

12/12  
6-b

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes  No

Adopt a Resolution extending the conditional approval of the Saint Andrews Road Maintenance Zone of Benefit for a period of one year. This should allow the developers ample time to complete their project and acquire a final approval of the road construction conditions required for the project.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On December 6, 1994, the Board of Supervisors adopted Resolution No. 94-516, A Resolution Conditionally Approving the Saint Andrews Road Maintenance Zone of Benefit. The above-noted resolution contained a condition that required the roadway construction to be completed and finalized within one year from the date of the Resolution and stipulated that the Resolution could be rescinded if the roadway construction was not completed within the approved time frame. On November 14, 1995, the Public Works Department received a letter from a representative of the owners formally requesting this extension. A copy of the original Resolution, along with the stipulated conditions, have been attached hereto, as Attachment 1.

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

Do not adopt this resolution, and rescind the conditional approval granted by Resolution No. 94.516. Applicants have stated that without the zone, funding for their project is in jeopardy.

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. Mariposa County Resolution No. 94-516

2. Letter requesting Extension

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY**

12/5 Res. No.: 95-521 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

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

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

---

TO: MIKE EDWARDS, PUBLIC WORKS DIRECTOR  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

---

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on December 5, 1995

ACTION AND VOTE:

Consent Agenda item 1 - Discussion was held with Mike Edwards/Public Works Director, concerning request from the applicant for an extension, and the status of the applicant fulfilling its agreement with the Church to improve the road. (M)Balmain, (S)Stewart, Res. 95-521 adopted agreeing to an extension to January 9, 1996, with direction given to staff to contact the applicant and explain the problem with the status of the road improvements. Further direction was given to staff to come back on December 12, 1995, relative to establishment of the Zone of Benefit and getting the assessments on the tax rolls. Ayes: Unanimous.

CA-1 Request for an Extension of the Conditional Approval of the Saint Andrews Road Maintenance Zone of Benefit (Public Works); Res. 95-521 and direction given to staff

cc: Jeff Green, County Counsel  
Ed Johnson, Planning and Building Director  
File

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

---

TO: MIKE EDWARDS, PUBLIC WORKS DIRECTOR  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

---

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on December 12, 1995

ACTION AND VOTE:

Mike Edwards, Public Works Director;  
Continued Discussion Relative to Request for Extension of the  
Conditional Approval of the Saint Andrews Road Maintenance Zone  
of Benefit (Continued from 12/5/95)  
BOARD ACTION: Discussion was held and Mike Edwards advised of  
the timeframes for setting assessments on the tax roll. Roger  
Stephens/Engineer, and Bill Carter/new foreman for the project,  
provided input and stated they hope to have everything completed  
by January 16, 1996, depending on the weather. (M)Taber,  
(S)Stewart, Board directed that the number of inclement weather  
days that the work cannot continue be added to the January 9,  
1996, deadline for completion that was previously set by the  
Board/Ayes: Unanimous. Supervisor Reilly asked about assurances  
that occupancy will not occur until the project is finalized.  
Supervisor Taber suggested consideration be given to imposing  
fines for projects that are not completed timely.

cc: Jeff Green, County Counsel  
Ed Johnson, Planning and Building Director  
File

**A RESOLUTION CONDITIONALLY APPROVING THE  
SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT**

**WHEREAS**, Mariposa County, through Resolution No. 88-379, established Mariposa Countywide County Service Area No. 1, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the formation of a Countywide County Service Area; and

**WHEREAS**, the services to be provided by the County Service Area are all those described by Government Code Section 25210.4 and 25210.4a, including, but not limited to the following: water service, sewer service, fire protection, street and highway lighting, refuse collection, garbage collection, ambulance service, area planning, soil conservation and drainage control, animal control, transportation services, cemeteries, and geologic hazard abatement; and

**WHEREAS**, Mariposa County, through Resolution No. 90-140 established procedures for the formation of a zone of benefit to extend or provide services within the Countywide County Service Area No. 1; and

**WHEREAS**, the applicants, EDWARD MACKAY and ROBERTA STANDEN, as applicants and landowners of the property within the boundaries of Zone of Benefit Application No. Z94-04, have petitioned Mariposa County for the creation of the Saint Andrews Road Maintenance Zone of Benefit, to extend or provide services within Countywide County Service Area No. 1, in accordance with the provisions of Mariposa County Resolution No. 90-140; and

**WHEREAS**, the applicants have proposed inclusion of properties as shown and described on the legal description and map of the boundaries, which are attached hereto and marked Exhibit "A" and Exhibit "B," and by reference are incorporated herein.

