

DEPARTMENT: Public Works

By: Bruce A. Atkinson Phone: 966-5356

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

1. Adopt the attached Resolution Reorganizing The El Toro Road Maintenance Zone of Benefit; and
2. Adopt the attached Resolution Establishing Revised Assessment Fees For The El Toro Road Maintenance Zone of Benefit;
3. Authorize the Chairman of the Board to sign the attached: Statement(s) of Zone Reorganization; and
4. Authorize the recordation of a Notice of Reorganization.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On July 11, 1994, the Board adopted Resolution No. 94-291, A Resolution of Intention to Reorganize The El Toro Road Maintenance Zone of Benefit, associated with Major Subdivision Application No. 9-11-91, Fred Dutton, B.I.C. Farms, applicant/landowner. For additional details, see attached Staff Report dated July 29, 1994.

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

Do not adopt this resolution; and have the applicant develop another means to insure the maintenance of the extension to El Toro Road.

**COSTS:** ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \* \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

**SOURCE:** ( ) 4/5th Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \* Costs will be paid by owners within Zone Balance in Reserve Contingencies, if approved: \$ \_\_\_\_\_

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

1. Resolution approving zone/Statement of Zone Reorganization

2. Resolution establishing fees

3. Notice of Zone Formation

4. Staff Report

5. Vicinity Map

**CLERK'S USE ONLY**

Res. No.: 94-344 + 94-345 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: AW

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: MIKE EDWARDS, Public Works

FROM: MARGIE WILLIAMS, Clerk of the Board *fmw*

SUBJECT: PUBLIC HEARING  
Reorganization of the El Toro Road  
Maintenance Zone of Benefit; Dutton, B.I.C.  
Farms, Applicant  
Resolution Number 94-344; and  
Revised Assessment Fees for the Zone  
Resolution Number 94-345

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on August 16, 1994

ACTION AND VOTE:

9:18 a.m. Mike Edwards, Public Works Director;

A) PUBLIC HEARING on the Matter of Reorganization of  
the El Toro Road Maintenance Zone of Benefit; Dutton, B.I.C.  
Farms, Applicant

BOARD ACTION: Mike Edwards and Bruce Atkinson/Public Works  
Department, provided staff report and responded to questions  
from the Board. Supervisor Erickson requested that Planning  
and Public Works staff review the issue of access for  
parcels fronting on a road within a zone and a county road.  
Fred Dutton/applicant, provided input. (M)Erickson,  
(S)Parker, Res. 94-344 adopted reorganizing the El Toro Road  
Maintenance Zone of Benefit; Res. 94-345 adopted  
establishing revised assessment fees for the zone; Chairman  
was authorized to sign the Statement of Zone Reorganization  
and authorization was given for recordation of same/Ayes:  
Baggett, Balmain, Erickson, Parker; Noes: Taber.

cc: Mike Coffield, County Administrative Officer  
Ed Johnson, Planning and Building Director  
File

**A RESOLUTION APPROVING THE REORGANIZATION OF  
THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT  
ASSOCIATED WITH THE MAP OF B.I.C. FARMS SUBDIVISION**

WHEREAS, Section II.I.2 (page 17) of the Mariposa County Road Improvement and Circulation Policy requires the formation of a Zone of Benefit on all subdivision roads that serve more than four parcels; and

WHEREAS, the applicant, Fred Dutton, B.I.C. Farms, has petitioned Mariposa County for the reorganization of The El Toro Road Maintenance Zone of Benefit, in association with the B.I.C. Farms Major Subdivision; and

WHEREAS, the Board of Supervisors, through Resolution No. 94-291, filed a Resolution of Intention to Reorganize The El Toro Road Maintenance Zone of Benefit, as required by Government Code Section 25210.32, and set a date and time for a public hearing; and

WHEREAS, on August 16, 1994, the Board of Supervisors held a duly noticed public hearing on the question of reorganizing The El Toro 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 Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby approves the reorganization of The EL TORO ROAD MAINTENANCE ZONE OF BENEFIT, as described and shown on attached STATEMENT OF ZONE REORGANIZATION.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 16th day of August, 1994, by the following vote:

