# AGENDA ACTION FORM

DATE: Nov. 28, 2006 AGENDA ITEM NO. 5B 3B

**DEPARTMENT**: Public Works

**BY**: Dana Hertfelder **PHONE**: 966-5356

# RECOMMENDED ACTION AND JUSTIFICATION:

Waive First Reading and Introduce Ordinance () Waive Second Reading and Adopt Ordinance Approving Minor County Boundary Change Little Mosa & Tuesdam Co.

# BACKGROUND AND HISTORY OF BOARD ACTIONS:

On November 14, 2006 the Mariposa county Board of Supervisors held a public hearing on the proposal to amend the common Boundary Line between Mariposa County and Tuolumne County situated in portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California. Direction was given to staff to return with an Ordinance to amend the common Boundary Line between Mariposa County and Tuolumne County situated in portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California

On October 3, 2006 the Board of Supervisors adopted a resolution setting a date, time and place of hearing for the proposed Mariposa County/Tuolumne County Boundary Line amendment.

Mariposa County Code Section 16.20.030, subsection B requires that no lot shall be divided by a county, city, or school district boundary line. South Shore Club subdivision No. 12/07/87 has been approved, including the County Boundary Line amendment. The Mariposa County Board of Supervisors previously approved a similar amendment by Resolution No. 97-341.

# ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the proposed Boundary Line amendment is not approved, the project applicants would be required to revise the configuration of the subdivision lots to conform to Mariposa County Code requirements.

|    | Financial Impact? () Yes (X) No Current FY Cost: \$   | Annual Recurring Cost: \$  |
|----|---|--|
|    | Budgeted In Current FY? (X) Yes () No () Partially Fund   | ded  |
|    | Amount in Budget: \$  | List Attachments, number pages consecutively                                     |
|    | Additional Funding Needed: \$ none  | 1. Ordinance   |
|    | Source:   |  |
|    | Internal Transfer   |  |
|    | Unanticipated Revenue 4/5's vote  |  |
|    | Transfer Between Funds 4/5's vote   |  |
|    | Contingency 4/5's vote  |  |
|    | () General () Other   |  |
| 28 | Res. No.: 180rd. No. 103   Vote - Ayes: Noes: Word: Bibby Absent: Driver: Bibby () Approved () Minute Order Attached () No Action Necessary | COUNTY ADMINISTRATIVE OFFICER: Requested Action Recommended No Opinion Comments: |
|    | 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   | 1900   |
|    | By:   | CAO:   |
|    | Deputy  |  |

# MARIPOSA COUNTY ORDINANCE NO. 1031 Not to be Codified

# AN ORDINANCE APPROVING MINOR COUNTY BOUNDARY CHANGE

WHEREAS, on July 12, 1988, the Mariposa County Planning Commission approved a tentative map for the South Shore Ranch project, located in Sections 11, 12, 13 and 14 of Township 3 South, Ranch 14 East and portions of Sections 7 and 18, Township 3 South, Ranch 15 East, Mount Diablo Base and Meridian (the "Tentative Map"); and

WHEREAS, through successive actions by the County and others, the life of the Tentative Map was extended through and including December 12, 2008, as validated by an order issued by the Superior Court of the State of California in and for the County of Mariposa on March 29, 2006, in Superior Court Case No. 8886; and

WHEREAS, the owner of the land reflected in the Tentative Map asked the Counties of Mariposa and Tuolumne to adjust the boundary line which separates those counties to conform to that map in order to satisfy condition number 10 imposed upon tentative subdivision map 87T-106 by the County of Tuolumne which prohibits the creation of any lot which is divided by a county boundary line; and

WHEREAS, both Counties have tentatively agreed to the proposed boundary line adjustment subject to compliance with California Government Code Sections, 23200 et seq.; and

WHEREAS, the Board of Supervisors of Tuolumne County on May 9, 2006, adopted a resolution initiating proceedings prescribed in the Government Code to effect the proposed boundary change and designating the Board of Supervisors of Mariposa County as the agency responsible for conducting those proceedings; and

