

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

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

1. Adopt the attached Resolution Conditionally Dissolving The Zone of Benefit for Grape Patch Estates, with the recommended conditions; and authorize the Chairman to sign the attached Statement of Zone Dissolutionment;
2. Adopt the attached Resolution Rescinding Assessment Fees for The Zone of Benefit for Grape Patch Estates;
3. Authorize the Chairman of the Board to sign the attached Notice of Zone Dissolutionment;
4. Authorize the filing of the Statement of Zone Dissolutionment with the State Board of Equalization;
5. Authorize the recordation of the Notice of Zone Dissolutionment, into the Official Records; and
6. Authorize the release of all unencumbered proceeds from The Zone of Benefit for Grape Patch Estates account to the newly formed home owners association, once all processing charges have been billed, required fees paid, and any existing debts and/or obligations are satisfied.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and leave the existing zone of benefit in place to insure the maintenance of their road system.

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. Staff Report(4 pages)
(w/6 Attachments: 37 pages)
2. Resolution to Dissolve
w/Statement of Zone Dissolutionment and
(w/2 Exhibits: 5 pages)
3. Fee Rescission Resolution
(w/2 Exhibits: 5 pages)
4. Notice of Dissolutionment
(w/2 Exhibits: 4 pages)

CLERK'S USE ONLY

Res. No.: 95-311 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: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING on the Matter of Dissolving the
Grape Patch Estates Road Maintenance Zone of
Benefit;
Res. #95-311 (Conditionally Dissolving Zone) and
Res. #95-312 (Rescinding Assessment Fees)

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 27, 1995

ACTION AND VOTE:

11:28 a.m. Mike Edwards, Public Works Director;

A) PUBLIC HEARING on the Matter of Dissolving The
Grape Patch Estates Road Maintenance Zone of Benefit
BOARD ACTION: Mike Edwards presented staff report and
advised the Board of a correction to the conditions of
approval in Exhibit "C" - Board concurred with the change.
Mike Edwards and Bruce Atkinson/PWD-Special Projects
Coordinator, responded to questions from the Board relative
to participation of the one property owner who did not agree
to dissolving the Zone; and relative to the process. Public
portion of the hearing was opened and the following provided
input: John Kasnick presented the Board with 13
individually signed requests to dissolve the Zone. Public
portion of the hearing was closed and Board commenced with
deliberations. (M)Taber, (S)Reilly, Res. 95-311 adopted
conditionally dissolving the Zone; Res. 95-312 adopted
rescinding assessment fees; authorization was given for
Chairman to sign Statement and Notice of Zone
Dissolutionment and filing and recordation of same as
appropriate; and authorizing the release of all unencumbered
proceeds from the Zone account to the newly formed home
owners association as recommended/Ayes: Unanimous. Hearing
was closed.

cc: Jeffrey G. Green, County Counsel
Ken Hawkins, Auditor

MARIPOSA COUNTY RESOLUTION NO. 95-312

**A RESOLUTION RESCINDING ASSESSMENT FEES FOR
THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES
(Not to be codified)**

WHEREAS, Zones of Benefit dissolved prior to January 1, 1996 are to be assessed fees during the calendar year of 1995, for the services previously rendered in the "zone" being dissolved; and.

WHEREAS, the existing fees were established through a public hearing process held on May 2, 1989, and validated through Mariposa County Ordinance No. 766 passed on March 12, 1990;

WHEREAS, the existing Zone of Benefit for Grape Patch Estates was dissolved through a public hearing process held on June 27, 1995;

NOW, THEREFORE, BE IT RESOLVED, THE BOARD OF SUPERVISORS, of the County of Mariposa, a political subdivision of the State of California, that the Board hereby establishes as follows:

SECTION I: In regards to the **ZONE OF BENEFIT FOR GRAPE PATCH ESTATES**; during the public hearing on June 27, 1995, the Board adopted Resolution No. 95-311 dissolving the Zone of Benefit for Grape Patch Estates. All unencumbered funds that had previously been paid into the Auditor's account for the Zone of Benefit for Grape Patch Estates, shall be refunded to the Grape Patch Estates Property Owners' Association, allocated to said Association's maintenance fund, within sixty (60) days of the Board's adoption of said Resolution dissolving the zone, less any sums incurred by Mariposa County to dissolve the **ZONE OF BENEFIT FOR GRAPE PATCH ESTATES**. A legal description and map of the boundaries of said Zone of Benefit are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.