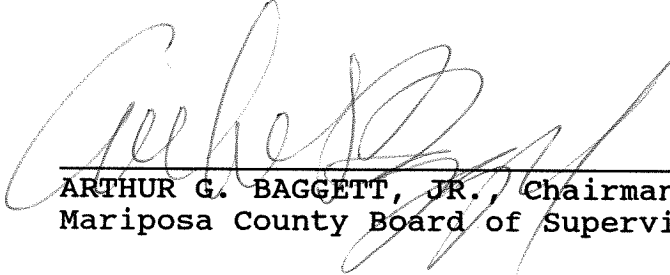
AYES: BAGGETT, BALMAIN, ERICKSON, PARKER

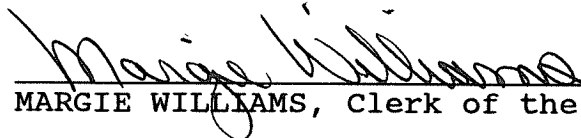
NOES: TABER

ABSENT: NONE

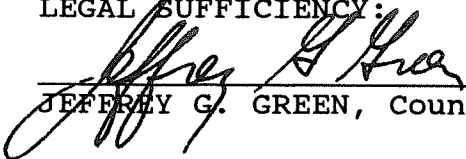
ABSTAINED: NONE

ATTEST:

  
ARTHUR G. BAGGETT, JR., Chairman  
Mariposa County Board of Supervisor

  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
JEFFERY G. GREEN, County Counsel

MARIPOSA COUNTY RESOLUTION NO. 94-345

**A RESOLUTION ESTABLISHING REVISED ASSESSMENT FEES FOR  
THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT  
ASSOCIATED WITH THE MAP OF B.I.C. FARMS SUBDIVISION  
(Not to be codified)**

WHEREAS, Zones of Benefit created prior to January 1, 1995 are to be assessed fees during the calendar year of 1995, for the services included in the "zone" being reorganized.

WHEREAS, the fees were established through public hearing process;

NOW THEREFORE, THE BOARD OF SUPERVISORS of Mariposa County, a political subdivision of the State of California, does ordain as follows:

SECTION I: In regards to **THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT ASSOCIATED WITH THE MAP OF B.I.C. FARMS SUBDIVISION**; during the public hearing on August 16, 1994, the total fees established were: (1) the up-front costs to initiate this zone reorganization, an amount of two thousand ninety seven dollars and sixty six cents (\$2,097.66); and (2) for the first year's assessment after reorganization (1995), an amount of two thousand forty two dollars and fifty seven cents (\$2,042.57). Said fees shall be apportioned equally among the lots that exist within the boundaries of the zone. In 1995, the twelve (12) parcels/lots that existed at the time of formation, shall be assessed a yearly sum of one hundred seventy dollars and twenty one cents (\$170.21) each. Said fees shall be reviewed annually, and adjusted by Board of Supervisors. Said zone of benefit was approved and adopted by Board Resolution No. 94-344. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.

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

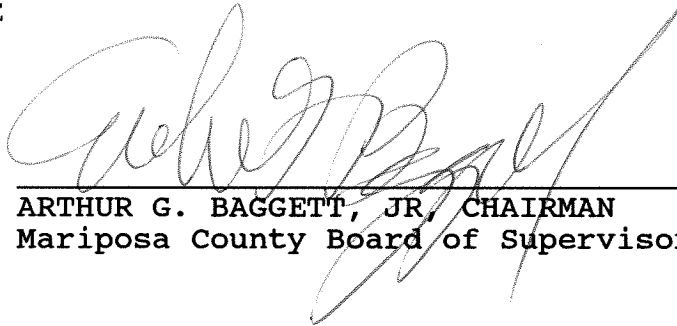
PASSED AND ADOPTED this 16th day of August, 1994  
by the Mariposa County Board of Supervisors by the following  
vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER

NOES: TABER

ABSENT: NONE

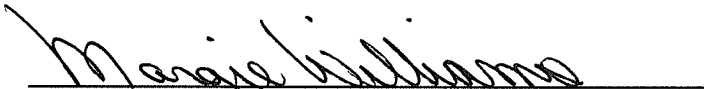
ABSTAINED: NONE



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

ATTEST:



---

MARGIE WILLIAMS  
Clerk of the Board

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



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JEFFREY G. GREEN  
County Counsel

# EXHIBIT A

## Legal Description of El Toro Road Maintenance Zone of Benefit

A tract of land situated in a portion of the North half (N 1/2) of Section 33, Township 5 South, Range 17 East, M.D.B. & M., Mariposa County, State of California, said tract of land being more particularly described as follows:

COMMENCING at the southeast corner of the Northeast quarter (NE 1/4) of said Section 33, as said corner is delineated on that certain map entitled "Map of Whispering Oaks West", recorded February 6, 1991 in the Book of Maps at Page 2352, Mariposa County Reconds; thence N89°55'34"W, along the southerly line of said NE 1/4, a distance of 2721.71 feet to the southwest corner thereof, said southwest corner being the POINT OF BEGINNING of the herein described tract of land; thence N02°33'08"E, along the westerly line of said NE 1/4, a distance of 1323.87 feet to a point, said point being the southeast corner of Lot 2, as said Lot 2 is delineated on said certain map; thence, traversing northerly along the easterly line of said Lot 2 the following four (4) courses and distances:

- 1.) N02°33'08"E for 995.78 feet to a point, said point being an angle point in the easterly line of said Lot 2; thence, leaving the westerly line of said NE 1/4, and continuing along the easterly line of said Lot 2,
- 2.) N75°12'53"W for 101.00 feet; thence
- 3.) N49°39'09"W for 113.01 feet; thence
- 4.) N23°42'47"W for 252.64 feet to a point on the north line of said Section 33;

thence, leaving the easterly line of said Lot 2, and traversing easterly along said north line of Section 33, S89°31'42"E for 300.00 feet to the north quarter section corner (N 1/4) of said Section 33; thence N89°49'58"E, along the northerly line of said NE 1/4 of Section 33, for 1901.40 feet to a point on the westerly line of that certain Mariposa County road known as Hornitos Road, as said westerly line of Hornitos Road is delineated on that certain map entitled "FED. AID PROJECT No. S-966(3)" on file in Mariposa County Public Works Department; thence, leaving the northerly line of said NE 1/4 and traversing along said westerly line of Hornitos Road, the following eighteen (18) courses and distances:

- 1.) S16°39'45"E for 71.98 feet; thence
- 2.) S27°58'21"E for 50.99 feet; thence
- 3.) S16°39'45"E for 298.85 feet; thence
- 4.) S73°20'15"W for 5.00 feet to a point, said point being the beginning of a non-tangent curve, concave to the southwest, having a radius of 1765.00 feet, to said point a radial line bears S73°20'15"W; thence

## EXHIBIT A

### Legal Description of El Toro Road Maintenance Zone of Benefit (Continued)

- 5.) southerly along said curve, through a central angle of  $6^{\circ}28'00''$ , an arc distance of 199.21 feet to the point of tangency; thence
- 6.)  $S10^{\circ}11'45''E$  for 297.99 feet; thence
- 7.)  $S04^{\circ}29'15''E$  for 50.24 feet; thence
- 8.)  $S10^{\circ}11'45''E$  for 50.00 feet; thence
- 9.)  $S14^{\circ}12'06''E$  for 143.11 feet to a point, said point being the beginning of a non-tangent curve, concave to the southwest, having a radius of 870.00 feet, to said point a radial line bears  $N79^{\circ}18'15''E$ ; thence
- 10.) southerly along said curve, through a central angle of  $12^{\circ}22'30''$ , an arc distance of 187.91 feet to the point of tangency; thence
- 11.)  $S02^{\circ}10'45''W$  for 312.86 feet; thence
- 12.)  $N87^{\circ}49'15''W$  for 5.00 feet; thence
- 13.)  $S02^{\circ}10'45''W$  for 135.21 feet; thence
- 14.)  $S87^{\circ}49'15''E$  for 5.00 feet to a point, said point being the beginning of a non-tangent curve, concave to the northeast, having a radius of 830.00 feet, to said point a radial line bears  $N87^{\circ}49'15''W$ ; thence
- 15.) southerly along said curve, through a central angle of  $14^{\circ}51'30''$ , an arc distance of 215.24 feet to the point of tangency; thence
- 16.)  $S12^{\circ}40'45''E$  for 507.33 feet; thence
- 17.)  $S77^{\circ}19'15''W$  for 5.00 feet; thence
- 18.)  $S12^{\circ}19'15''W$  for 187.09 feet to a point on the southerly line of said NE 1/4;

thence leaving said westerly line of Hornitos Road and traversing westerly along the southerly line of said NE 1/4,  $N89^{\circ}55'34''W$  for 2454.89 feet, more or less, to the southwest corner thereof, said point being the POINT OF BEGINNING, and terminus of the herein described tract of land.

