

DEPARTMENT: Public Works

By: Larry Pollard

Phone: 966-5356

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

Public Works recommends that the County Board of Supervisors (BOS) adopt the attached resolution of Summary Abandonment of a portion of Elm Way in Fishcamp.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Fishcamp Subdivision was approved by the Board of Supervisors in 1938. The streets and avenues shown on the map were accepted by the Board, on behalf of the public, even though no road improvements had been made. The map was amended in 1941.

The owner of the lots adjoining Elm Way, Marylee C. Oliver, has requested an abandonment of this portion of Elm Way based upon:

- (1) The fact that no road has been improved within this area and
- (2) There is no public need for a road in this area.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If this resolution is not adopted, this portion of Elm Way will not have been abandoned as requested by the adjoining property owners.

<p><b>COSTS:</b> <input checked="" type="checkbox"/> Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p><b>SOURCE:</b> <input type="checkbox"/> 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve Contingencies, if approved: \$ _____</p>	<p><b>SPECIAL INSTRUCTIONS:</b> List the attachments and number the pages consecutively:</p> <p>Resolution (1 page) _____</p> <p>Legal description (1 page) _____</p> <p>Exhibit map (1 page) _____</p> <p>Letter from Owner (2 pages) _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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**CLERK'S USE ONLY**

Res. No.: 93-15

Vote - Ayes: 5

Absent: \_\_\_\_\_

Approved: \_\_\_\_\_

( ) Minute Order Attached

Ord. No. \_\_\_\_\_

Noes: \_\_\_\_\_

Abstained: Ericsson, Taber

( ) Denied

( ) 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: \_\_\_\_\_

Recorded at the request of	
MARIPOSA COUNTY	
Jan 25	19 93 at 2:40 PM
Official Records	Fee \$ 8
EVELYN N. BILLINGS	
Mariposa County Recorder	

ATTACHMENT 1

MARIPOSA COUNTY  
RESOLUTION 93- 15

A RESOLUTION FOR THE SUMMARY ABANDONMENT OF A PORTION OF ELM WAY IN  
THE FISHCAMP SUBDIVISION

WHEREAS, a portion of Elm Way has not been used for the purpose for which it was dedicated for five consecutive years and,

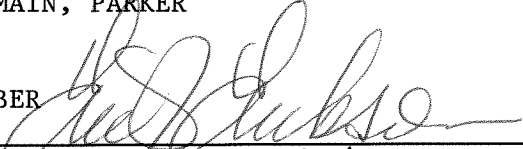
WHEREAS, pursuant to the Streets and Highways Code Section 8333, the Board finds that a portion of Elm Way should be summarily vacated,

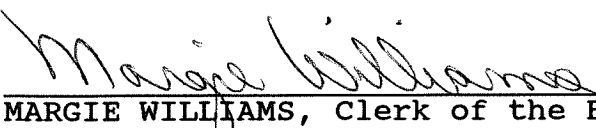
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mariposa, as follows:

That portion of Elm Way described in the attached Exhibit "A" and shown on the attached "Exhibit Map" and is hereby summarily vacated pursuant to Streets and Highways Code Section 8333. From and after the date this resolution is recorded in the office of the Mariposa County Recorder, this portion of Elm Way will be vacated and no longer constitute a street or public service easement: RESOLUTION NO 93 - 15 .

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 5th day of January, 1993, by the following vote:

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

  
 \_\_\_\_\_  
 ERIC J. ERICKSON, Chairman  
 Mariposa County Board of Supervisors

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

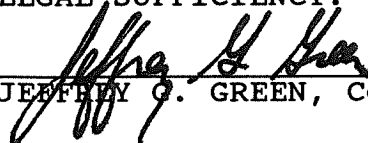
APPROVED AS TO FORM AND  
 LEGAL SUFFICIENCY:  
  
 \_\_\_\_\_  
 JEFFREY G. GREEN, County Counsel

EXHIBIT "A"

