

96-458

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: November 12, 1996  
AGENDA ITEM NO: CA-8

HOUSING AND COMMUNITY DEVELOPMENT AGENCY  
BY: James F. Evans

PHONE: 966-6121

RECOMMENDED ACTION AND JUSTIFICATION: (POLICY ITEM: YES ( ) NO (X))

Resolution Accepting an Equestrian and Pedestrian Easement on Lot Number 536 on Lot Number 536 of the Lake Don Pedro Subdivision and Vacating an Equestrian and Pedestrian Easement on Lot 535 of the Lake Don Pedro Subdivision. (Action authorized by Resolution 95-384).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board, by Resolution 95-384, authorized the relocation of this particular easement. Previously, the Board approved one other easement relocation.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve easement relocation.

COSTS: (X) Not Applicable

A.	Budgeted	<u>CURRENT FY</u>	\$ _____
B.	Total anticipated costs		\$ _____
C.	Required add'l funding		\$ _____
D.	Internal transfers		\$ _____

SPECIAL INSTRUCTIONS  
List the attachments and number pages accordingly:

\_\_\_\_\_ 3 page resolution \_\_\_\_\_  
\_\_\_\_\_ 1 page staff memo \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SOURCE: ( ) 4/5's vote required

A.	Unanticipated revenues	\$ _____
B.	Reserve for Contingencies	\$ _____
C.	Source description:	_____

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

CLERK'S USE ONLY:

Resolution No.: 96-458

Ordinance No.: \_\_\_\_\_

Vote: Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

*Day* Approved ( ) Denied  
( ) Minute Order attached.  
( ) No Action Necessary.

ADMINISTRATIVE OFFICER'S  
RECOMMENDATION:

This item on Agenda as:

Recommended  
 Not recommended  
 Policy determination  
 Submitted w/ comment  
 Returned for further action

Comment: \_\_\_\_\_

A.O. Initials: [Signature]

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



James F. Evans Director


**HOUSING AND COMMUNITY  
DEVELOPMENT AGENCY**



- Calaveras/Mariposa County  
Community Action Agency
- Head Start
- Housing Authority of the  
County of Mariposa
- Recreation Programs

November 1, 1996

TO: Board of Supervisors

FROM: James F. Evans, Director 

SUBJECT: RELOCATION OF LAKE DON PEDRO PEDESTRIAN AND  
EQUESTRIAN TRAIL

As authorized by Resolution 95-384, the Board of Supervisors directed me to proceed with the relocation of a P&E Trail easement from one lot to an adjacent lot. This direction included four conditions:

- (1) Relocation improves public access and use of the trail.
- (2) Relocation is supported by the Foothill Saddle and Trail Club.
- (3) The property-owner is responsible for all expenses except County staff review.
- (4) The purchase of the adjacent lot is completed.

A site visit confirmed that the relocation would benefit users of the P&E Trail. I received a letter from the Saddle and Trail Club supporting the relocation. The property owner has provided all appropriate legal documents and has completed purchase of the adjacent lot.

County Counsel has indicated that the County may proceed with formal approval of this matter. The legal descriptions of the easements have been prepared by a Civil Engineer which meets the requirements of the County Associate Surveyor.

Therefore, I request your approval to formally approve the relocation of the Lake Don Pedro P&E Trail as described in the attached Resolution.

RESOLUTION ACCEPTING AN EQUESTRIAN AND PEDESTRIAN EASEMENT  
ON LOT NUMBER 536 OF THE LAKE DON PEDRO SUBDIVISION  
AND VACATING AN EQUESTRIAN AND PEDESTRIAN EASEMENT  
ON LOT 535 OF THE LAKE DON PEDRO SUBDIVISION

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the Board of Supervisors to summarily vacate a public service easement provided that the easement has been superseded by a relocation and there are no public facilities located within the easement;

WHEREAS, Section 8335 of the Streets and Highways Code authorizes the Board of Supervisors to vacate a public service easement by adopting a resolution of vacation; and,

WHEREAS, by Resolution 95-384, the Board of Supervisors accepted an exchange of public service easement from Lot 535 to Lot 536 of the Lake Don Pedro Subdivision and more precisely described in Exhibit A and Exhibit B attached hereto and made a part of this Resolution.

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

- 1) The County of Mariposa hereby accepts an easement for equestrian and pedestrian purposes on Lot 536 of the Lake Don Pedro Subdivision and more precisely described in Exhibit B.
- 2) The County of Mariposa summarily vacates an easement for equestrian and pedestrian purposes on Lot 535 of the Lake Don Pedro Subdivision and more precisely described in Exhibit A. The easement shall be vacated immediately upon adopted of this Resolution.