WHEREAS, by resolution adopted on October 3, 2006, the Board of Supervisors of Mariposa County set 10:00 a.m. on November 14, 2006, in the Board of Supervisors Chambers, 5100 Bullion Street, Mariposa, California, as the time and place for a public hearing to receive protests against the proposed boundary change; and

WHEREAS, notice of the protest hearing was published and mailed in the manner prescribed by California Government Code section 23207; and

WHEREAS, the territory affected by the proposed minor boundary change is uninhabited, as that term is defined in Government Code section 23201; and

WHEREAS, at the conclusion of the protest hearing, the Board of Supervisors of Mariposa County determined that protests to the proposed boundary change were not filed by more than 50% of the property owners owning more than 50% of the value of the

land and improvements in the territory affected thereby, and that no protest was filed by the Board of Supervisors of either affected county.

NOW, THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California, does hereby ordain as follows:

# **SECTION I**

The minor boundary change, realigning the boundary between Tuolumne and Mariposa Counties adjacent to the South Shore subdivision to the location described in Exhibit A and depicted in Exhibit B, fully conforms to the requirements set forth in California Government Code section 23202 and is hereby approved.

# SECTION II

Inasmuch as the affected territory is uninhabited and contains no significant improvements, there shall be no division of any county debt or county-owned property within the affected territory. Property taxes and assessments shall be pro-rated, and the affected assessors parcels shall be adjusted to conform to the new boundary line as of the effective date of this ordinance.

## SECTION III

The Clerk to the Board is directed to file on or before December 1, 2007, with the State Board of Equalization and the assessors of each affected county, a statement setting forth the legal description of the boundary as changed, together with a map or plat identifying that boundary. The Clerk also shall provide copies of that statement forthwith to the County Superintendent of Schools of each affected county, the auditor of each affected county, the governing body of each special district whose boundaries include all or any part of the affected territory, and to the Clerk of the California Appellate Court and each Superior Court having jurisdiction over all or any part of the affected territory.

# **SECTION IV**

This ordinance shall become effective thirty (30) days after final passage, to wit: January 11, 2007 pursuant to California Government Code section 25123.

PASSED AND ADOPTED, this 12<sup>th</sup> day of December 2006, by the Board of Supervisors of Mariposa County by the following vote:

AYES:

STETSON, TURPIN, FRITZ, PICKARD

NOES: EXCUSED: **BIBBY** 

ABSTAINED: NONE

NONE

LEE STETSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

THOMAS P. GUARINO, County Counsel

EXHIBIT "A"

# Legal Description for a portion of the Mariposa – Tuolumne County Line

Commencing at a 1" iron pipe with plastic plug stamped "CALTRANS MON", said pipe being designated as Caltrans Survey Control Monument X-TUO-132-PM4.60, and having coordinates of Northing 2,069,299.445 and Easting 6,604,893.581, Zone 3 of the California State Plane Coordinate System, based on the North American Datum of 1983(92); thence South 48°38'10" West 19091.01 feet to a T-Bar with cap stamped "X-TUO 110-61", also being a Caltrans Survey Control Monument, and having coordinates of Northing 2,056,683.347 and Easting 6,590,565.264; thence North 8°19'09" East 11,002.23 feet to a 5/8" reinforcing bar with a 3 ¼ inch diameter brass cap stamped "MARIPOSA COUNTY TUOLUMNE COUNTY L.S. 5808 1994", said bar being the most southerly corner of Lot 4 as shown on the map filed in Book 39 of Record of Surveys, at page 83, Tuolumne County Records and in the Book of Maps at page 2530, Mariposa County Records, said bar having coordinates of Northing 2,067,569.80 and Easting 6,592,157.17 and being the true **POINT OF BEGINNING** of this description; thence

