

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 Approving the Saint Andrews Road Maintenance Zone of Benefit;
2. Adopt the attached Resolution Establishing Assessment Fees and Upfront Zone Initiation Fees for the Saint Andrews Road Maintenance Zone of Benefit;
3. Authorize the Chairman of the Board to sign the attached Statement(s) of Zone Creation and Notice of Formation; and
4. Authorize the recordation of the Notice of Formation, as provided in the conditions.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 25, 1994, the Board adopted Resolution No. 94-465, A Resolution of Intention to form the Saint Andrews Road Maintenance Zone of Benefit, Mariposa Enterprises II, as owners/applicants. For additional details, see attached Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and require the applicant to develop another means to insure the maintenance of Saint Andrews Road. Applicant's 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. Resolution of Formation (w/3 Exhibits: 7 pages)
w/Statement of Zone Formation
2. Fee Resolution (w/2 Exhibits: 4 pages)
3. Notice of Formation (w/2 Exhibits: 3 pages)
4. Staff Report(4 pages)
5. Scope of Work (1 page)
6. Estimate (1 page)
7. Cost Breakdown Spreadsheet (1 page)
8. Vicinity Map

CLERK'S USE ONLY

Res. No.: 94-316 Ord. No.: _____

Vote - Ayes: 4 Noes: _____

Absent: [Signature] 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: _____

[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 Re Formation of the
Saint Andrews Road Maintenance Zone of Benefit;
Mariposa Enterprises II, Owners/Applicants

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on December 6, 1994

ACTION AND VOTE:

1:10 p.m. Mike Edwards, Public Works Director;
A) PUBLIC HEARING on the Matter of Formation of the
Saint Andrews Road Maintenance Zone of Benefit; Mariposa
Enterprises II, Owners/Applicants
BOARD ACTION: Staff report was presented by Mike
Edwards/Public Works Director, and Bruce Atkinson/Public
Works. Staff responded to questions from County Counsel
relative to conditions for completion of the road and what
authority there is to require a maintenance program if the
resolution is rescinded. Staff responded to questions from
the Board relative to road standards, length of the road and
associated maintenance costs, and relative to annexation
requirements. Public portion of the hearing was opened and
the following provided input. Vince Kehoe/agent for the
applicant, stated the applicant agrees to the conditions.
Bob Spears/representing Saint Andrews Church, asked if Saint
Andrews Road would be paved all the way through. Bruce
Atkinson responded relative to the proposal in the tentative
plan that was submitted. Public portion of the hearing was
closed and Board commenced with deliberations. (M)Parker,
(S)Balmain, Res. 94-516 adopted conditionally approving the
Saint Andrews Road Maintenance Zone of Benefit; Res. 94-517
adopted establishing assessment fees and upfront Zone
initiation fees for the Saint Andrews Road Maintenance Zone
of Benefit; authorizing Chairman to sign the Statement of
Zone Creation and Notice of Formation; and authorizing the
recordation of the Notice of Formation, as provided in the
conditions/Ayes: Baggett, Balmain, Erickson, Parker;
Excused: Taber.

cc: 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.

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- 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.

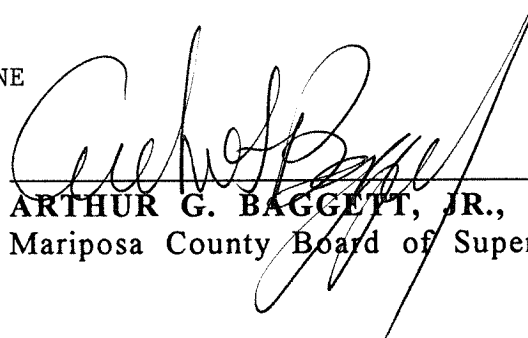
PASSED AND ADOPTED this 6th day of December, 1994
by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER

NOES: NONE

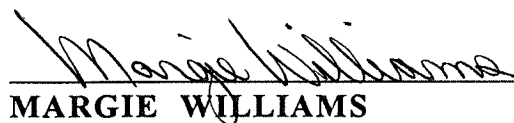
ABSENT: TABER

ABSTAINED: NONE



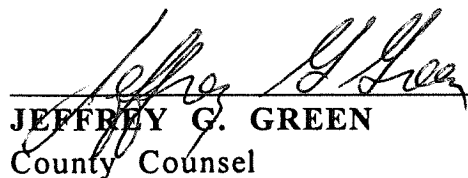
ARTHUR G. BAGGETT, JR., CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

