning Director *EJ*

SUBJECT: Request for Qualified Appraisal of proposed gift to the County of Mariposa of property along Mariposa Creek (Agenda Item 9-B, 1/10/95 Board Meeting)

On January 9, 1995, our office received a request from Ms. Margaret Tuthill's attorney that a "Qualified Appraisal" be secured by the County of Mariposa for her proposed gift property (see attached letter).

This item has been scheduled for Board consideration on January 10, 1995 at 11:00 a.m., agenda item 9-B. Based upon this recent request, staff has revised its recommendation to the following (revisions are in *italics*):

Staff recommends that the Board adopt a resolution, accepting the gift of the property along Mariposa Creek, commonly know as APN 13-210-14 from Ms. Margaret Tuthill and authorize the Chairman to sign a letter accepting her offer. *In addition, staff recommends that the Board direct the County Assessor's Office to provide Ms. Tuthill a "Qualified Appraisal" prepared by a "Qualified Appraiser" which satisfies the requirements of the Internal Revenue Service (IRS) in connection with this gift, and to execute such portions of IRS Form 8283 as necessary.*

CC: Jeffrey Green, County Counsel
Gary Estep, Assessor's Office
Mike Coffield, Administrative Officer

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

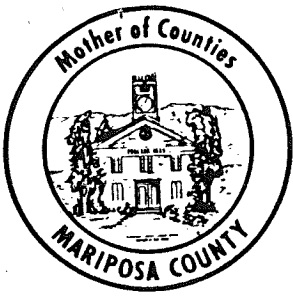
TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Proposed Gift to the County of Mariposa
of Property Along Mariposa Creek
Resolution Number 95-19

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on January 10, 1995

ACTION AND VOTE:

10:48 a.m. Ed Johnson, Planning and Building Director;
B) Resolution Accepting Proposed Gift to the County of
Mariposa of Property Along Mariposa Creek
BOARD ACTION: Jeff Green/County Counsel, advised that
Public Works and Planning Directors feel it is in the
County's best interest to accept this gift, and that it
would be about \$200.00 to provide the appraisal as requested
by the donor. (M)Taber, (S)Balmain, Res. 95-19 adopted
accepting gift from Ms. Margaret Tuthill and authorizing
staff to obtain the appraisal and process the necessary
documents/Ayes: Unanimous.

cc: Mike Coffield, County Administrative Officer
Mike Edwards, Public Works Director
Gary Estep, Assessor
Jeffrey G. Green, County Counsel
File



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

MEMORANDUM

December 28, 1994

TO: Board of Supervisors

FROM: Greta Hudak, Assistant Planner
Edward Johnson, Planning Director

RE: Proposed gift of Property along Mariposa Creek to the County of Mariposa

RECOMMENDED ACTION

Staff recommends that the Board adopt a resolution, accepting the gift of the property along Mariposa Creek, commonly known as APN: 13-210-14, from Ms. Margaret Tuthill and authorize the Chairman to sign a letter accepting her offer.

BACKGROUND

On October 25, 1994, the Planning Department received a letter from an attorney representing Ms. Tuthill, offering to the County an unimproved parcel located within the Mariposa Creek floodway. The subject parcel is between Miller Road and MPUD property, just downstream of the MPUD treatment plant.

DISCUSSION AND JUSTIFICATION

Staff recommends the Board accept the gift based upon the County's plans for the Mariposa Creek Project. In general, the Mariposa Creek Project was included in the Mariposa Specific Plan to be developed along Miller Road, adjacent to the Mariposa Creek. A conceptual plan of the trail path was developed to include areas for picnicking, bike riding, parking, etc. The Specific Plan further states that, "A majority of future development of the Mariposa Creek Park will require acquisition of land along the Park's proposed alignment. Accordingly, the parcel has value for the County's future development of the creek park. In the event that the Mariposa Creek Project is never developed, the County would lose approximately \$7 per year in property taxes. (The assessed value of the property is \$704 under the current owner.)