The above described tract of land contains 135.78 acres, more or less, and is subject to any rights-of-way or easements of record of legally acquired.

EXHIBIT A

Legal Description of El Toro Road Maintenance Zone of Benefit  
(Continued)

Prepared by:



Bruce A. Atkinson

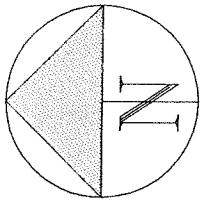
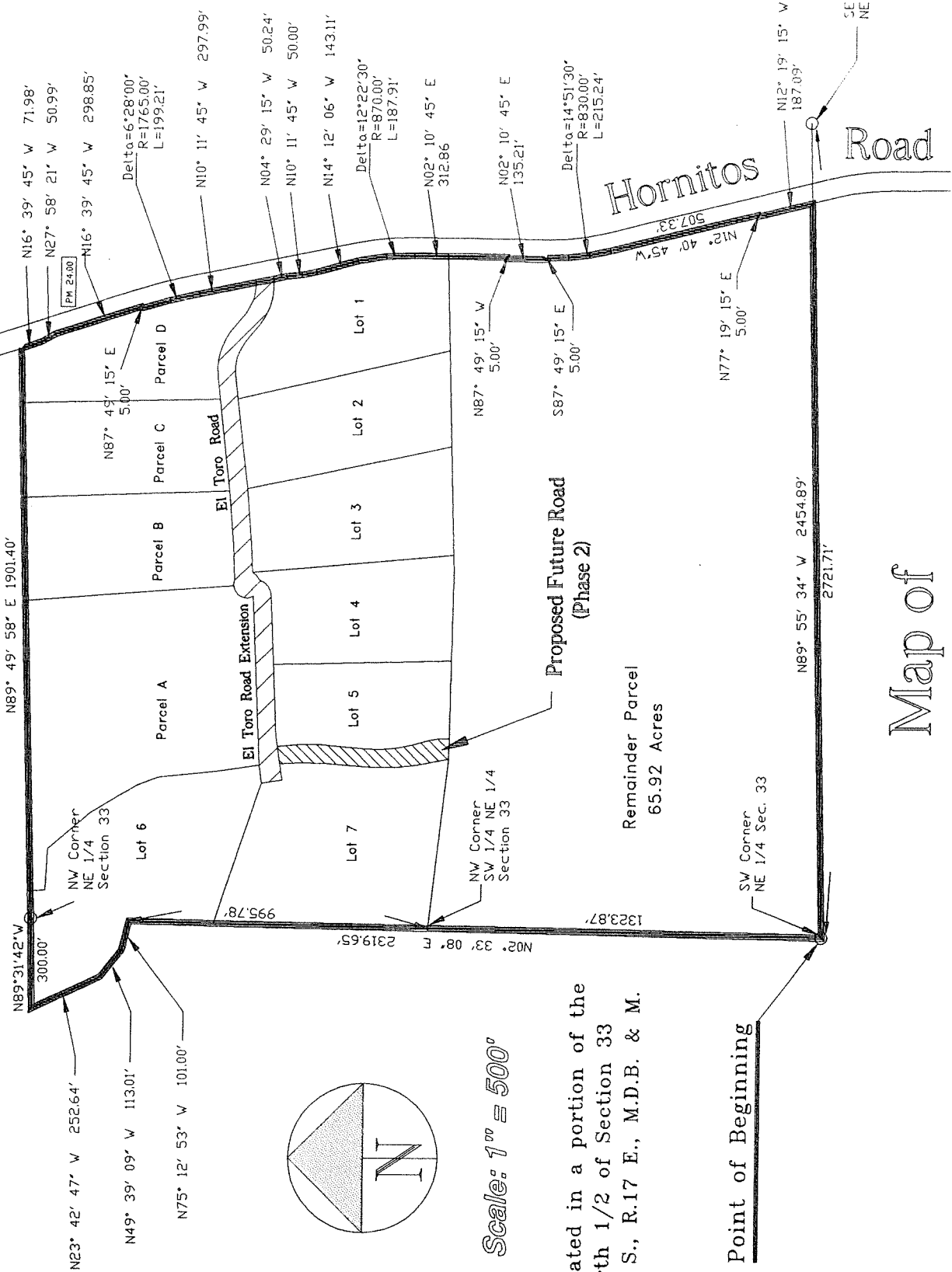
Bruce A. Atkinson, L.S. 5393

