

RESOLUTION NO. 77-41

A RESOLUTION OF INTENTION TO FORM A
MAINTENANCE DISTRICT AND TO ACQUIRE
AND CONSTRUCT IMPROVEMENTS

DOWNTOWN PARKING DISTRICT NO. 1

RESOLVED, by the Board of Supervisors of the County of Mariposa, California, that

1. In its opinion the public interest and convenience require and that it is the intention of said Board of Supervisors to order the acquisitions and improvements described in Exhibit "A," attached hereto and by reference made a part hereof and to order the formation of a parking maintenance district within that portion of the County within the boundaries set forth on Exhibit "B" hereto attached.

2. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

3. Said streets and highways are more particularly shown in the records in the office of the County Recorder of Mariposa County, California, and shall be shown upon the plans herein referred to and to be filed with the County Clerk.

4. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

5. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

6. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade dif-

ferent from that formerly existing and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

7. Said Board of Supervisors does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the County of Mariposa.

8. In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on said private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, said work on private property shall, with the written consent of the owner of said property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which said work is to be done.

9. The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions, as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

10. Said contemplated acquisitions and improvements, in the opinion of said Board of Supervisors, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the County Clerk, to which reference is hereby made for further particulars.

Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

11. Said Board further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisitions and improvements.

12. It is ordered that the expenses of maintaining and operating all structures or other facilities necessary or convenient for parking purposes, all as now existing or hereafter to be constructed in or for said maintenance district, and of benefit to said maintenance district, but not to the County of Mariposa as a whole; including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed upon the real property lying within said parking maintenance district above described, which district said Board hereby preliminarily determines will be the district benefited by the maintenance and operation of said improvements.

13. A maximum property tax rate shall be established pursuant to Section 2263.2 of the Revenue and Taxation Code of the State of California to pay said maintenance and operation expenses, unless otherwise modified pursuant to law, in an amount not to exceed One Dollar and Fifty Cents (\$1.50) per One Hundred Dollars (\$100) of assessed valuation, and the special assessment tax shall be levied and collected in the same time and manner as the general tax levy for County purposes and when collected shall be paid into the County Treasury to the credit of the fund of the maintenance district and be used for the payment of the expenses of such district.

14. Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of not to exceed

eight percent (8%) per annum, will be issued hereunder in the manner provided by Division 10 of the Streets and Highways Code, the Improvement Bond Act of 1915, and the last installment of such bonds shall mature not to exceed fourteen (14) years from the second day of July next succeeding ten months from their date.

15. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913.

16. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code on file in the office of the County Clerk.

17. Said proposed acquisitions and improvements are hereby referred to the Engineer of Work, being a competent person employed by said County for that purpose, and said Engineer is hereby directed to make and file with the County Clerk a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements to be acquired;

(b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district

in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements and of the expenses incidental thereto.

When any portion or percentage of the cost and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of said acquisitions and improvements, and said assessment shall include only the remainder of the estimated cost and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this Section.

18. Notice is hereby given that, in the opinion of the Board of Supervisors, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

19. If any excess shall be realized from the assessment, it shall be used, in such amounts as the Board of Supervisors may determine, in accordance with the provisions of law for one or more of the following purposes:

- (a) Transfer to the general fund of the County, provided that the amount of any transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment; or
- (c) For the maintenance of the improvements.

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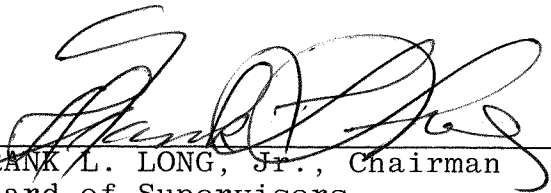
PASSED AND ADOPTED, by the Board of Supervisors of
the County of Mariposa, this 12th day of April, 1977 by the
following vote:

AYES: Clark, Dalton, Long, Walton, Owings

NOES: None

ABSENT: None

NOT VOTING: None


FRANK L. LONG, Jr., Chairman
Board of Supervisors

ATTEST:


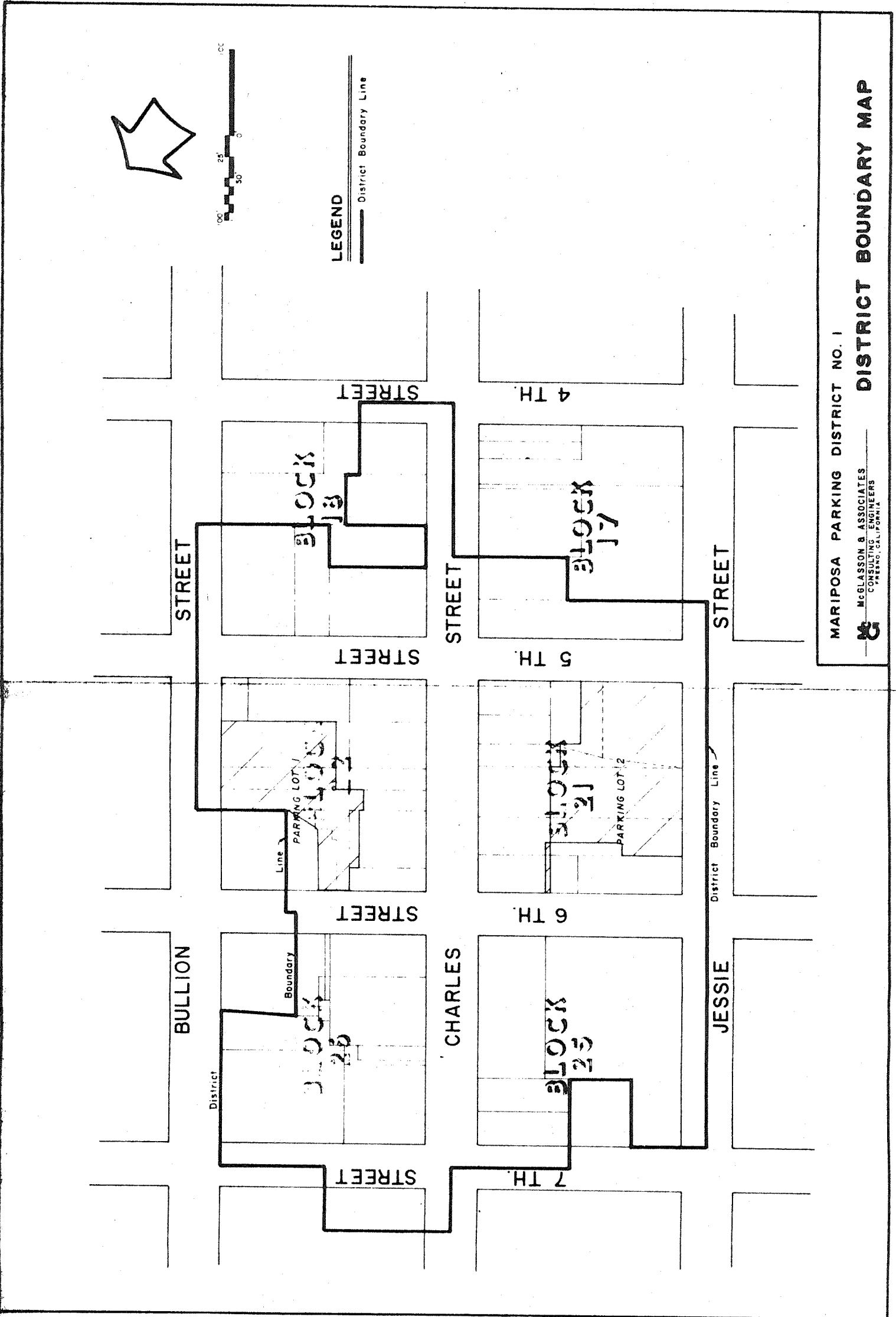

ELLEN BRONSON, County Clerk & Ex-
Officio Clerk of the Board.

EXHIBIT "A"

DESCRIPTION OF IMPROVEMENTS

- a. The acquisition, construction and completion of vehicle off-street parking places and facilities of benefit to and to serve the lands set forth on Exhibit "B," attached hereto, and the improvement of streets and public ways auxiliary thereto by the acquisition of sites required therefor and the improvement thereof by demolishing existing structures where required, grading, including the removal of all obstructions, and the construction thereon of paving, street accesses, sidewalks and pedestrian walkways, curbs and wheelstops, striping, drainage structures, necessary utilities, and landscaping.
- b. The making of all acquisitions and the doing of all work auxiliary to any of the above necessary to or convenient in completing the same.

EXHIBIT "B"
DISTRICT BOUNDARY MAP



MARIPOSA PARKING DISTRICT NO. 1

McGLASSON & ASSOCIATES
CONSULTING ENGINEERS
FRESNO, CALIFORNIA

DISTRICT BOUNDARY MAP