

DEPARTMENT: Public Works

By: Michael D. Edwards Phone: 966-5356  
Public Works Director.

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

Public Works requests discussion and direction regarding purchase of an easement and construction of an access road off of Fairgrounds Drive.

In 1980, regarding an inspection for the land division in question, a Road Department employee mistakenly reported that "paved County road serves Parcel A - gravel County road serves Parcels B and C." (refer to attached map). In actual fact, this portion of Fairgrounds Drive that serves parcels B & C is a private road. The County has subsequently purchased a portion of Fairgrounds Drive, up to a short distance past the southwest corner of Parcel B. John Seidlitz, the owner of the road, has been unwilling to allow the owner of Parcel C to use Fairgrounds Drive for access to Parcel C. County Counsel is of the opinion that the County has an obligation to assure said access.

The County has therefore negotiated with an adjacent landowner for an easement to allow access across Parcels A and B to Parcel C. This would also require the construction of a road. The cost of the easement is \$9,087.20, as detailed in the attached letter, F. Dana Walton to Jeffrey G. Green, dated September 6, 1995. Cost of the road would be approximately \$7,200 to meet current standards and \$3,700 to meet the standards in existence at the time the land division was approved. The Planning Department has recommended against the request in Mr Walton's letter for a waiver of the requirement for a commercial encroachment on Parcel A, (see memo, Williams/Johnson to Green dated September 15, copy attached).

In 1992, the Assessor's office appraised the portion of Fairgrounds Drive required to provide access to the subject parcel at \$3,000. The owner of Fairgrounds Drive was unwilling to sell at that time.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

No previous action by the Board. Staff has been working to resolve this problem since 1990.

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

1. Obtain easement as discussed in the Walton to Green letter and construct a road to Parcel C to previous standards. Appropriate funds from Reserve for Contingencies in the amount of \$12,800.
2. Obtain easement as discussed in the Walton to Green letter and construct a road to Parcel C to current standards. Appropriate funds from Reserve for Contingencies in the amount of \$16,300.
3. Direct County Counsel to secure title to the portion of Fairgrounds Drive required to provide access to Parcel C by reopening negotiations with the owner of Fairgrounds Drive or by instituting eminent domain proceedings. The cost is unknown at this time.
4. No action will prolong the problem of lack of access to Parcel C, and possibly subject the County to legal action by the owner of Parcel C for allowing a land-locked land division.

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

SOURCE:  5th Vote Required  
A. Unanticipated revenues \$ \_\_\_\_\_  
B. Reserve for contingencies \$ \* \_\_\_\_\_  
C. Source description: Reserve for Contingencies  
Balance in Reserve Contingencies,  
if approved: \$ \_\_\_\_\_

\*Depending on alternative selected  
by the Board

SPECIAL INSTRUCTIONS:  
List the attachments and number  
the pages consecutively:

1. Assessors Map
2. Letter, Green to Edwards, Sept. 7, 1995
3. Letter, Walton to Green, Sept. 6, 1995
4. Memo, Tucker to Green, June 8, 1995
5. Memo, Williams/Johnson to Green, Sept. 15, 1995

CLERK'S USE ONLY

Res. No.: 95-429 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  
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: CR

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: Purchase of Easement and Construction of  
Access Road Off of Fairgrounds Drive; Res. 95-429

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on October 3, 1995

ACTION AND VOTE:

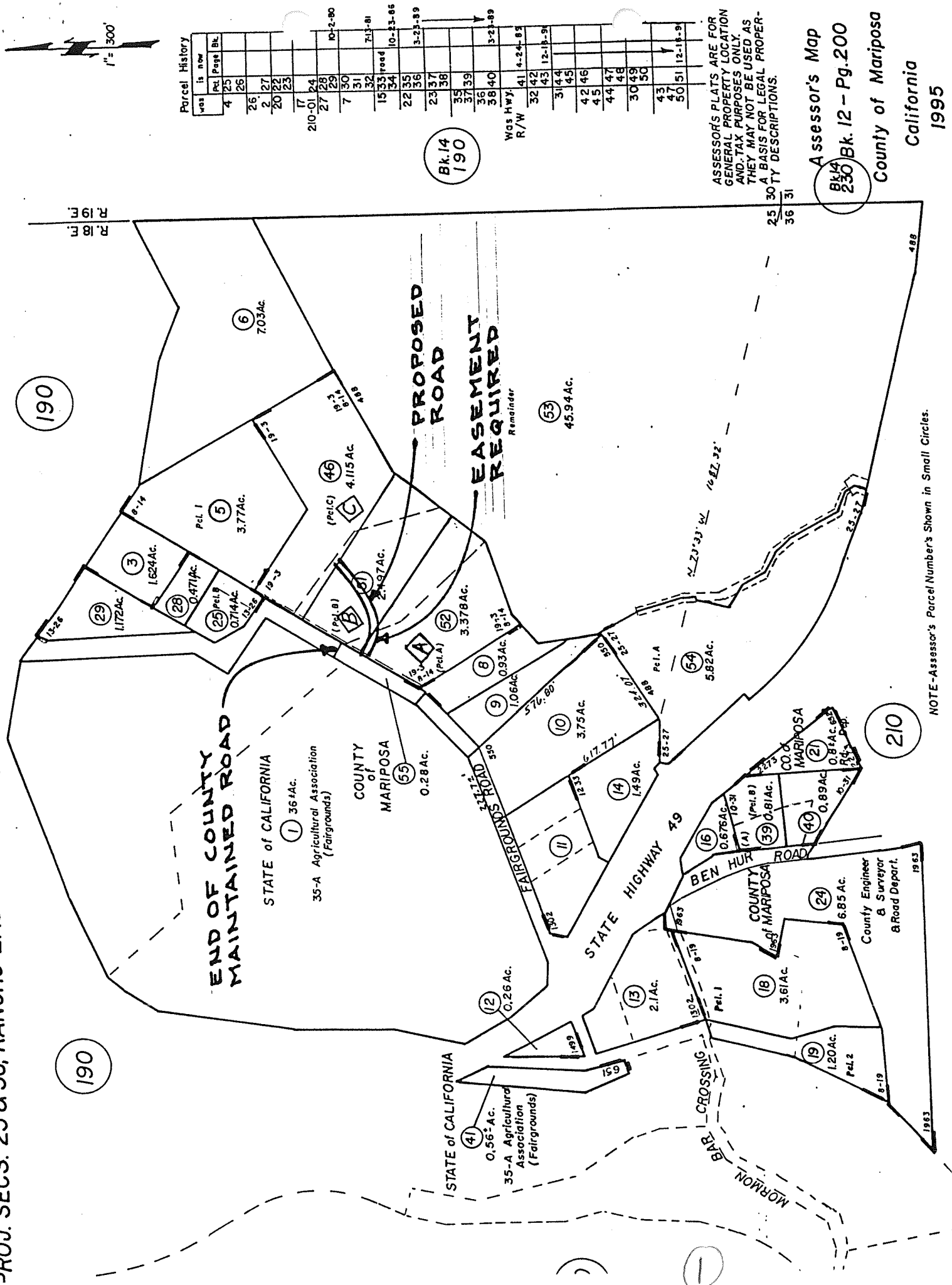
**9:34 a.m.** Mike Edwards, Public Works Director;  
A) Discussion and Direction Regarding Purchase of  
Easement and Construction of Access Road Off of Fairgrounds  
Drive (4/5ths Vote Required if Budget Appropriation is Acted  
On)  
**BOARD ACTION:** Mike Edwards presented staff report and  
advised there was an inadvertent error several years ago  
when a subdivision map was recorded relative to access to  
the subdivided parcels. Additional input was provided by  
Dave Tucker/PWD-Senior Civil Engineer and Charlie Pratt/PWD-  
Associate Surveyor. Discussion was held concerning the  
issues and options to resolving the matter. Sarah  
Williams/Planning Manager, provided input relative to land  
use zoning for the area and approval of encroachment permit  
for commercial activity. Gene Mickel stated the pond is on  
parcels "B" and "C". (M)Balmain, (S)Taber, Res. 95-429  
adopted directing County Counsel to initiate the  
condemnation process, if necessary, to secure title to the  
portion of Fairgrounds Drive required to provide access to  
Parcel "C". Motion was amended, agreeable with maker and  
second, to include direction that costs, not to exceed  
\$5,000, be taken from Insurance Set Aside Fund/Ayes:  
Reilly, Balmain, Stewart, Taber; Noes: Parker.

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

12-200

Tax Area Code  
51000

PROJ. SECS. 25 & 36, RANCHO LAS MARIPOSAS, M.D.B.&M.



NOTE-Assessor's Parcel Numbers Shown in Small Circles.