**A RESOLUTION CONDITIONALLY APPROVING THE  
SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT**

**WHEREAS**, the zone of benefit 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 are expressed in an application presented to the Public Works Department;

**WHEREAS**, the Board of Supervisors, through Resolution No. 94-465, filed a Resolution of Intention to form a Zone of Benefit, as required by Government Code Section 25210.32, and set a date and time for a public hearing; and

**WHEREAS**, on December 6, 1994, the Board of Supervisors held a duly noticed public hearing on the question of forming the Saint Andrews Road Maintenance Zone of Benefit; and

**WHEREAS**, the Board of Supervisors, received no dissenting public input at the public hearing;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, that the Board hereby conditionally approves the creation of the SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT, as described and shown on the attached STATEMENT OF ZONE CREATION.

**BE IT FURTHER RESOLVED**, the Board of Supervisors finds the creation of the SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) of the CEQA Guidelines based on the following findings:

- 1) The zone of benefit is being created for the maintenance of existing public facilities involving negligible use beyond that previously existing.

A RESOLUTION CONDITIONALLY APPROVING THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

2) It is determined with certainty that there will be no possibility that the creation of the zone of benefit may have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, the Board of Supervisors adopts the conditions provided in the attached Exhibit "C," and directs that they be implemented by County Staff.

PASSED AND ADOPTED this 6th day of December, 1994 by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER

NOES: NONE

ABSENT: TABER

ABSTAINED: NONE

Handwritten signature of Arthur G. Baggett, Jr.

ARTHUR G. BAGGETT, JR., CHAIRMAN Mariposa County Board of Supervisors

ATTEST:

Handwritten signature of Margie Williams

MARGIE WILLIAMS Clerk of the Board

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: DEC 27 1994

MARGIE WILLIAMS

Clerk of the Board of Supervisors of the County of Mariposa, State of California

by [Handwritten Signature] Deputy

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Handwritten signature of Jeffrey G. Green

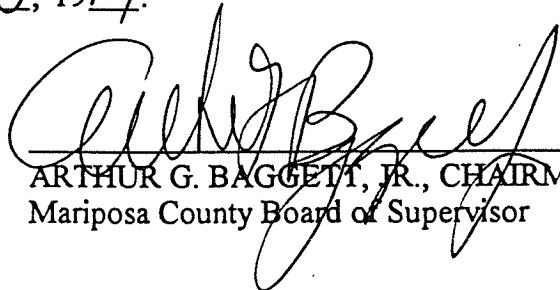
JEFFREY G. GREEN County Counsel

# STATEMENT OF ZONE CREATION

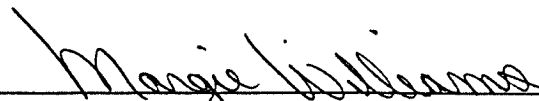
In accordance with Sections 54900-54903 of the California Government Code, this statement is hereby issued by the Chairman of the Board of Supervisors of the County of Mariposa, acting as Chairman of the Board of Directors of the Countywide County Service Area No. 1, County of Mariposa, State of California.

1. A certified copy of the resolution approving the creation of the **SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT** is attached hereto and titled "**MARIPOSA COUNTY RESOLUTION NO. 94-516** — A RESOLUTION CONDITIONALLY APPROVING THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT, and by reference incorporated herein. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.
2. The affected territory included within this newly created zone of benefit will not be taxed for any existing bonded indebtedness or contractual obligation.
3. This statement, along with the attached map and legal description, shall be filed prior to January 1 of the year in which the jurisdictional change is to be reflected on the tax rolls and shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization, Sacramento, California.

DATED: December 6, 1974.