MARIPOSA COUNTY RESOLUTION NO. 95-312

A RESOLUTION RESCINDING ASSESSMENT FEES FOR
THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES
(Not to be codified)

SECTION II: This Resolution shall become effective thirty days from the date of final passage pursuant to California Government Code Section 25123.

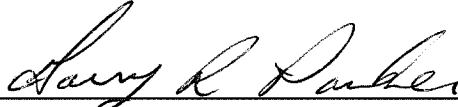
PASSED AND ADOPTED this 27th day of June, 1995
by the Mariposa County Board of Supervisors by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER and TABER

NOES: NONE

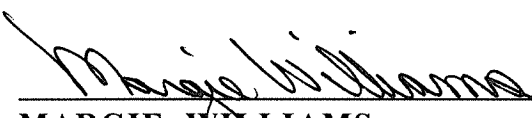
ABSENT: NONE

ABSTAINED: NONE



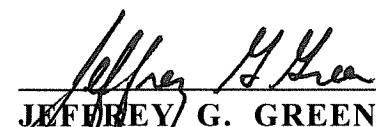
GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



JEFFREY G. GREEN
County Counsel

EXHIBIT "A"
LEGAL DESCRIPTION FOR
THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

All that certain real property situate in the County of Mariposa, State of California, described as follows:

A tract of land situated in a portion of Section 5 and Section 6, all in Township 6 South, Range 20 East, Mount Diablo Base and Meridian; said tract of land being more particularly described as follows:

The South one-half of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 5; and the Southeast quarter of the Northeast quarter of Section 6.

EXCEPTING THEREFROM, all that portion of said Southeast quarter of the Northeast quarter of Section 6, described as follows:

COMMENCING at the Southeast corner of said Southeast quarter of the Northeast quarter of Section 6, said point being the POINT OF BEGINNING for this description; thence along the Easterly line of said Southeast quarter of the Northeast quarter, North 00° 33' 15" West, 687.85 feet to a point, said point being the Northeast corner of the South one-half of said Southeast quarter of the Northeast quarter, said point being located South 00° 33' 15" East, 687.85 feet from the Northeast corner of said Southeast quarter of the Northeast quarter; thence leaving the Easterly line of said Southeast quarter of the Northeast quarter, and running Northwesterly, North 84° 10' 44" West, 1324.21 feet to a point on the Westerly line thereof, said point being located South 00° 45' 44" East, 597.26 feet from the Northwest corner of said Southeast quarter of the Northeast quarter; thence along the Westerly line of said Southeast quarter of the Northeast quarter South 00° 45' 44" East, 759.64 feet, to the Southwest corner thereof; thence along the Southerly line of said Southeast quarter of the Northeast quarter South 87° 16' 27" East, 1315.42 feet, more or less, to the POINT OF BEGINNING.

TOGETHER WITH all that portion of the Northeast quarter of the Northeast quarter of Section 6 described as follows:

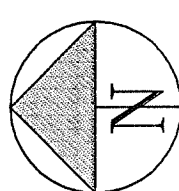
COMMENCING at the Southeast corner of said Northeast quarter of the Northeast quarter of Section 6; thence Northwesterly, along the Southerly line of said Northeast quarter of the Northeast quarter, North 88° 06' 09" West, 482.40 feet to a point, said point being the POINT OF BEGINNING for this description; thence continuing Northwesterly along said Southerly line of the Northeast quarter of the

EXHIBIT "A"