OFFICE OF

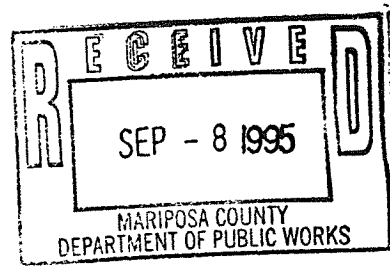


JEFFREY G. GREEN  
County Counsel  
(209) 966-3222

P. O. Box 189  
Mariposa, CA 95338  
FAX (209) 966-5147

The County Counsel  
MARIPOSA COUNTY  
September 7, 1995

To: Mike Edwards, PublicWorks Director  
From: Jeffrey G. Green, County Counsel  
Re: Fairgrounds Drive Matter/Jeff Moore



Dear Mike:

I am enclosing herewith a letter from Dana Walton dated September 6, 1995 regarding the above matter. It appears as if we might be able to reach an agreement with Mr. Walton's client relative to an easement crossing his property to access the other two lots in the subdivision. In that regard, I would appreciate it if your office would prepare an agenda package for Tuesday, September 26, 1995 regarding this matter.

I would like your office to prepare the package indicating the background, i.e. why we are discussing this matter as a result of an inadvertent error when the subdivision map was recorded relative to access to the subdivided parcels and a recommendation from your office that the County construct the access road and the cost of construction. I believe that Dave Tucker has worked all of those figures up so it should be a relative simple Board package to put together. I will provide you with additional documentation regarding the access easement and recommendation on the appraisal so that the entire package can be placed on the Board's agenda for action on the 26th.

Thank you for courtesy and cooperation regarding this matter.

Very truly yours,

Jeffrey G. Green  
County Counsel

fg

encl/as stated

cc: Supervisor Garry Parker

# ALLEN, POLGAR, PROIETTI, FAGALDE & WALTON

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

TERRY L. ALLEN\*  
GARY B. POLGAR  
DONALD J. PROIETTI  
MICHAEL A. FAGALDE  
JEFFREY S. KAUFMAN  
BRIAN L. McCABE  
PAUL C. LO

1640 "N" STREET, SUITE 200  
POST OFFICE BOX 2184  
MERCED, CALIFORNIA 95344-0184  
Phone: (209) 723-4372  
Fax: (209) 723-7397

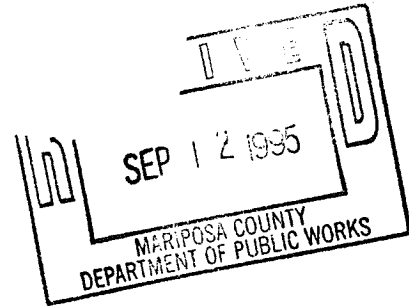
F.DANA WALTON  
5079 HWY 140  
POST OFFICE BOX 1907  
MARIPOSA, CA 95338  
Phone: (209) 966-3007  
Fax: (209) 742-6353

\*A PROFESSIONAL CORPORATION

REPLY TO: MARIPOSA

September 6, 1995

Jeffrey G. Green  
County Counsel  
P.O. Box 189  
Mariposa, CA 95338



Re: Fairgrounds Drive Matter/Jeff Moore

Dear Jeff:

I have discussed the matter of the access easement with Mr. Moore and he has indicated that he is willing to grant a non-exclusive easement under the following terms and conditions:

1. The total sum of \$9,087.20 as calculated hereinbelow.
2. The sum of \$3,287.20 which reflects the value determined by the assessor's appraisal on the 4,109 square feet necessary for the easement.
3. The sum of \$5,800.00 which reflects severance damages. This sum includes, but is not limited to, the diminution of value to the parcel's land value and the loss of rental income received from the residence located immediately adjacent to the proposed easement.

The residence will be significantly impacted by the road which will be placed on the easement. As you may be aware, the road will come as close as fifteen (15) feet of the residence. Since the road will be used by the mini storage and any future expansion on the adjacent parcel, the resulting traffic will clearly make the residence less desirable. The residence now rents for \$550.00, per month. We believe the rental value will be diminished between \$50.00 to \$100.00, per month. With a conservative rental life of five (5) years, the loss would be anywhere between \$3,000.00 to \$6,000.00

The road will also necessitate the removal of a large oak tree, ornamental bushes and ground cover which have value.