PASSED AND ADOPTED THIS 12th DAY OF NOVEMBER, 1996 BY THE FOLLOWING VOTE:

AYES: Reilly, Balmain, Stewart, Parker, and Pickard

NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
DOUG BALMAIN, CHAIRMAN

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN, County Counsel

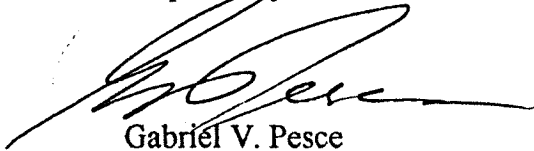
EXHIBIT "A"

**ABANDONMENT  
EQUESTRIAN AND PEDESTRIAN EASEMENT**

An abandonment of that easement for equestrian and pedestrian purposes over a portion of **Lot 535**, as shown on a map of Lake Don Pedro Subdivision, Unit 2-M, which map was filed on September 8, 1969 in Book of Maps at Page 1676/35, Mariposa County Records. Said Lot 535 also being a portion of Section 34, Township 3 South, Range 15 East, Mount Diablo Base & Meridian.

Easement to be abandoned is more particularly described as follows: Being 30 feet in width, parallel with, and lying adjacent too and Northwesterly of the Southeasterly line of Lot 535. Said line having a designated bearing and distance of North 50°05'59" East, 393.76 feet.

Prepared By:



Gabriel V. Pesce  
R.C.E. 22849  
G.V. Pesce & Associates, Inc.



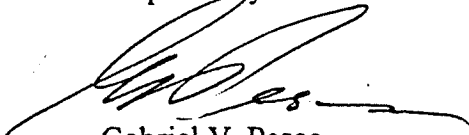
EXHIBIT "B"

**DESCRIPTION  
EQUESTRIAN AND PEDESTRIAN EASEMENT**

An easement for equestrian and pedestrian purposes over a portion of Lot 536, as shown on a map of Lake Don Pedro Subdivision, Unit 2-M, which map was filed on September 8, 1969 in Book of Maps at Page 1676/35, Mariposa County Records. Said Lot 536 also being a portion of Section 34, Township 3 South, Range 15 East, Mount Diablo Base & Meridian.

Said easement is more particularly described as follows: Being 30 feet in width, parallel with, lying adjacent too and Northwesterly of the Southeasterly line of Lot 536. Said line having a designated bearing and distance of North 50°05'59" East, 386.65 feet.

Prepared By:



Gabriel V. Pesce  
R.C.E. 22849  
G.V. Pesce & Associates, Inc.



\_\_\_\_ SIGN & RETURN

\_\_\_\_ YOUR COPY

\_\_\_\_ BROKER'S COPY

\_\_\_\_ MCTC COPY

\_\_\_\_ BUYER  
\_\_\_\_ SELLER

ESCROW INSTRUCTIONS

TO: MARIPOSA COUNTY TITLE COMPANY

P.O. BOX 218 / 5082 BULLION STREET / MARIPOSA, CALIFORNIA 95338

TELEPHONE (209) 966-2021 / FAX (209) 742-6799

Escrow No: 95435

Escrow Officer: Neil A. Stonum

Date: March 25, 1996

You are handed herewith the originals of the deeds attached hereto and identified as 95435 and 95435a. You may record both deeds concurrently without the issuance of title insurance. This is a compliance order only. Mariposa County Title Company has drawn the attached deed at the request of and as a service to the County of Mariposa and Wendy Weidenman. You are hereby relieved of any liability other the drawing and recording of the attached documents.

County of Mariposa

By:

Doug Balmain  
Doug Balmain  
Chairman of the Board of Supervisors

Attest:

Margie Williams  
Margie Williams  
Clerk of the Board

Approved as to form and legal sufficiency:

Jeffrey G. Green  
Jeffrey G. Green  
County Counsel

\_\_\_\_\_  
Wendy Weidenman

Recording Requested by  
MARIPOSA COUNTY TITLE COMPANY

When recorded, mail this deed  
and tax statements to:

County of Mariposa  
P. O. Box 189  
Mariposa, CA 95338

Title Order No. 95435  
Escrow No. 95435

**GRANT DEED**

The undersigned declares that the documentary transfer tax is \$0.00  
and is /x/ computed on the full value of the interest or property conveyed  
or is / / computed on the full value less the value of liens or  
encumbrances remaining thereon at the time of sale.  
The land, tenements or realty is located in unincorporated area.

