

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: January 5, 1993
AGENDA ITEM NO. CA 3

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x)
Pass and adopt this Resolution authorizing Chairman to sign order of the Board to reject Claim No. C92-21 which was filed with this Board on December 3, 1992 in the amount of \$50,000.00. Counsel does not believe that the County has any liability in this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board usually follows Counsel's recommendation in matters of this nature.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Claim would automatically be denied if no action was taken.

COST: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required add'l funding \$ _____
D. Internal Transfers \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Claim No. C92-21
Notice of Rejection of Claim

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
C. Reserve for cntngncies \$ _____
D. Source Description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY:
Res. No.: 93-5 Ord. No.: _____
Vote: Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
MWJ Approved () Denied
() Minute Order Attached
() No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
____ Recommended
____ Not Recommended
____ For Policy Determination
____ Submitted with Comment
____ Returned for Further Action

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

DATE: _____
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.
By: _____
Deputy

Comment: _____

A.O. Initials: _____

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JEFFREY G. GREEN
County Counsel
P. O. Box 189
5160 Bullion St.
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of:)
)
CLAIM FOR DAMAGES)
PURSUANT TO GOVERNMENT CODE)
SECTION 911.6)

Robert F. Henson
c/o Lester J. Gendron, Esq.

106 N. Gateway Dr.

Madera, CA 93637

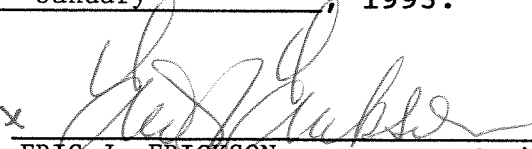
having filed with this Board on December 3, 1992 a claim for
damages in the amount of \$ 50,000.00 ;

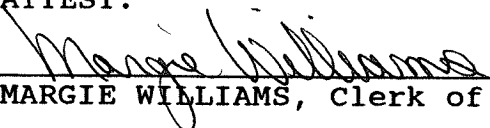
NOW, THEREFORE, it is ordered by the Board of Supervisors
that the claim is hereby REJECTED.

The foregoing order was passed by the following vote of
the Board:

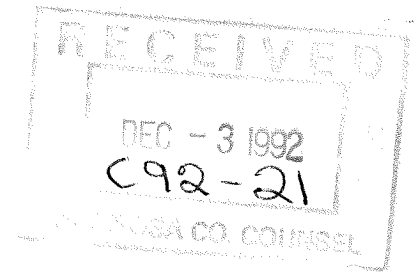
AYES: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

Dated this 5th day of January 1993.


ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

1 LESTER J. GENDRON
Attorney at Law
2 106 North Gateway Drive
Madera, California 93637
3 Telephone: (209) 673-9023



4 CLAIM AGAINST PUBLIC ENTITY

5 TO: THE COUNTY OF MARIPOSA: ROBERT F. HENSON, hereby makes
6 claim against the County of Mariposa for the sum of \$50,000.00
7 and makes the following statements in support of the claim:

8 1. Claimant's address is 2430 J Street, Merced,
9 California 95340.

10 2. Notices concerning the claim should be sent to
11 LESTER J. GENDRON, 106 North Gateway Drive, Madera, California
12 93637.

13 3. The claim arose out of the County of Mariposa
14 improving Chowchilla Mountain Road which cuts across the
15 claimants property substantially diminishing its' size.

16 4. The circumstances giving rise to the claim are as
17 follows:

18 Inverse Condemnation. The claimant is the owner of the
19 following described property:

20 PARCEL 3: Beginning at the northwest corner
21 of Lot 14; Section 18, Township 5 South,
Range 21 East, M.D.B. & M.; thence North
22 89°47' East along the north line of said Lot
23 14 a distance of 18.62 feet to a point on the
east side of the Mariposa-Wawona Road;
24 thence along the east side of the said
Mariposa-Wawona Road South 14°59' East 421
25 feet; thence South 19°32' West 261.80 feet to
the southwest corner of the northwest quarter
of said Lot 14; thence along the west line of
26 the northwest quarter of Lot 14 North 3°11'
West 652.13 feet to the point of beginning.
27 Being a portion of the northwest quarter of
Lot 14, Section 18, Township 5 South, Range
21 East MDM.

28 EXCEPTING THEREFROM the following described

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tract: Beginning at a point on the west line of Lot 14 (SE-1/4 of SW-1/4) of Section 18, Township 5 South, Range 21 East, M.D.B. & M. whence the northwest corner of the southwest quarter of southeast quarter of southwest quarter of said Section 18 bears South 3°11' East 201.4 feet; thence North 3°11' West 40 feet; thence South 72°41' East 79.5 feet; thence South 17°28' West 37.45 feet; thence North 72°41' West 65.40 feet to the place of beginning.
Containing 0.062 acres, more or less.
Containing, after exception, 0.5 acres, more or less.

The improvement in Chowchilla Mountain Road has taken a substantial amount of claimants property.

The taking was discovered when said property was surveyed.

5. The names of public employees causing the claimant's injuries are unknown to claimant.

6. My claim as of the date of this claim is \$50,000.00.

7. The basis of the computation of this claim is loss of value due to improvements made by the County of Mariposa.

DATED: 11/23/92

Robert L. Henson
Claimant

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PROOF OF SERVICE - CCP Section 1013a, 2015.5

I, the undersigned, declare and say:

I am a citizen of the United States and am employed in the County of Madera; I am over the age of eighteen (18) years and not a party to the within action; my business address is 106 North Gateway Drive, Madera, California 93637.

On December 2, 1992 I served the documents listed herein below on the parties to the within action by:

xx Enclosing said documents in a sealed envelope with
(Mail) postage thereon fully prepaid and placing such envelope in the United States mail at Madera, California, addressed to the person(s) named herein below.

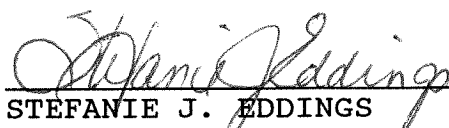
_____ Causing said documents to be hand-delivered to the
(Pers.) person(s) or to the office of the person(s) named herein-below.

Documents Served: Claim Against Public Entity - County of Mariposa

Name and Address of Person(s) Served: Clerk of the Board of Supervisors
Post Office Box 784
Mariposa, California 95338

Certified Mail No. P 838 956 556
Return Receipt Requested

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Proof of Service was executed on December 2, 1992 at Madera, California.


STEFANIE J. EDDINGS

TO: Robert F. Henson
c/o Lester J. Gendron, Esq.
106 N. Gateway Dr.
Madera, CA 93637

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 50,000.00
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on December 3, 1992 was rejected by action of the Board on January 5, 1993.

WARNING

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code Section 945.6)

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

JEFFREY G. GREEN
Mariposa County Counsel

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:
5100 Bullion St., (P. O. Box 189), Mariposa, California 95338

On February 1, 1993, I served the within Notice of Rejection of
Claim No. C92-21 on the claimant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mariposa, California addressed as follows:

Robert F. Henson
c/o Lester J. Gendron, Esq.
106 N. Gateway Dr.
Madera, CA 93637

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on February 1, 1993, at Mariposa California.

Sandra V. Adams
Sandra V. Adams