7-29-94

Date



# EXHIBIT B



Scale: 1" = 500'

Located in a portion of the North 1/2 of Section 33 T.5 S., R.17 E., M.D.B. & M.

Point of Beginning

## Map of

# El Toro Road Maintenance Zone of Benefit

**STATEMENT OF ZONE REORGANIZATION**

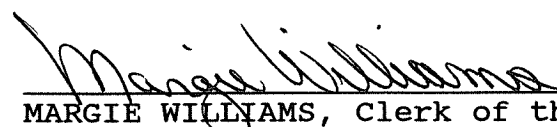
In accordance with Sections 54900-54903 of the California Government Code, this statement is hereby issued by the Chairman of the Board of Supervisors of the County of Mariposa, acting as Chairman of the Board of Directors of the Countywide County Service Area No. 1, County of Mariposa, State of California.

1. A certified copy of the resolution approving the reorganization of **THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT** is attached hereto and titled "**MARIPOSA COUNTY RESOLUTION NO. 94-<sup>344</sup>**" -- **A RESOLUTION APPROVING THE REORGANIZATION OF THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT ASSOCIATED WITH THE MAP OF B.I.C. FARMS SUBDIVISION**, 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: August 16, 19<sup>94</sup>.

  
\_\_\_\_\_  
Arthur G. Baggett, Jr., Chairman  
Mariposa County Board of Supervisor

ATTEST:

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

# EXHIBIT A

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## EXHIBIT A

### Legal Description of El Toro Road Maintenance Zone of Benefit (Continued)

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(Continued)

Prepared by:



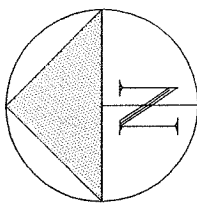
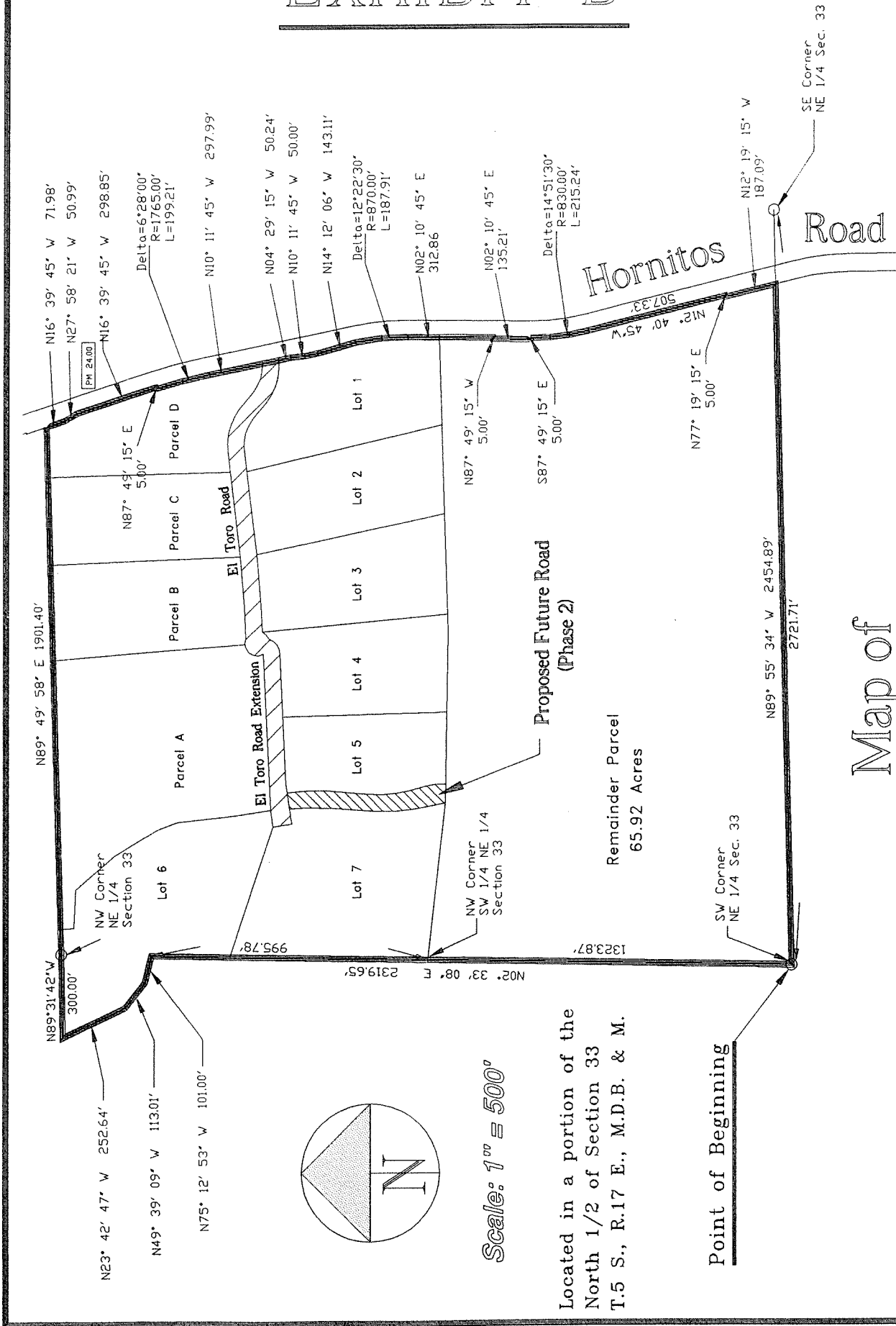
Bruce A. Atkinson

Bruce A. Atkinson, L.S. 5393

7-29-94

Date

# EXHIBIT B



Scale: 1" = 500'

Located in a portion of the North 1/2 of Section 33 T.5 S., R.17 E., M.D.B. & M.

Point of Beginning

Map of

El Toro Road Maintenance Zone of Benefit

Recording Requested By:  
Mariposa Public Works Department

When recorded mail to:

Public Works Department  
County of Mariposa  
4639 Ben Hur Road  
Mariposa, CA 95338

A.P.N. 011-300-031-0  
A.P.N. 011-300-032-0  
A.P.N. 011-300-033-0  
A.P.N. 011-300-034-0  
A.P.N. 011-300-035-0

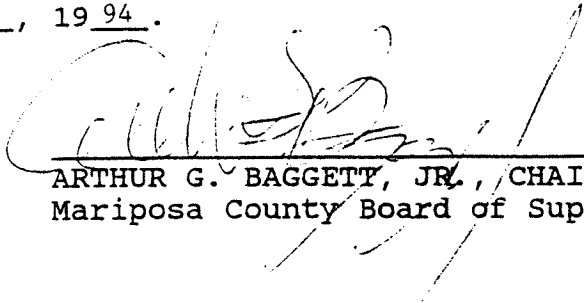
## NOTICE OF ZONE REORGANIZATION

This notice is being recorded as a matter of constructive notice to any potential buyers of Lots 1, 2, 3, 4, 5, 6, or 7, as shown on the Map for B.I.C. Farms Subdivision, recorded in the Book of Maps at Page \_\_\_\_\_, Mariposa County Records, or Parcels A, B, C, or D as shown on the Parcel Map for B.I.C. Farms, recorded in Book 24 of Parcel Maps at Page 38, Mariposa County Records, that these lots/parcels are subject to yearly assessments for the maintenance of El Toro Road.