Jeffrey G. Green  
September 6, 1995  
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Re: Fairgrounds Drive Matter/  
Jeff Moore

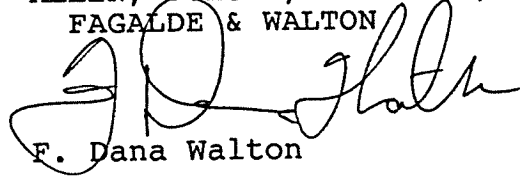
4. A waiver of the requirement of a commercial encroachment on the road now servicing Mr. Moore's parcel.

Mr. Moore believes that this offer reflects fair and reasonable compensation for the easement's actual value, the diminution of value to the parcel by its severance, the loss of rental income due to the road placement and the value of the tree(s) and ornamental shrubbery.

If this offer is acceptable, Mr. Moore will execute any and all documents necessary to carry out its terms. I will await your response.

Sincerely,

ALLEN, POLGAR, PROIETTI,  
FAGALDE & WALTON



F. Dana Walton

FDW/cjb

cc: Jeff Moore



# 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

June 8, 1995

MICHAEL D. EDWARDS  
Director

## INTEROFFICE MEMO

TO: Jeffrey G. Green, County Counsel  
FROM: David L. Tucker, Senior Civil Engineer *DLT*  
SUBJECT: Cost Estimates, Fairgrounds Drive

As requested, we have prepared cost estimates for constructing an access road to parcel 12-200-46 off of the County owned portion of the Fairgrounds Drive ROW. We have prepared estimates for both current requirements and for the requirements that existed at the time of the original land division. The construction costs are attached, based on having the road contracted out. To these costs should be added engineering, preparation of bid documents and construction management/inspection. Also the cost of providing and recording easement documents should be added. Total costs are estimated as followed:

A.	Current standard (SRA Class 1)	
	Construction cost	\$5,755.50
	Eng, Const m/i at 20%	1,150.00
	Easement documents	<u>300.00</u>
	Total	\$7,205.50
B.	Class 1, 6' lanes, no surface	
	Construction cost	\$2,821.00
	Eng, Const m/i at 20%	565.00
	Easement documents	<u>300.00</u>
	Total	\$3,686.00

If this work were to be performed by the Road Division crew, the cost would be somewhat less, since formal bid documents would not be required, and labor cost are less due to prevailing wage considerations.

If you have any questions, please call

cc: Michael D. Edwards, Director of Public Works  
Charlie Pratt, Associate County Surveyor  
Sarah Williams, Senior Planner  
Brian Atkinson, Engineering Technician



**Cost Estimate**  
for  
**Private road access off of Fairgrounds Drive**

*Class I Std. SRA w/ (2) 9' lanes, 2' shoulders, 2' ditches, 3" Class II base rock  
Provide a turn-around, road length figured at 450' to allow for the turn around*

*Work to be contracted out at Prevailing Wage*

Item	Unit	Unit Price	Qty	Item Cost
Mobilization	LS	\$500.00	1	\$500.00
Track Loader w/ operator	Hr.	\$85.00	2	\$170.00
Grader w/ operator	Hr.	\$100.00	4	\$400.00
Water Truck w/ operator	Hr.	\$85.00	2	\$170.00
Dump Truck, Pull Rake	Hr.	\$85.00	3	\$255.00
w/ operator				0
Class II Base Rock - Del	Ton	\$17.50	150	\$2,625.00
Misc. labor	Hr.	\$30.00	6	\$180.00
CC Slab removal	LS	\$150.00	1	\$150.00
			<b>Total</b>	<b>\$4,450.00</b>

**Costs for paving the encroachment**

Item	Unit	Unit Price	Qty	Item Cost
3/8" AC - (We haul)	Ton	\$50.00	5	\$250.00
6 Wheel Dump Truck w/ operator	Hr	\$85.00	2.5	\$212.50
Roller w/ operator	Hr	\$85.00	2	\$170.00
Labor-(3 men)	Hr	\$30.00	5	\$150.00
			<b>Total</b>	<b>\$782.50</b>

Roadwork	\$4,450.00
AC	\$782.50
	<u>\$5,232.50</u>
+ 10%	\$523.00
<b>Total cos</b>	<b>\$5,755.50</b>

Notes:

I think that the road can be shaped to where it will not be necessary to install any culverts  
The concrete pad near the end of the road will need to be removed to allow the 18' road width  
Provide a "Hammer T" ,( width = 18', top of "T" 60'), turn around near the dam.  
Fill low area where "Hammer T" will be  
Encroachment paved with a paving machine