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



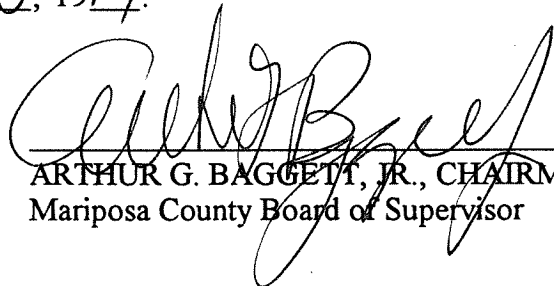
JEFFREY G. GREEN
County Counsel

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:\

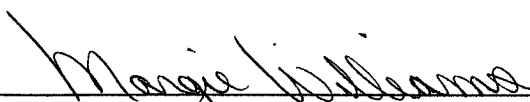

MARGIE WILLIAMS, Clerk of the Board

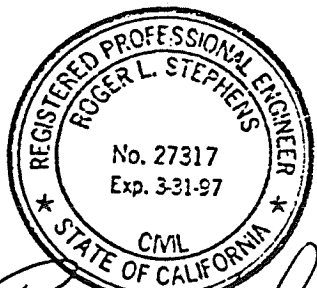
EXHIBIT "A"

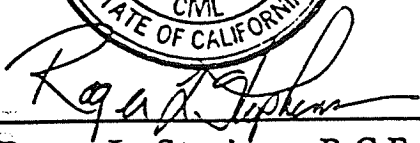
LEGAL DESCRIPTION FOR SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

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 ±5.53 more or less acres of land.

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



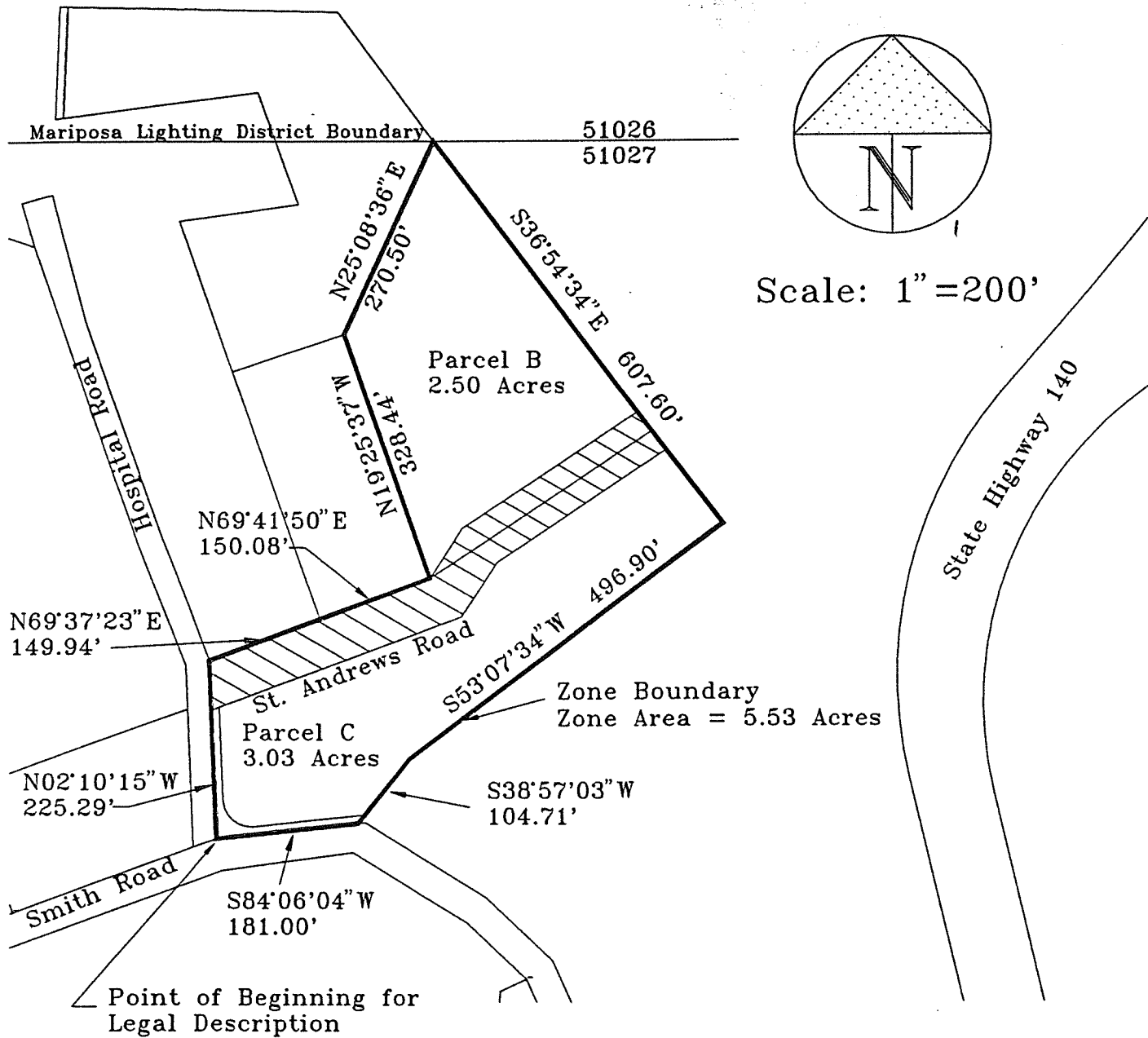


Roger L. Stephens, R.C.E. 27317



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 (finaled) 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 finaied 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.