

330

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: August 9, 1994  
AGENDA ITEM NO.: 6

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

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

Recommend that the Board approve an easement to Al Varain for access through the Bootjack Volunteer Fire Department property as described in Exhibit "A" attached hereto. At the time that Al Varain donated the property to the County of Mariposa to build the Bootjack Fire Station, it was understood that Mr. Varain would receive an access easement across the property donated from Bootjack Lane to access the balance of his property, however, this was never accomplished. The proposed easement will in fact accomplish the promises made by the County at that time.

Although the easement is 56.86 feet wide which is somewhat less than the 60 foot easement required by County policy to allow a subdivision on Mr. Varain's property, staff at both Public Works and the Planning Department have assured this office that given the terrain in that location, Mr. Varain can in fact obtain a waiver from the 60 foot policy and build the appropriate County standard road within the 56.86 foot easement. Mr. Varain has been made fully aware of this which he understands and has given his approval for this easement. It is impossible to provide a 60 foot easement based upon the location of the firehouse and other improvements on the property.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A. This will accomplish the County's initial promise to Al Varain relative to this easement.

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:  
Exhibit "A" (description of easement with map).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLERK'S USE ONLY:  
Res. No.: 94-330 Ord. No. \_\_\_\_\_  
Vote - Ayes: 4 Noes: \_\_\_\_\_  
Absent: 0 Abstained: \_\_\_\_\_  
Approved: [Signature] ( ) 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: [Signature]

"EXHIBIT A"

A non-exclusive easement for ingress and egress on, over and across a portion of the tract of land described in Grant Deed recorded April 8, 1992 in Volume 236 of Official Records at Page 79, Mariposa County Records, situated in Section 27, T.5 S. R.19 E., M.D.B. & M., County of Mariposa, State of California being more particularly described as follows:

BEGINNING at the northwest corner of said tract: thence along the north line of said tract, south  $78^{\circ} 32' 30''$  east, 56.87 feet: thence leaving said north line, south  $39^{\circ} 54' 00''$  west, 51.86 feet: thence along a tangent curve to the right, concave to the northwest, with a radius of 100.00 feet, through a central angle of  $60^{\circ} 00' 00''$ , an arc distance of 104.72 feet to a point on the westerly line of the said tract: thence along said westerly line, north  $39^{\circ} 54' 00''$  east, 111.38 feet to the Point of Beginning.

Description Prepared by:

Charles M. Pratt  
Charles M. Pratt, L.S. 4891



"EXHIBIT A"

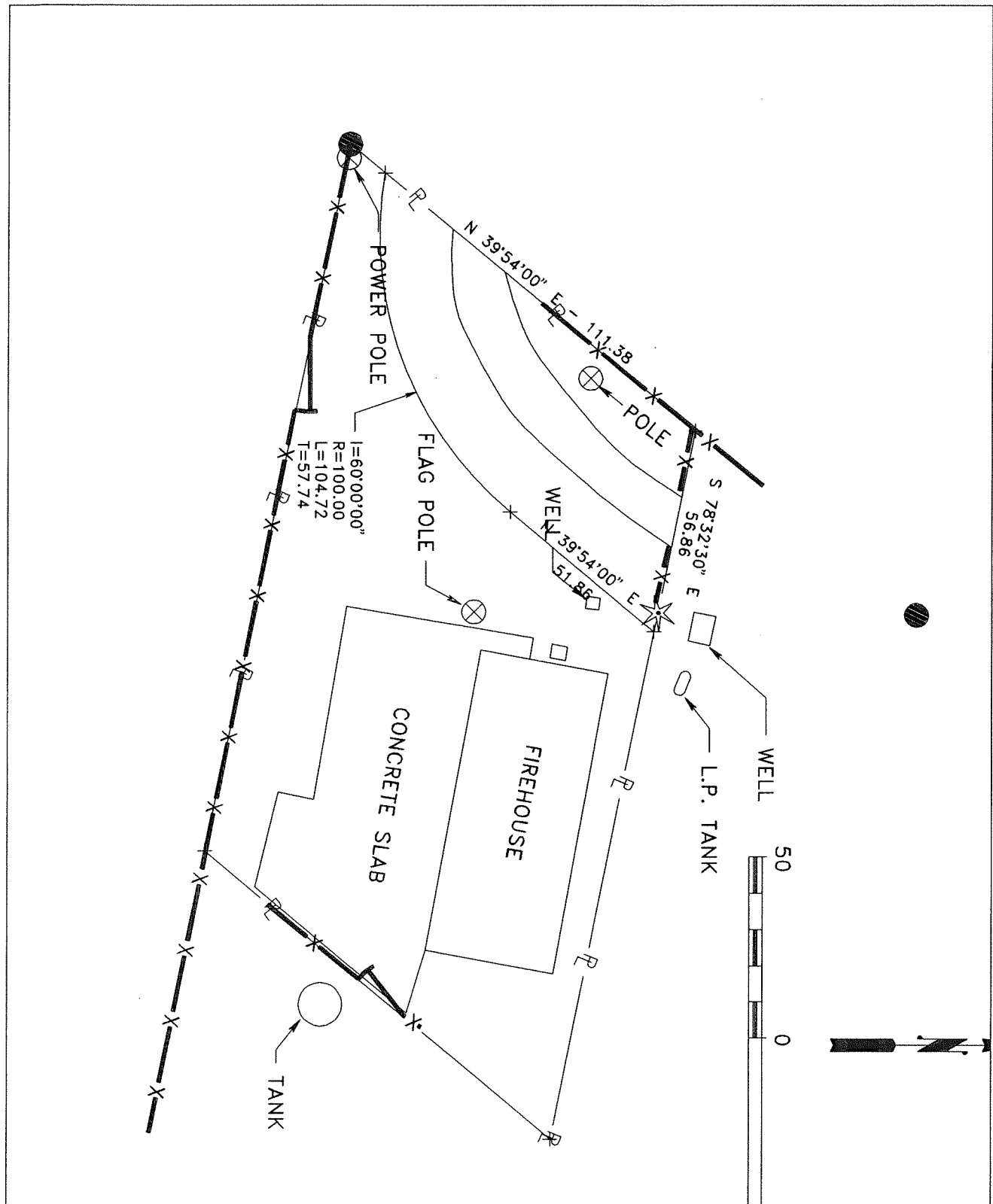
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Charles M. Pratt, L.S. 4891





MARIPOSA COUNTY ENGINEERING DEPARTMENT

BOOTJACK FIREHOUSE SITE

Drawn Chas  
 Checked \_\_\_\_\_  
 Date 5/23/94

Sheet 1 of 1  
 Scale = 1"=40'

Approved By  
 Engineer \_\_\_\_\_

Dwg. No. 93-26