- 1) North 6°11'31" East 529.06 feet; thence
- 2) North 29°45'35" East 424.11 feet to a point on a non-tangent curve from which a radial line to the center bears North 26°36'40" East; thence
- 3) along said non-tangent curve, concave to the north, having a radius of 320.00 feet and being subtended by a chord of South 80°00'45" East 183.09 feet, through a central angle of 33°14'50", an arc distance of 185.69 feet; thence
- 4) along a tangent line, North 83°21'50" East 93.21 feet; thence
- 5) along a tangent curve, concave to the northwest, having a radius of 25.00 feet and being subtended by a chord of North 41°50'20" East 33.15 feet; through a central angle of 83°03'01", an arc distance of 36.24 feet; thence
- 6) along a tangent line, North 0°18'49" East 130.61 feet; thence
- 7) along a tangent curve, concave to the east, having a radius of 380.00 feet and being subtended by a chord of North 17°48'33" East 228.48 feet, through a central angle of 34°59'28", an arc distance of 232.07 feet; thence
- 8) along a tangent line, North 35°18'17" East 131.23 feet; thence
- 9) along a tangent curve, concave to the west, having a radius of 170.00 feet and being subtended by a chord of North 7°27'05" East 158.85 feet, through a central angle of 55°42'24", an arc distance of 165.29 feet; thence
- 10) along a tangent line, North 20°24'07" West 389.26 feet; thence
- 11) along a tangent curve, concave to the southwest, having a radius of 970.00 feet and being subtended by a chord of North 23°02'47" West 89.51 feet, through a central angle of 5°17'20", an arc distance of 89.54 feet; thence
- 12) along a tangent line, North 25°41'27" West 96.59 feet; thence
- 13) along a tangent curve, concave to the east, having a radius of 530.00 feet and being subtended by a chord of North 11°12′51" West 264.98 feet, through a central angle of 28°57′11", an arc distance of 267.82 feet; thence
- 14) along a reverse curve, concave to the southwest, having a radius of 25.00 feet and being subtended by a chord of North 38°27'29" West 33.27 feet, through a central angle of 83°26'26", an arc distance of 36.41 feet; thence
- 15) along a reverse curve, concave to the north, having a radius of 520.00 feet and being subtended by a chord of North 76°49'17" West 60.90 feet, through a central angle of 6°42'50", an arc distance of 60.93 feet; thence
- 16) along a radial line, North 16°32'08" East 50.00 feet; thence
- 17) North 41°16'36" East 184.41 feet; thence