On August 16, 1994, the Board of Supervisors of the County of Mariposa held a duly noticed public hearing on the questions of reorganizing The El Toro Road Maintenance Zone of Benefit associated with the Map of B.I.C. Farms Subdivision, and did pass and adopt "MARIPOSA COUNTY RESOLUTION NO. 94-344 -- A RESOLUTION APPROVING THE REORGANIZATION OF THE EL TORO ROAD MAINTENANCE ZONE OF BENEFIT ASSOCIATED WITH THE MAP OF B.I.C. FARMS SUBDIVISION. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference are incorporated herein.

Pursuant to Section 54902 of the California Government Code, assessments for this Zone of Benefit shall begin for the Fiscal Year 1995-1996, or the period July 1, 1995 to June 30, 1996.

DATED: August 16, 1994.

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

ATTEST:

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

# EXHIBIT A

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- 3.) N49°39'09"W for 113.01 feet; thence
- 4.) N23°42'47"W for 252.64 feet to a point on the north line of said Section 33;

thence, leaving the easterly line of said Lot 2, and traversing easterly along said north line of Section 33, S89°31'42"E for 300.00 feet to the north quarter section corner (N 1/4) of said Section 33; thence N89°49'58"E, along the northerly line of said NE 1/4 of Section 33, for 1901.40 feet to a point on the westerly line of that certain Mariposa County road known as Hornitos Road, as said westerly line of Hornitos Road is delineated on that certain map entitled "FED. AID PROJECT No. S-966(3)" on file in Mariposa County Public Works Department; thence, leaving the northerly line of said NE 1/4 and traversing along said westerly line of Hornitos Road, the following eighteen (18) courses and distances:

- 1.) S16°39'45"E for 71.98 feet; thence
- 2.) S27°58'21"E for 50.99 feet; thence
- 3.) S16°39'45"E for 298.85 feet; thence
- 4.) S73°20'15"W for 5.00 feet to a point, said point being the beginning of a non-tangent curve, concave to the southwest, having a radius of 1765.00 feet, to said point a radial line bears S73°20'15"W; thence



## EXHIBIT A

### Legal Description of El Toro Road Maintenance Zone of Benefit

(Continued)

- 5.) southerly along said curve, through a central angle of 6°28'00", an arc distance of 199.21 feet to the point of tangency; thence
- 6.) S10°11'45"E for 297.99 feet; thence
- 7.) S04°29'15"E for 50.24 feet; thence
- 8.) S10°11'45"E for 50.00 feet; thence
- 9.) S14°12'06"E for 143.11 feet to a point, said point being the beginning of a non-tangent curve, concave to the southwest, having a radius of 870.00 feet, to said point a radial line bears N79°18'15"E; thence
- 10.) southerly along said curve, through a central angle of 12°22'30", an arc distance of 187.91 feet to the point of tangency; thence
- 11.) S02°10'45"W for 312.86 feet; thence
- 12.) N87°49'15"W for 5.00 feet; thence
- 13.) S02°10'45"W for 135.21 feet; thence
- 14.) S87°49'15"E for 5.00 feet to a point, said point being the beginning of a non-tangent curve, concave to the northeast, having a radius of 830.00 feet, to said point a radial line bears N87°49'15"W; thence
- 15.) southerly along said curve, through a central angle of 14°51'30", an arc distance of 215.24 feet to the point of tangency; thence
- 16.) S12°40'45"E for 507.33 feet; thence
- 17.) S77°19'15"W for 5.00 feet; thence
- 18.) S12°19'15"W for 187.09 feet to a point on the southerly line of said NE 1/4;

thence leaving said westerly line of Hornitos Road and traversing westerly along the southerly line of said NE 1/4, N89°55'34"W for 2454.89 feet, more or less, to the southwest corner thereof, said point being the POINT OF BEGINNING, and terminus of the herein described tract of land.

The above described tract of land contains 135.78 acres, more or less, and is subject to any rights-of-way or easements of record of legally acquired.