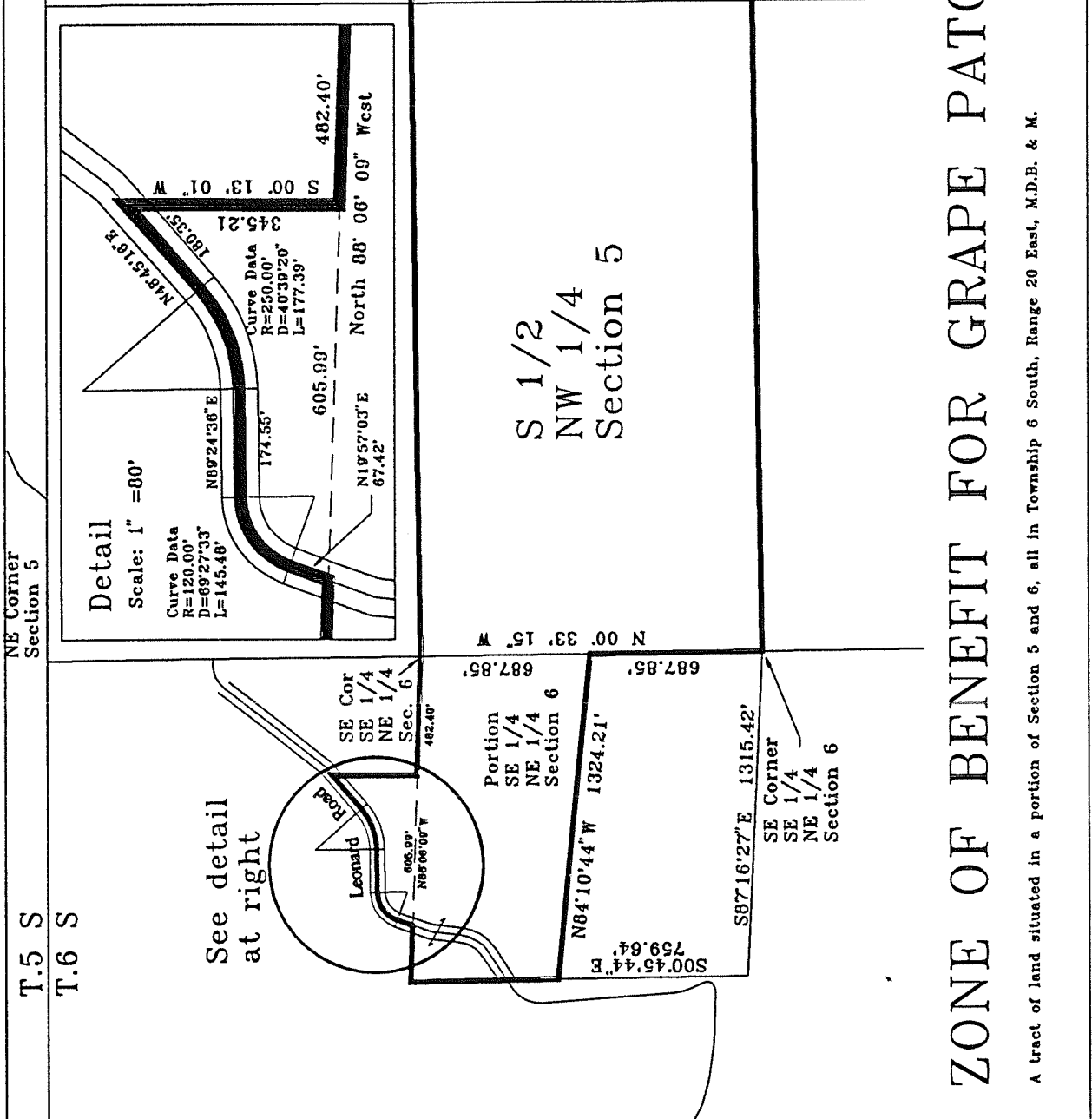
LEGAL DESCRIPTION FOR THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

Northeast quarter, North 88° 06' 09" West, 605.99 feet, more or less, to a point on the centerline of that certain County Road known as Leonard Road; thence leaving said Southerly line of the Northeast quarter of the Northeast quarter, and running Northeasterly along said centerline of Leonard Road, North 19° 57' 03" East, 67.42 feet; thence continuing along the centerline of Leonard Road, along a tangent curve to the right, concave to the Southeast, with a radius of 120.00 feet, through a central angle of 69° 27' 33", an arc length of 145.48 feet; thence continuing along said centerline, North 89° 24' 36" East , 174.55 feet; thence continuing along the centerline of Leonard Road, along a tangent curve to the left, concave to the Northwest, with a radius of 250.00 feet, through a central angle of 40° 39' 20", an arc length of 177.39 feet; thence continuing along said centerline, North 48° 45' 16" East , 180.35 feet to a point, said point being the most easterly point of this description; thence leaving said centerline of Leonard Road, and running Southwesterly, South 00° 13' 01" West, 345.21 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT "B"



Scale: 1" = 200'



ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

A tract of land situated in a portion of Section 5 and 6, all in Township 6 South, Range 20 East, M.D.B. & M.