  
\_\_\_\_\_  
ARTHUR G. BAGGETT, JR., CHAIRMAN  
Mariposa County Board of Supervisor

ATTEST:\

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

# EXHIBIT "A"

## LEGAL DESCRIPTION FOR SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

All that portion of Projected Section 14, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, Rancho Las Mariposas, County of Mariposa, State of California, known as Parcels B and C, as shown on that certain Parcel Map for Jeannette Stewart and Katharine Hoyle, recorded on June 8, 1982, in Book 20 of Parcel Maps at Page 13, Mariposa County Records, and being more particularly described as follows:

Commencing at the West quarter section corner of Projected Section 14, Township 5 South, Range 18 East, Mount Diablo Base and Meridian, Rancho Las Mariposas, County of Mariposa, State of California, thence N 09° 37' 22" E, 366.80 feet to the most southerly point of said Parcel C, as shown on said map; said point being the TRUE POINT OF BEGINNING for this description, thence N 02° 10' 15" W, 225.29 feet; thence N 69° 37' 23" E, 149.94 feet; thence N 69° 41' 50" E, 150.08 feet; thence N 19° 25' 37" W, 328.44 feet; thence N 25° 08' 36" E, 270.50 feet; thence S 36° 54' 34" E, 607.60 feet; thence S 53° 07' 34" W, 496.90 feet; thence S 38° 57' 03" W, 104.71 feet; thence S 84° 06' 04" W, 181.00 feet, more or less, to the POINT OF BEGINNING, said point being the terminal point of this description which describes  $\pm 5.53$  more or less acres of land.

This Description was prepared by me or under my supervision and is based on Record Data.