**Cost Estimate  
for  
Private road access off of Fairgrounds Drive**

*Class I Std. w/ (2) 6' lanes, no shoulder, no surfacing required, just grade ,shape and ditch.  
Work to be contracted out at Prevailing Wage*

Item	Unit	Unit Price	Qty	Item Cost
Mobilization	LS	\$500.00		\$500.00
Grader w/ operator	Hr.	\$100.00	4	\$400.00
Water Truck w/ operator	Hr.	\$85.00	2	\$170.00
Dump Truck, Pull Rake	Hr.	\$85.00	1.5	\$127.50
w/ operator				0
Misc. labor	Hr.	\$30.00	6	\$180.00
			<b>Total</b>	<b>\$1,377.50</b>

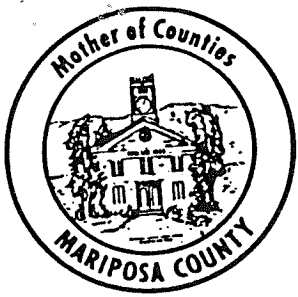
**Costs for paving the encroachment**

Item	Unit	Unit Price	Qty	Item Cost
3/8" AC	Ton	\$50.00	5	\$250.00
Paving Machine	Hr	\$100.00	2	\$200.00
6 Wheel Dump Truck w/ operator	Hr	\$85.00	3.5	\$297.50
				0
Roller w/ operator	Hr	\$85.00	1	\$85.00
Labor-(3 men)	Hr	\$30.00	6	\$180.00
Class II Base Rock	Ton	\$17.50	10	\$175.00
			<b>Total</b>	<b>\$1,187.50</b>

Roadwork	\$1,377.50
AC	\$1,187.50
	<u>\$2,565.00</u>
+ 10%	\$256.00
<b>Total cos</b>	<b>\$2,821.00</b>

**Notes:**

The road length to be improved is approx. 335' from Fairgrounds Drive  
I think that the road can be shaped to where it will not be necessary to install any culverts  
Encroachment paved with a paving machine

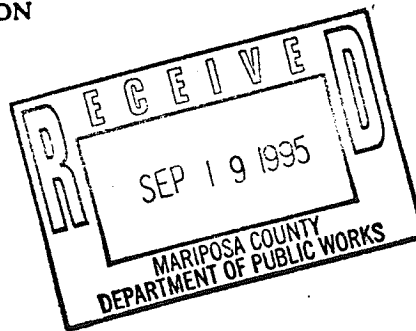


# Mariposa County Planning and Building Department

EDWARD J. JOHNSON  
Director

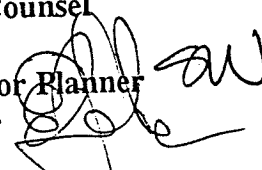
5101 Jones Street  
P.O. Box 2039  
Mariposa, CA 95338  
(209) 966-5151  
FAX No. (209) 742-5024

September 15, 1995



## MEMORANDUM

TO: Jeff Green, County Counsel

FROM: Sarah Williams, Senior Planner  
Ed Johnson, Director 

SUBJECT: Response to Paragraph 4 of Proposal from Jeff Moore (Fairgrounds Drive Matter)

This office has reviewed Dana Walton's letter describing terms and conditions proposed by Jeff Moore for the granting of an easement from Fairgrounds Drive to the adjacent parcel. As you'd requested, we've specifically looked at the condition listed in paragraph 4 of the proposal. This condition is a request for a waiver of the requirement for a commercial encroachment to the access road currently serving Yosemite Falls Well Drilling business and proposed to serve Moore's industrial business (building currently under construction). The requirement for a commercial encroachment was made a part of the building permit application for Moore's industrial building. As you are aware, although this encroachment currently serves another commercial development (Yosemite Falls Well Drilling), the encroachment was previously "signed off" erroneously by County inspectors. The encroachment is currently deficient in both width and depth of surfacing materials. These deficiencies have caused degradation of the surfacing of the encroachment, which will ultimately impact Fairgrounds Drive (County maintained).

We've reviewed the waiver request with both Building and Public Works. Based upon input from these staff regarding to the purpose of the encroachment improvements (related to the physical protection of the County road from heavy traffic, as well as to traffic safety), we would not recommend that the County support or grant the waiver as requested by Mr. Moore. Although the waiver equates to a financial incentive, the other potential public impacts of the waiver relating to Fairgrounds Drive must also be considered.

As always, should you have any questions regarding this information, please give me a call.

cc: John Davis, Building  
Dave Tucker, DPW  
Charlie Pratt, DPW