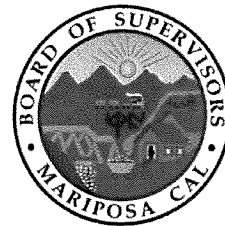


MARIPOSA COUNTY

Public Works • 209 966 5356



RESOLUTION - ACTION REQUESTED 2021-152

MEETING: March 23, 2021
TO: The Board of Supervisors
FROM: Mike Healy, Public Works Director
RE: Accept Transportation Right-Of-Way Land Donation - Yosemite West

RECOMMENDATION AND JUSTIFICATION:

Accept Fee Title Ownership of the Roadway Right-of-Way within the Borders of the Yosemite West Unit 1 Subdivision with No Change to the Existing Road Maintenance Funding Responsibilities and/or Funding Processes.

James Higuchi, on behalf of 40 Acres, Inc., a California Corporation; Yosemite Highlands, Inc., a California Corporation; and Yosemite West Associates, a California limited partnership; are desirous of granting the roads within the Yosemite West Subdivision to the County of Mariposa in fee title via Quitclaim Deed. To complete the Action, the County needs to accept or reject the proposed title transfer.

Staff recommendation in this matter is to accept fee title ownership of the roadways within the borders of the Yosemite West Unit 1 subdivision, as illustrated in attachments labeled Land Donation Exhibit 1a, 1b and 1c, with no change of the existing road maintenance responsibilities but rather it will simply transfer ownership of land. Again, by accepting ownership this action will not add the subdivision roads to the County Maintained Road system.

In the event that acceptance of this item adds costs to the County roads liability insurance coverage in the future, staff recommends that any additional costs directly attributable to this acquisition be charged to the Yosemite West Road Fund. Staff has sought input from our insurance carrier and can report that at present there is no additional insurance liability costs associated with the proposed acceptance.

At the time of the creation of the subdivision the County accepted the right-of-ways as easements for public use within the subdivision. The fee title ownership and the public right-of-ways encumber the same tract of lands, the boundaries being the same. The public right-of-way is an overlay of the fee title land. Accepting the fee title ownership will remove a layer of complexity for adjoining lot owners when modifying lot boundaries to accommodate development of vacant lots which are constrained and limited by the terrain. Currently, several structures encroach into the public right-of-

Resolution - Action Requested 2021-152

way and most vacant lots could potentially benefit from some adjustment of the public right-of-way.

Public Works has consulted our colleagues in the Planning Department regarding this matter and they are supportive of this action as acceptance of ownership will eliminate the requirement of approval by 40 Acres, Inc. to process and complete lot line adjustments thus resulting in a less lengthy and cumbersome planning review process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Yosemite West Subdivision was created by the recordation of the Map of Yosemite West Unit 1, August 1, 1967 as Map No. 1511 and the recordation of the Amended Map of Portion of Yosemite West Unit 1, April 16, 1968 as Map No. 1599, both in Mariposa County Records.

Map No. 1599 was recorded correcting some of the dimensions of some lots but did not change the intent or content of the original map.

Both maps delineate the lot ownership as ending at the right-of-way lines of the roadways, the roadway being an independent contiguous strip of land throughout the subdivision.

The owners "Offered for Dedication to the public use all streets, avenues and easements" thereon and the County Clerk on behalf of the Board of Supervisors, "did accept in behalf of the public, all of the streets, roads, avenues, and easements shown thereon as dedicated to public use."

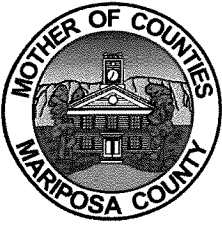
The Offer and acceptance were made as easements only, not in fee title.

As lots within the Subdivision were sold, this has resulted in independent ownership of the lots which are entitled to the public use easement over the roadways, with the area under the public roadways being held in fee title by the original owners/developers of the subdivision.

The original ownership consisted of two Corporations, 40 Acres Inc., and Yosemite Highlands Inc., a California limited partnership, Yosemite West Associates. All three entities were controlled by the same individuals, commonly known as the "Doctors" group.

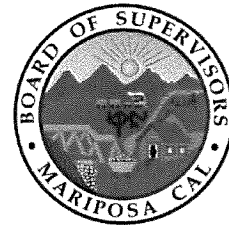
The roadways have never been accepted into nor are a part of the County Road maintenance system nor does this action proposed to do so. The road maintenance is the responsibility of the Yosemite West Maintenance District. Each of the lot owners within the Subdivision pay a monthly fee for the maintenance of the roadways delineated on Map No. 1511.

The current heirs which control the three corporations, have sold off all of their remaining properties in the area and are moving to dissolve the three corporations.



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RESOLUTION - ACTION REQUESTED 2021-152

This action will complete the distribution of the corporation lands.

In the past, to facilitate development of lots, portions of the right-of-way have been vacated and abandoned. This allows individuals to build closer to the physical road surface, making some lots more financially constructible. However to complete such action also required a Lot Line Adjustment to attach the ownership of the additional lands to the individual lot. A Lot Line Adjustment required the co-operation and signatures of the Corporations. Being the Corporations are dissolving, future applicants will not be able to resolve their issue, potentially rendering some lots less attractive for construction from a financial and practical standpoint.

Accepting the fee title ownership of the roadways will remove some steps in the process, shortening the time frame for lot owners to adjust lot boundaries to accommodate lot development.