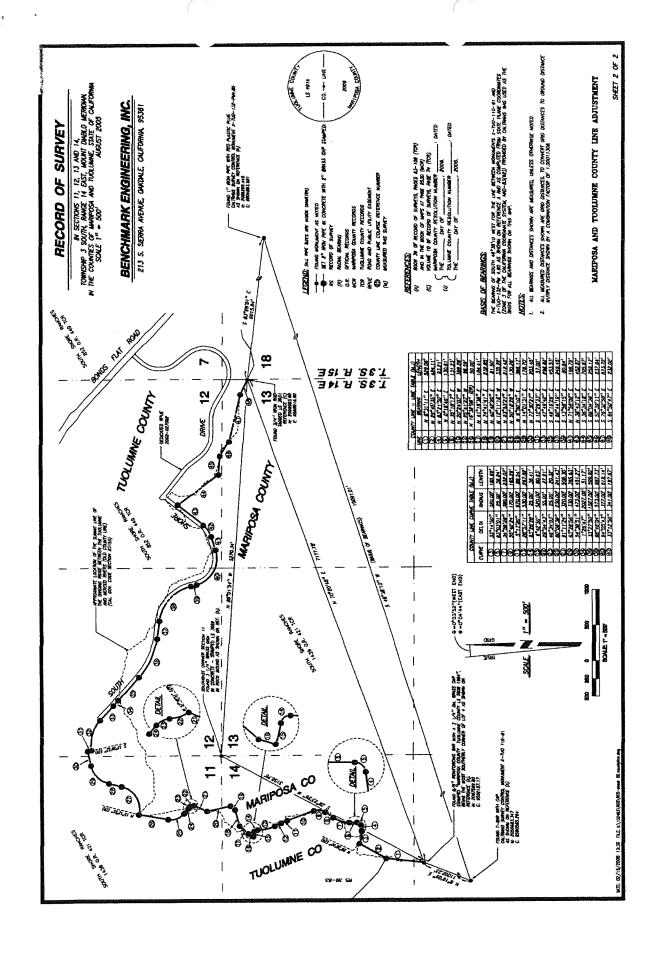
- 18) North 74°41'41" East 232.85 feet; thence
- 19) North 40°42'20" East 81.50 feet; thence
- 20) North 12°11'16" West 335.22 feet; thence
- 21) North 23°53'27" East 212.42 feet to a point on a non-tangent curve from which a radial line to the center bears North 57°10'51" East; thence
- 22) along said non-tangent curve, concave to the east, having a radius of 55.00 feet and being subtended by a chord of North 18°16'47" West 237.61 feet, through a central angle of 29°04'43", an arc distance of 27.91 feet; thence
- 23) along a reverse curve, concave to the southwest, having a radius of 25.00 feet and being subtended by a chord of North 27°01'28" West 19.76 feet, through a central angle of 46°34'03", an arc distance of 20.32 feet; thence
- 24) along a tangent line, North 50°18'29" West 130.26 feet; thence
- 25) along a tangent curve, concave to the east, having a radius of 230.00 feet and being subtended by a chord of North 20°14′09" West 230.50 feet, through a central angle of 60°08′39", an arc distance of 241.43 feet; thence
- 26) along a tangent line, North 9°50'10" East 396.17 feet to a point on a non-tangent curve from which a radial line to the center bears, North 15°12'55" East; thence
- 27) along said non-tangent curve, concave to the northwest, having a radius of 320.00 feet and being subtended by a chord of North 59°37'13" East 457.22 feet, through a central angle of 91°11'24", an arc distance of 509.30 feet; thence
- 28) along a tangent line North 14°01'31" East 178.70 feet; thence
- 29) along a tangent curve, concave to the southeast, having a radius of 330.00 feet and being subtended by a chord of North 45°45'59" East 347.21 feet, through a central angle of 63°28'56", an arc distance of 365.63 feet; thence
- 30) along a tangent line, North 77°30'27" East 203.45 feet; thence
- 31) South 12°29'33" East 57.00 feet to a point on a non-tangent curve from which a radial line to the center bears South 12°29'33" East; thence
- 32) along said non-tangent curve, concave to the south, having a radius of 473.00 feet and being subtended by a chord of South 75°09'38" East 434.35 feet, through a central angle of 54°39'51", an arc distance of 451.27 feet; thence
- 33) along a tangent line, South 47°49'42" East 298.82 feet; thence
- 34) along a tangent curve, concave to the northeast, having a radius of 2027.00 feet and being subtended by a chord of South 48°33'06" East 51.17 feet, through a central angle of 1°26'47", an arc distance of 51.17 feet; thence
- 35) along a tangent line, South 49°16'29" East 453.53 feet; thence
- 36) along a tangent curve, concave to the northeast, having a radius of 1027.00 feet and being subtended by a chord of South 66°00'24" East 591.34 feet, through a central angle of 33°27'50", an arc distance of 599.82 feet; thence
- 37) along a tangent line, South 82°44'19" East 249.45 feet; thence
- 38) along a tangent curve, concave to southwest, having a radius of 573.00 feet and being subtended by a chord of South 48°21'17" East 647.19 feet, through a central angle of 68°46'04", an arc distance of 687.73 feet; thence
- 39) along a tangent line, South 13°58'15" East 80.84 feet; thence
- 40) along a tangent curve, concave to the northeast, having a radius of 377.00 feet and being subtended by a chord of South 61°01'07" East 551.87 feet, through a central angle of 94°05'43", an arc distance of 619.14 feet; thence
- 41) along a tangent line, North 71°56'02" East 198.79 feet; thence

- 42) along a tangent curve, concave to the northwest, having a radius of 341.00 feet and being subtended by a chord of North 55°19'37" East 194.92 feet, through a central angle of 33°12'50", an arc distance of 197.67 feet; thence
- 43) along a tangent line North 38°43'12" East 452.87 feet; thence
- 44) South 36°34'18" East 705.87 feet; thence
- 45) South 86°04'36" East 259.12 feet; thence
- 46) South 57°39'11" East 237.64 feet; thence
- 47) South 76°32'58" East 673.72 feet; thence
- 48) South 64°50'47" East 232.02 feet to a ¾ inch iron rod tagged L.S. 3031, having coordinates of Northing 2,069,983.90 and Easting 6,598,916.80, said iron rod marking the intersection of the east line of Section 13, Township 3 South, Range 14 East, M.D.M, with the Mariposa Tuolumne County line as shown on map filed in Volume 10 of Record of Surveys at page 74, Tuolumne County Records and the end of this description.