**EXHIBIT A**

**Legal Description of El Toro Road Maintenance Zone of Benefit**  
**(Continued)**

Prepared by:



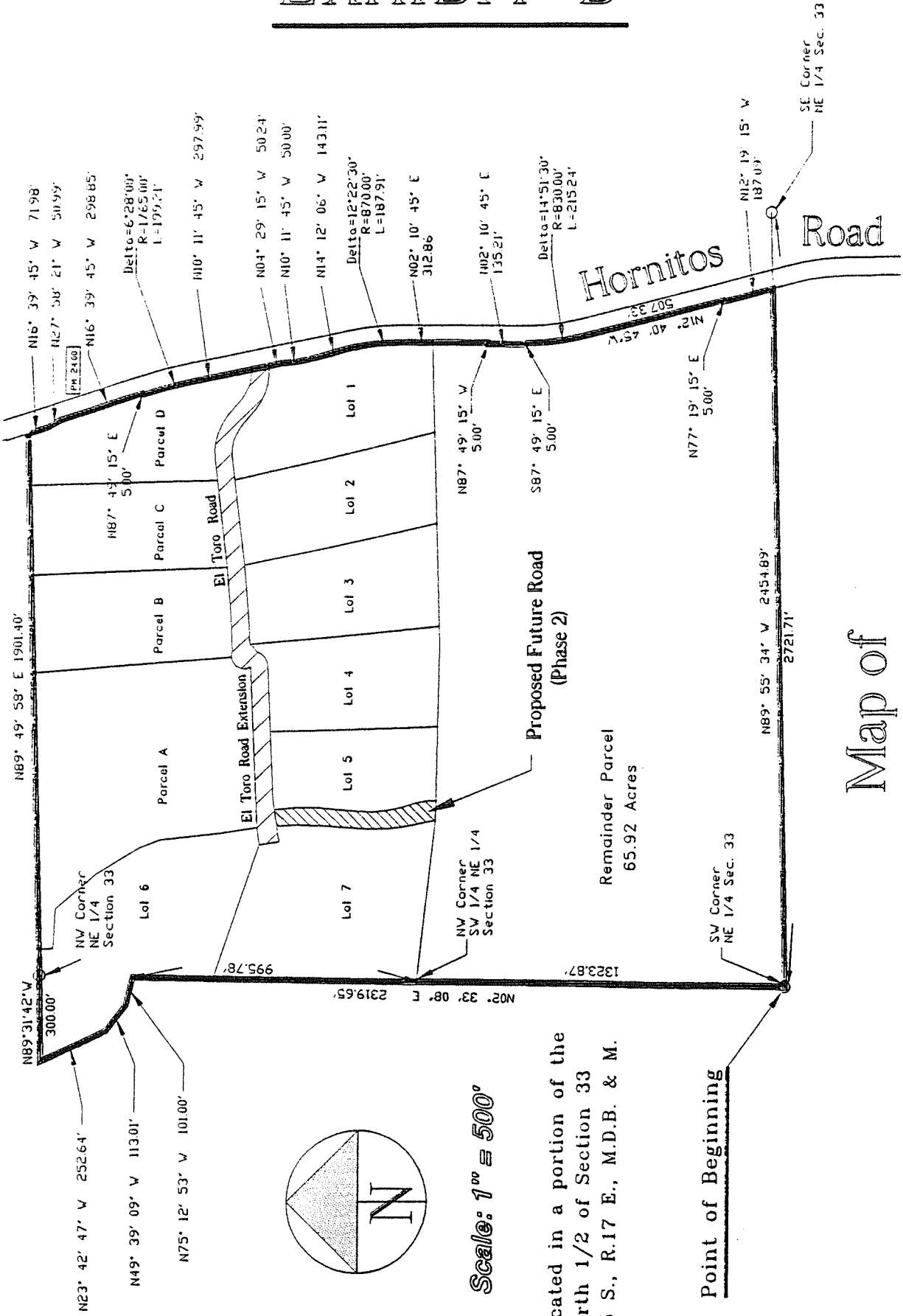
Bruce A. Atkinson

Bruce A. Atkinson, L.S. 5393

7-29-94

Date

# EXHIBIT B



Map of

## El Toro Road Maintenance Zone of Benefit

Scale: 1" = 500'

Located in a portion of the North 1/2 of Section 33 T.5 S., R.17 E., M.D.B. & M.

Point of Beginning