Previous Board Actions have approved the vacation and abandonment of public right-of-way to accommodate construction of new homes and/or to correct past occurrences of buildings which were encroaching into the public right-of-way and across property lines.

Potential consequences of accepting the fee title could trigger additional similar requests within the County, particularly for roads in any major subdivision recorded prior to approximately 1985. This could include but not be limited to Wawona, Fish Camp, Ponderosa Basin (currently County Maintained), Lushmeadows (currently County maintained), Mariposa Pines (currently County maintained), Quail Ridge Estates, Bridgeport Oaks, as well as any major subdivision recorded prior to approximately 1985. Additional requests would require an offer by the current subdivision owners.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board of Supervisors does not accept the fee title transfer, the right-of-way will remain unchanged. However, the fee title of the roadways will enter into a title limbo and lot owners will likely not be able to resolve building issues relative to the terrain. In cases where existing structures are within the right-of-way, the owners would also be prevented from resolving their property boundary issues which could affect the ability to qualify for home loans and or property insurance.

FINANCIAL IMPACT:

There is no Financial Impact associated with this item.

ATTACHMENTS:

Resolution - Action Requested 2021-152

Y W Roads Land Deed (PDF)

YWroadsAcceptResol (1) (002) (003) (DOC)

Land Donation YW Exhibit 1a (PDF)

Land Donation YW Exhibit 1b (PDF)

Land Donation YW Exhibit 1c (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 2021-152

A Resolution Accepting a Portion of the Conveyance by Quitclaim Deed for the Ownership of the Roadways Within the Boundaries of Yosemite West Unit 1, as Unit 1 is Delineated on the Subdivision Map Recorded August 1, 1967 in the Book of Maps at page 1511, Mariposa County Records, and by the Amended Map of Portion of Yosemite West Unit 1, recorded April 16, 1968 in the Book of Maps, Page 1599, all in Mariposa County Records.

WHEREAS, Yosemite West Unit 1 was created by the Map of Yosemite West Unit 1, recorded August 1, 1967 in the Book of Maps, Page 1511, and by the Amended Map of Portion of Yosemite West Unit 1, recorded April 16, 1968 in the Book of Maps, Page 1599, all in Mariposa County Records; and

WHEREAS, within the boundaries of Yosemite West Unit 1, all streets, avenues and easements were offered for dedication for public use; and

WHEREAS, the offer of dedication was accepted on behalf of the public; and

WHEREAS, the offer of dedication was made for an easement, not as fee title. The fee title was retained by 40 Acres, Inc., a California Corporation, Yosemite Highlands, Inc., a California Corporation, and Yosemite West Associates, a California limited partnership; and

WHEREAS, the entities wish to terminate their ownership of all streets, avenues and road right-of-way within Yosemite West Unit 1; and

WHEREAS, the boundaries of the easements offered and accepted for dedication are identical to the fee simple interest now offered; and

WHEREAS, 40 Acres, Inc., Yosemite Highlands, Inc. and Yosemite West Associates, a California limited partnership have by quitclaim deed hereby remised, released and forever quitclaimed to Mariposa County, all interests in the real property described in Exhibit A of said quitclaim deed; and

WHEREAS, Inter-County Title Company has issued a proforma, which guarantees the County of Mariposa fee title ownership.

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

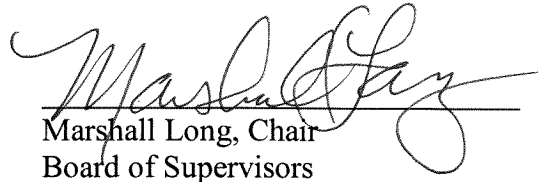
1. The conveyance of roadways has been made by quitclaim deed, dated August 1, 2019 from 40 Acres, Inc., Yosemite Highlands, Inc., and Yosemite West Associates, a California limited partnership to Mariposa County a, political subdivision of the State of California, which describes the roadways in the Exhibit A thereto, and by reference is made a part hereof.
2. This is to certify that the interest in real property conveyed by the quitclaim deed dated August 1, 2019 from 40 Acres, Inc., Yosemite Highlands, Inc., and Yosemite West Associates, a California limited partnership[to Mariposa County a, political subdivision of the State of California, is hereby accepted by the County of Mariposa,

by and through its Board of Supervisors, but only as to all that portion of the roadways, streets, and avenues described in the quitclaim deed that are within the boundaries of Yosemite West Unit 1, as said boundaries are delineated on said Map 1511 and said Amended Map 1599.

3. The County of Mariposa, by and through its Board of Supervisors, hereby rejects and does not accept any and all portions of said described roads which are situated outside of the exterior boundaries of said Yosemite West Unit 1, as said boundaries are delineated on Map No. 1511 and Amended Map No. 1599.
4. All existing public easements will remain in place.
5. The County of Mariposa does not accept any of the said roads for maintenance. The maintenance of the roads within the exterior boundaries of Yosemite West Unit 1 will remain with the Yosemite West Maintenance District.
6. A certified copy of this Resolution shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation of this Resolution and said quitclaim deed, the acceptance by the County of Mariposa of all real property deeded by way of the quitclaim deed shall be deemed complete.


ON MOTION BY Supervisor Smallcombe, seconded by Supervisor Menetrey, this resolution is duly passed and adopted this 23rd day of March 2021, by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE



Marshall Long, Chair
Board of Supervisors

ATTEST:



Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:



Steven W. Dahlem, County Counsel