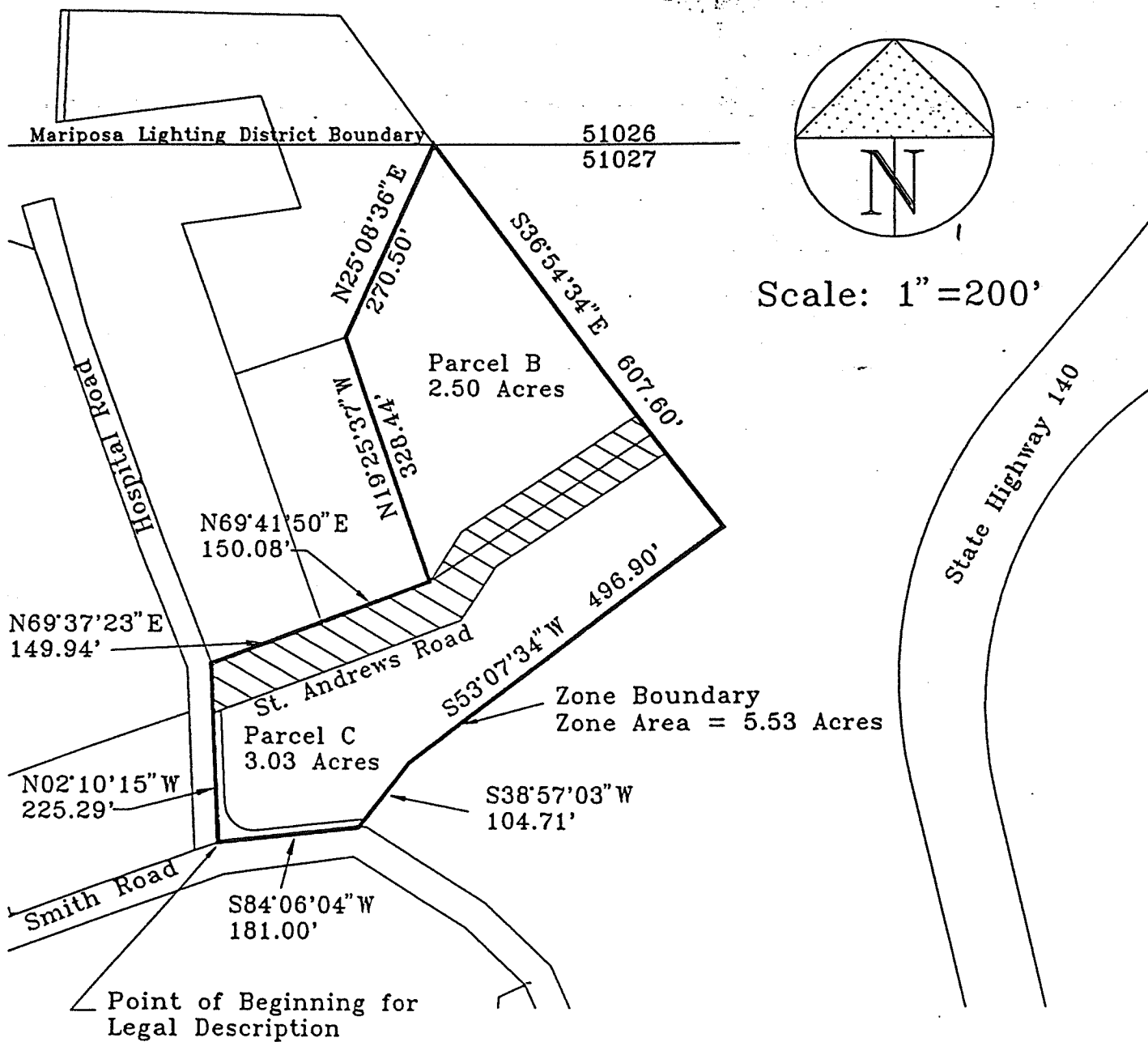


Roger L. Stephens  
Roger L. Stephens, R.C.E. 27317

11-29-94  
Date



# EXHIBIT "B"



## St. Andrews Road Maintenance Zone of Benefit

Situated in Projected Section 14, T.5 S., R.18 E., M.D.B. & M.  
Rancho Las Mariposas, County of Mariposa  
State of California

# EXHIBIT "C"

## CONDITIONS OF APPROVAL FOR THE SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

---

The following conditions shall apply to the Resolution Conditionally Approving the Saint Andrews Road Maintenance Zone of Benefit:

- 1) This Resolution, and the associated Fee Resolution establishing annual assessment rates and upfront costs to initiate the zone (including the required two years upfront maintenance costs) will be adopted at the conclusion of the Public Hearing.
- 2) Following the Public Hearing, the applicants will be required to deposit with Mariposa County, the amount identified in the Fee Resolution as the upfront costs to initiate this zone.
- 3) The zone will not be filed (finalized) with the State Board of Equalization (SBE), the County Assessor, or the County Auditor, until the roadway construction is completed. The "Notice of Formation" will not be recorded until said construction is completed.
- 4) Engineered construction plans must be submitted for review and approval by the Public Works Department, prior to the commencement of any road construction.
- 5) The roadway construction must be completed and finalized within one year from the date of the Resolution conditionally approving zone formation.
- 6) The roadway construction will be monitored, inspected, and approved by the Public Works Department.
- 7) Plan check fees and inspection fees will be required.
- 8) If the roadway construction is not completed within the stipulated time period, the conditional Resolution Approving the Saint Andrews Road Maintenance Zone of Benefit will be rescinded. All zone initiation funds deposited by the applicants will be returned to said applicants.

**CBM CONSTRUCTION SERVICES INC.**  
1010 RACQUET CLUB DRIVE, SUITE 03  
AUBURN, CA 95603



November 14, 1995

**To: Mariposa County Public Works  
Michael D. Edwards  
4639 Ben Hur Rd.  
Mariposa, Ca 95338**

**From: Heath Immer  
Construction Superintendent  
5075 St. Andrews Rd.  
Mariposa, Ca 95338**

**Re: Request for Extenuation, St. Andrews Road Maintenance Zone of  
Benefit Resolutions #'S 94-516, 94-517.**

**Dear Mr. Edwards:**

This letter is in response to letter written on November 1, 1995 by Mr. Atkinson regarding an extension request for the construction of St. Andrews Rd. Due to the revisions of the original plans by your office, supplied by Roger Stevens Engineering, we will be unable to have completed this portion of construction by December 7, 1995. Please take this letter as a formal notice asking for an extension of construction to be approved by Mariposa County Board of Supervisors scheduled meeting of December 5, 1995.

Thank you for your attention to this matter.

Sincerely,



Heath Immer  
Construction Superintendent

cc; John Propp. CBM Constuction Manager

Sent Via Fax: County of Mariposa Department of Public Works  
(209) 9662828