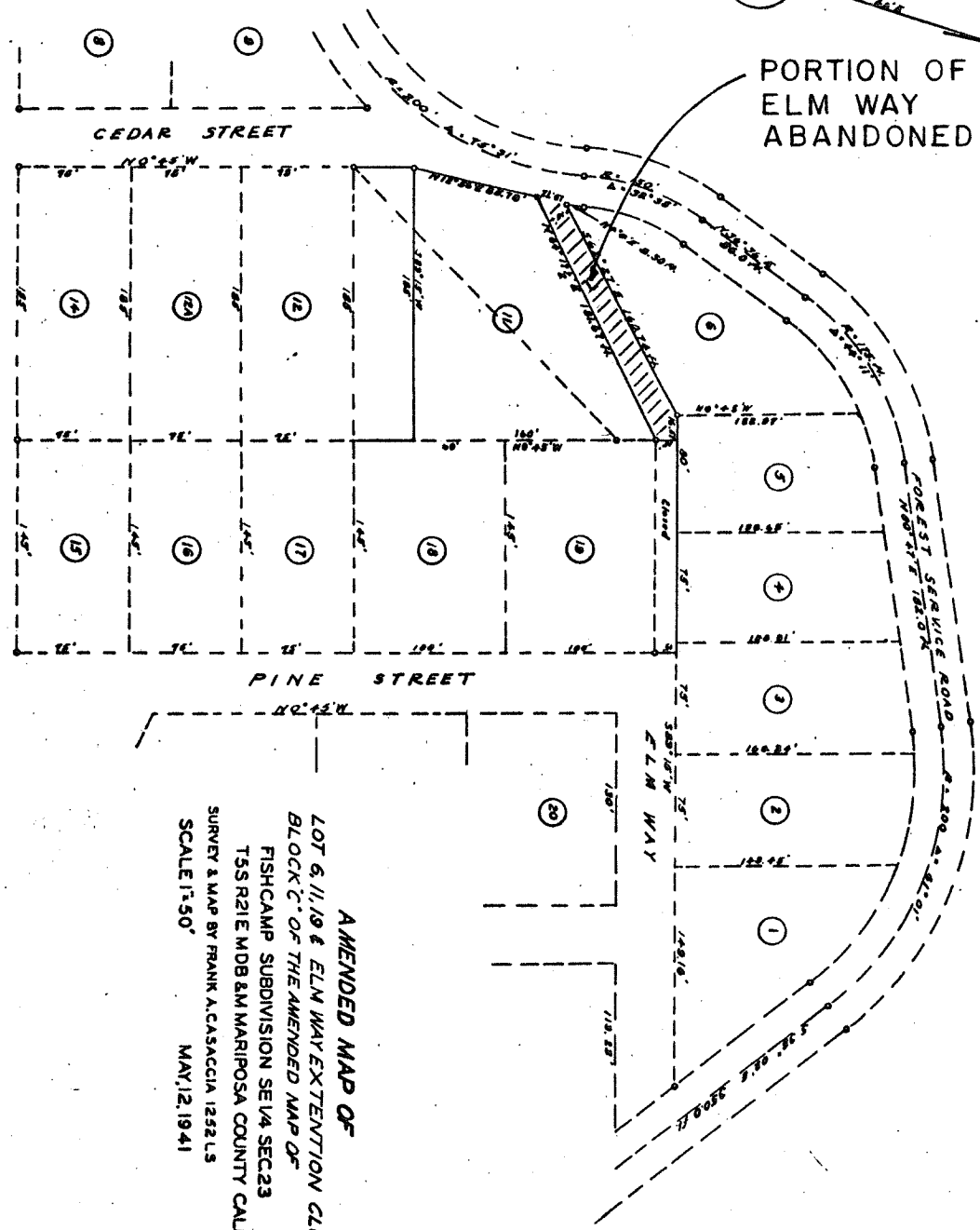
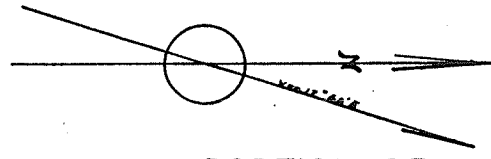
Fishcamp Road Abandonment  
July 21, 1992

All that portion of the Southeast  $\frac{1}{4}$  of Section 23, Township 5 South, Range 21 East, M.D.B. & M. as delineated on Map entitled "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed" and being more particularly described as follows:

Beginning at the Southwest corner of Lot 6 of said "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed" as filed May 22, 1941 in Mariposa Co. said point being marked by a 3/4" iron pipe 12" down tagged LS 4298; thence North 62°34'35" East, 160.65 feet along the Southerly line of said Lot 6; thence North 89°15'00" East, 16.57 feet; thence South 0°45'00" East, 15.00 feet; thence South 64°17'30" West, 181.68 feet along the Northerly line of Lot 11 of said "Amended Map of Lot 6, 11, 19 and Elm Way Extension Closed"; thence North 12°27'40" East, 20.08 feet to the point of beginning, said point of beginning being North 43°39'29" East, 565.96 feet from the south  $\frac{1}{4}$  corner of said Section 23.

Containing 0.074± Acres

ATTACHMENT 3  
EXHIBIT MAP



AMENDED MAP OF  
LOT 6, 11, 19 & ELM WAY EXTENSION CLOSED  
BLOCK C OF THE AMENDED MAP OF  
FISHCAMP SUBDIVISION SE 1/4 SEC 23  
T55 R21 E MDB & M MARIPOSA COUNTY CALIF  
SURVEY & MAP BY FRANK A. CASACIA 1252 L.S.  
MAY 12, 1941  
SCALE 1" = 50'

True #  
Feb 11/51/2

Filed May 22-1941  
Frank A. Casacia