All coordinates, bearings and distances herein are based on the California Coordinate System 1983(92) Zone 3. Multiply the distances by 1.00011308 to obtain ground level distances.

December 29, 2005

EXHIBIT "B"



# TUOLUMNE COUNTY

# COUNTY SURVEYOR'S STATEMENT.

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFES-STOWN LAND SURVEYOR'S ACT THIS

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BY CHRIS A HOBERT, L.S. 4377, CEPUITY COUNTY SUMETION LICENSE EMPRES 9-50-8007 HERR M. RR. PLS. SAGE COUNTY SUMEROR LICENSE EMPRES: 12-31-2008

TAQLUMME\_COUNTY\_BOAGO\_OF\_SIPERISORS\_SINTERN:
TO SOLUMNE STATEMEN STATEMEN THE COUNTY BOY OF THE BOOK OF SUPERISORS OF THE COUNTY BOY COUNTY BOY OF THE BOY O CARED THIS DAY OF

PRINT NAME

CHAMMAN OF THE BOARD OF SUMERINGORS COUNTY OF THOUSAME, STATE OF CALIFORNIA

# RECORDER'S STATEMENT

OF MECOANCE OF THE COUNTY SUPPRIORS OF MECOANDS OF MARKEY, AT PRICE THE MECOANDS OF MARKEY, AT PRICE ALED THIS \_\_\_\_\_ DAY OF

COUNTY PRECINCIE

# RECORD OF SURVEY

IN SECTIONS 11, 12, 13 AND 14, TOWING BY 3 SOUTH, RAWE 14 EAST, MOUNT DIVEO MERGAN. IN THE COUNTRS OF MERGOS AND TACLIAME, SINTE OF CALFORMANINGS 2005

# BENCHMARK ENGINEERING, INC. 213 S. SIERRA ANDINE, ONCULE, CLIFORMA, 95361

# SURVEYOR'S STATEMENT:

THIS WAS COMPLETE, REPRESENTS A SUMMER WAS BY ME OF UNDER MY DOMESTION IN CONTINUAL WAY THE RECOMMERSTS OF THE PROTESSION. LAND SUMMERS ACT AT THE RECUEST OF BRICHAMMER REQUESTS, ACT IN TERMANY.

ADDRESSIONS.

HOWARD L. ANSEN PLS. NO. 4914 PLSMAD L. ANSEN



# COUNTY SURVEYOR'S STATEMENT

MARIPOSA COUNTY

THIS WAP THIS BEEN EXAMINED IN ACCORDANCE METH SECTION 8766 OF THE PROFES-SIGNAL LAND SURVEYOR'S ACT THIS

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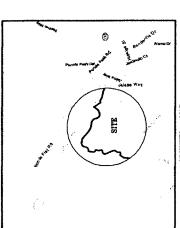
JERONE S. PRESION, 1.5 4070, COUNTY SUPPLYOR

MARPICS, COUNTY BOARD OF SUPERNSOR'S STATEMENT:
R RESOURCE NASS OF MARSON PAR ANN OF THE COUNTY BOARD PAR OF STATEMENT:
ROBERT REMENS TO MARSON COUNT DO ACCEPT THE LOCATION AND INFERENCE OF THE COMMENT REMENS TO MARSON COUNTY AS SOME UPON THE MARY.

PRINT NAME 002

CHARMAN OF THE BOARD OF SUPERASORS COUNTY OF LAWROSS, STATE OF CALIFORNA

DATED THIS \_\_\_\_\_ DAT OF\_\_\_\_



VICINITY

MARIPOSA AND TUOLUMNE COUNTY LINE ADJUSTMENT