Date of deed: August 9, 1996                      Assessors Parcel Number 020-230-020

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Wendy Weidenman, an unmarried woman

hereby GRANT(S) to

County of Mariposa, a political subdivision

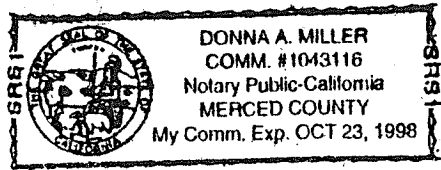
the following described property in the County of Mariposa, State of  
California:

SEE EXHIBIT "B"

Wendy Weidenman  
Wendy Weidenman

State of California }  
County of MERCED }

On 10/09/1996, before me,  
DONNA A. MILLER, a Notary Public in and for  
said County and State, personally appeared Wendy Weidenman, personally  
known to me, (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
(Continued on Next Page)



This form prepared by  
MARIPOSA COUNTY TITLE COMPANY  
Dated: August 9, 1996  
Title Order No. 95435

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GRANT DEED CONTINUATION PAGE

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authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

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Notary Public

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated August 90, 1996 from Wendy Weidenman to the County of Mariposa, a political corporation is hereby accepted pursuant to authority conferred by resolution 95-384 of the Board of Supervisors adopted on August 22, 1995, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: November 19, 1996

County of Mariposa

By:

Doug Balmain  
Doug Balmain  
Chairman of the Board of Supervisors

Attest:

Margie Williams  
Margie Williams  
Clerk of the Board

Approved as to form and legal sufficiency:

Jeffrey G. Green  
Jeffrey G. Green  
County Counsel



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

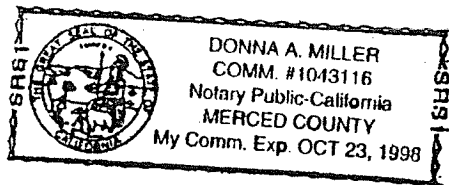
State of CA

County of MERCED

On 10-9-96 before me, DONNA A. MILLER  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared WENDY WEIDENMAN  
Name(s) of Signer(s)

personally known to me - **OR** -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Donna A. Miller  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: GRANT DEED

Document Date: 10-9-96 Number of Pages: (3)

Signer(s) Other Than Named Above: DOUG BALMAIN, MARGIE WILLIAMS, & JEFFREY G. GREEN

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: WENDY WEIDENMAN

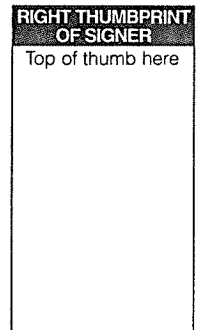
- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

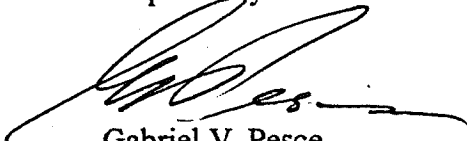
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Prepared By:



Gabriel V. Pesce  
R.C.E. 22849  
G.V. Pesce & Associates, Inc.



Recording Requested :  
MARIPOSA COUNTY TITLE COMPANY

When recorded, mail this deed  
and tax statements to:

Wendy Weidenman  
9488 Coronado Road  
La Grange, CA 95329

Title Order No. 95435  
Escrow No. 95435

---

**QUITCLAIM DEED**

The undersigned declares that the documentary transfer tax is \$0.00  
and is /x/ computed on the full value of the interest or property conveyed  
or is / / computed on the full value less the value of liens or  
encumbrances remaining thereon at the time of sale.  
The land, tenements or realty is located in unincorporated area.

Date of deed: August 9, 1996                      Assessors Parcel Number 020-230-020

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
County of Mariposa, a political subdivision  
hereby REMISES, RELEASES AND QUITCLAIMS to

Wendy Weidenman, an unmarried woman

the following described property in the County of Mariposa, State of  
California:

SEE EXHIBIT "A"

THIS EASEMENT IS BEING GRANTED AND ACCEPTED PURSUANT TO BOARD OF  
SUPERVISORS RESOLUTION 95-384.

County of Mariposa

(Continued on Next Page)

This form prepared by  
MARIPOSA COUNTY TITLE COMPANY  
Dated: August 9, 1996  
Title Order No. 95435

QUITCLAIM DEED CONTINUATION PAGE

By: Doug Balmain  
Doug Balmain  
Chairman of the Board of Supervisors

Attest: Margie Williams  
Margie Williams  
Clerk of the Board

Approved as to form and legal sufficiency:

Jeffrey G. Green  
Jeffrey G. Green  
County Counsel

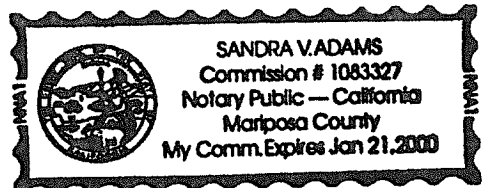
State of California }  
County of Mariposa }

On November 19, 1996, before me,  
Sandra V. Adams, a Notary Public in  
and for said County and State, personally appeared  
Doug Balmain

personally known to me, (or proved to me on the basis of  
satisfactory evidence) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sandra V. Adams  
Notary Public



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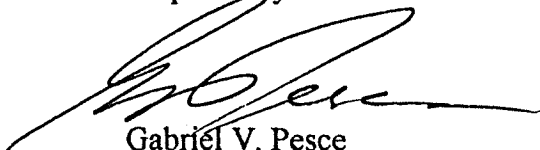
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G.V. Pesce & Associates, Inc.