The Board will also need to make a finding that acquisition of the property is in the public's best interest.

MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 95-19

A RESOLUTION ACCEPTING PROPOSED GIFT OF PROPERTY ALONG
MARIPOSA CREEK TO MARIPOSA COUNTY
(APN 13-210-14)

WHEREAS, Mariposa County has been offered a parcel for no consideration from Margaret Tuthill identified as the real property described in Exhibit "A" attached hereto; and

WHEREAS, the Public Improvement Programs section of the Mariposa Town Planning Area Specific Plan describes conceptual plans for the corridor development of the Mariposa Creek Project along Mariposa Creek from the CDF offices along Highway 49 North to the fairground; and

WHEREAS, said parcel is located within the Mariposa Creek Floodway and Mariposa Creek Project Area as specified in the Specific Plan; and

WHEREAS, the Specific Plan states that, "A majority of future development of the Mariposa Creek Park will require acquisition of land along the Park's proposed alignment"; and

WHEREAS, the parcel has value for the County's future development of the Creek Park; and

WHEREAS, the Board of Supervisors hereby finds that the acquisition of said property is in the public's best interest;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that the County hereby accepts the real property described in Exhibit "A" attached hereto and authorizes

1 County Counsel and/or the County Administrative Officer to
2 execute such documents as may be necessary to transfer.


3 PASSED AND ADOPTED by the Mariposa County Board of Supervisors
4 this 10th day of January 1995, by the following vote.

5 AYES: REILLY, BALMAIN, STEWART, PARKER, TABER

6 NOES: NONE

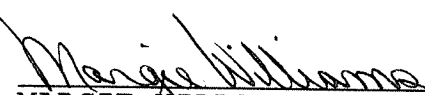
7 ABSENT: NONE


8 ABSTAINED: NONE

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11 _____
12 Garry R. Parker, Chairman
13 Mariposa County Board of Supervisors

14 ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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16 _____
17 MARGIE WILLIAMS
18 Clerk of the Board

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16 _____
17 JEFFREY G. GREEN
18 County Counsel

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EXHIBIT "A"

Legal Description

Commencing at Corner No. 1, being a point on the westerly line of Mariposa Creek, from whence the corner common to the said Sections 23, 24, 25 and 26, said Township and Range, bears north 10° 05' east 294.44 feet; and running thence, from the said Corner No. 1, south 67° 03' west 65.30 feet to Corner No. 2, being a point on the easterly line of the said Mariposa-Mormon Bar Road; thence along the said easterly line of the said Mariposa-Mormon Bar Road, south 33° 49' east 103.83 feet to Corner No. 3, being identical with Corner No. 3 of the so-called "Emile T. Autrand Tract No. 2", conveyed by the party of the first part to Emile T. Autrand and Mayme A. Autrand, his wife, by deed dated this 17th day of July, 1941; and thence leaving the said easterly line of the said Mariposa-Mormon Bar Road, and running north 72° 31' west 61.24 feet to Corner No. 4, identical with Corner No. 2 of the said Emile T. Autrand Tract No. 2, and being a point on the westerly line of the said Mariposa Creek; and thence north 31° 09' west 108.60 feet to the said Corner No. 1 and the point of Commencement; containing 0.148 acres, more or less; magnetic variation 17° 40' east; and being a portion of the said northeast quarter (N.E. 1/4) of the northeast quarter (N.E. 1/4) of the said Section 26, and a portion of the northwest quarter (N.W. 1/4) of the northwest quarter (N.W. 1/4) of the said Section 25; and known as the "Erwin J. Autrand Tract No. 2".

Each of the said corners of the said tracts of land hereby conveyed is marked by a drill steel, driven into and flush with the ground, and scribed with the appropriate number of the corners and with the figures and letters "1252 LS". Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

Subject, also, to all rights of way over, across and in the said tract of land, or either or both thereof; hereby conveyed for telephone and telegraph lines and lines for the transmission and distribution of electricity.