

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes No)

Staff recommends the following actions to eliminate the assessment from a non-benefitting parcel within the Little Bear Road Maintenance Zone of Benefit.

1. Adopt the attached Resolution Reorganizing the Little Bear Road Maintenance Zone of Benefit;
2. Adopt the attached Resolution Establishing Revised Assessment Fees for the Little Bear Road Maintenance Zone of Benefit;
3. Authorize the Chairman of the Board to sign the attached Statement(s) of Zone Reorganization and Notice of Reorganization; and
4. Authorize the recordation of the Notice of Reorganization, subject to the applicant depositing the total costs to process this application.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 28, 1995, the Board adopted Resolution No. 95-76, A Resolution of Intention to Reorganize the Little Bear Road Maintenance Zone of Benefit, Peter W. Bradbury, as owner/applicant. For additional details, see attached Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Require the applicant to process a detachment of the subject parcel from the zone at additional expense and possible long-term negative effects.
2. Do not adopt this resolution; and require the applicant to maintain his existing status and assessment fee structure, within the Little Bear Road Maintenance Zone of Benefit. The applicant could legally challenge his zone status and assessment, since the specified parcel derives no direct benefit from the maintenance of Little Bear Road.

COSTS: (X) Not Applicable

A. Budgeted current FY> \$ _____

B. Total anticipated Costs> \$ _____

C. Required additional funding> \$ _____

D. Internal transfers> \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues> \$ _____

B. Reserve for contingencies> \$ _____

C. Source description: > _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Staff Report(3 pages)
2. Balance Sheet & Scope of Work (reprinted from Fee Hearings on 9-13-94)
3. Resolution of Reorganization (w/2 Exhibits: 5 pages) w/Statement of Zone Reorganization
4. Fee Resolution (w/2 Exhibits: 4 pages)
5. Notice of Reorganization (w/2 Exhibits: 4 pages)
6. Vicinity Map
7. Parcel Map for Peter W. Bradbury (Boom 26 Pg. 4)

CLERK'S USE ONLY ^{4/11} Res. No.: 95-141 ^{Per. 95-151} Ord. No.: _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached 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

By: _____

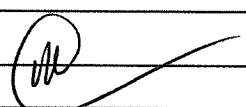
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- _____ Recommended
- _____ Not Recommended
- _____ For Policy Determination
- _____ Submitted for Comment
- _____ Returned for Further Action

Comment: _____



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING on Reorganization of The Little
Bear Road Maintenance Zone of Benefit.

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 4, 1995

ACTION AND VOTE:

11:11 a.m. Dave Tucker/PWD-Senior Civil Engineer, appeared on behalf of Mike Edwards, Public Works Director; PUBLIC HEARING on the Matter of Reorganization of The Little Bear Road Maintenance Zone of Benefit; Bradbury, Applicant
BOARD ACTION: Dave Tucker, presented staff report, advising that the reorganization proposes to exempt the subject parcel from assessments; however, it would remain within the Zone. Staff responded to questions from the Board relative to benefits provided by the Zone; location of the subject parcel; process for taking the subject parcel out of the Zone; creation of the Zone and adherence to maintenance requirements; and proposed reorganization relative to change in assessments. Public input was provided by the following: Peter Bradbury/applicant, commented on the proposed reorganization and his stipulation that if the subject parcel should ever gain access to Little Bear Road through adjoining property(s), it would be subject to assessment. Mr. Bradbury responded to question from the Board relative to access to Ganns Corral Road. Alice Casaretto appeared with her brother, Verne Casaretto who had purchased a parcel from Mr. Bradbury, and stated they support the reorganization; but object to the increase in assessment fees; and suggested the full Board visit areas in the County where these issues arise so that they are familiar with the particular situation. Les Wenger/parcel owner in the Zone, stated he does not oppose withdrawal of the subject parcel from assessment; but feels the assessments need to be reviewed relative to the maintenance actually being done. Public portion of the hearing was closed and the Board commenced with deliberations. (M)Taber, (S)Balmain, Res. 95-141 adopted approving reorganization to remove the subject parcel from assessment/Ayes: Unanimous. Further deliberation was held. Direction was given to Public Works

to come back with a report relative to funding as a result of the assessments and status of maintenance for Little Bear Road. (M)Taber, (S)Balmain, to amend the previous motion to make the reorganization effective for 1996, was held in abeyance pending further deliberations later this date. Supervisor Reilly requested that Administrative Practice Session be scheduled to discuss zone of benefit issues. Hearing was continued to 2:00 p.m. this date.

2:00 p.m. Continued PUBLIC HEARING (deliberation phase) on the Matter of Reorganization of The Little Bear Road Maintenance Zone of Benefit; Bradbury, Applicant

BOARD ACTION: Dave Tucker responded to questions from the Board relative to assessment timeframes. Bruce Atkinson/PWD-Special Projects Coordinator, provided input relative to assessment timeframes and the taxing process. Board determined that more information was needed relative to assessment and taxing timeframes. The motion that was previously held in abeyance was withdrawn by second and maker. County Counsel advised that the original motion will stand until amended during the continued hearing. Hearing was continued to April 11, 1995, at 9:45 a.m. for additional information on the timeframes.

cc: File

Staff Report
Mariposa County Public Works Department

Attachment 1
March 29, 1995

APPLICATION: Zone of Benefit No. Z90-09 — Reorganization of the Little Bear Road Maintenance Zone of Benefit:

APPLICANTS: Peter W. Bradbury, Owner/Applicant

AGENT: Charles Jamgotchian

STAFF RECOMMENDATION:

The Public Works staff is recommending that the Board of Supervisors approve this petition, and adopt the attached Resolution Approving the Reorganization of the Little Bear Road Maintenance Zone of Benefit, and authorize the appropriate legal filings, once the applicant has deposited the total costs for staff to process this application. Additionally, staff is recommending that the Board adopt the attached Resolution Establishing Revised Assessment Fees for the Little Bear Road Maintenance Zone of Benefit, which will eliminate any future road maintenance assessments (for Little Bear Road) against Mr. Bradbury's parcel (APN 016-031-004), until his parcel receives some form of benefit from this zone.

PROJECT DESCRIPTION:

The applicant has proposed the reorganization of the existing Little Bear Road Maintenance Zone of Benefit. This Zone of Benefit was formed to maintain the primary access road built (and maintained) as a condition of Land Division Application Numbers 1333 (Edward & Mary Reins, Parcel Map Book 25-Page 11, recorded February 4, 1991), 1334 (John Reins, Parcel Map Book 25-Page 10, recorded February 4, 1991), and 1411 (Peter Bradbury, Parcel Map Book 26-Page 4, recorded February 11, 1993). When the zone of benefit was originally created, the boundaries included eight (8) of the nine (9) parcels created by Land Division Applications Nos. 1333 and 1334. At that time, only one of the newly created parcels (Parcel A, APN 017-030-087 - 5.03 acres), did not have access to Little Bear Road, and was therefore left out of the original zone of benefit. The applicant has proposed no change to the zone boundary; however, the applicant has proposed eliminating all assessments from his parcel (APN 017-031-004, Parcel "C" of Parcel Map Book 26-Page 4), at this time, because the parcel no longer has any frontage on Little Bear Road, and therefore receives no maintenance benefit from the existing zone of benefit.

LOCATION:

The project site is located at the intersection of Little Bear Road and Ganns Corral Road, approximately one (1) mile south of Mark Lee Road. (APN 017-031-004, ±5.00 acres). The zone of benefit includes a total of nearly two hundred sixty two acres (±261.93), and the subject parcel comprises a total of ±5.00 acres, more or less.

BACKGROUND:

Parcel "C," Parcel Map Book 26-Page 4; recorded February 11, 1993
(See Attachment 7)

RELATIONSHIP TO GENERAL PLAN AND EXISTING ZONES:

The project site is located in a Mountain Home Land Use Classification (five acre minimum parcel size).

ENVIRONMENTAL REVIEW:

An environmental review was conducted by the Planning Department, in 1992, in association with LDA 1411. A negative declaration was adopted when the project was tentatively approved, on February 21, 1992.

STAFF DISCUSSION:

The existing zone of benefit provides maintenance on Little Bear Road, in the Morman Bar area. The zone reorganization being considered under this application is the result of a letter of petition from Mr. Peter W. Bradbury, owner of the affected parcel (APN 017-031-004). The letter of petition was filed by Charles Jamgotchian, as agent for the owner.

The Parcel Map for Peter Bradbury created a situation where one of his newly created parcels has its primary access provided from Ganns Corral Road with no access from Little Bear Road. When the tentative Land Division Application (LDA 1411) was first reviewed by the Public Works Department, in December 1991, staff recommended that the applicant, Mr. Bradbury, commence a process to either remove the non-benefitted parcel from the zone, or reorganize the zone, so that the non-benefitted parcel would not be assessed. The applicant did neither. Existing County policy does not provide a mechanism whereby County staff can initiate a non-requested detachment, dissolutionment, or reorganization. The applicant, as the owner of the non-benefitted parcel, has therefore initiated the present action.

This situation has three possible solutions:

- 1) The Board could agree to a detachment of Mr. Bradbury's parcel from the existing zone of benefit. In this case, a new legal description would need to be prepared and filed with the State Board of Equalization (SBE). The applicant would have to have a new legal description prepared, and a filing fee of no less than two hundred fifty dollars (\$250.00) to the SBE would be encountered. A negative effect of this alternative would be that an annexation process would be required, should the Little Bear Road Zone of Benefit expand its scope of work to include benefits to Mr. Bradbury's parcel.
- 2) The second solution (the one recommended by Public Works) is accomplished by approving a (Resolution of) reorganization of the existing zone; maintaining the existing boundaries, but adjusting the assessment structure, so that Mr. Bradbury's parcel will not be billed for any additional assessments, until his parcel receives some form of benefit from the zone.
- 3) The Board of Supervisors could reject the petition, and require the applicant to maintain his membership in the existing Little Bear Road Maintenance Zone of Benefit, and continue paying the approved per parcel annual assessment rate of three hundred forty six dollars and fifty cents (\$346.50). This was not recommended, because it would unfairly leave an assessment in place on a parcel not receiving any benefit.

Staff Report

Mariposa County Public Works Department

Attachment 1
March 29, 1995

During the 1994 Annual Zone of Benefit Fee Hearings Board approved a fee increase for the Little Bear Road Maintenance Zone of Benefit. When the zone was originally created, it had included eight (8) parcels, and had an approved annual budget (assessment rate) of two thousand six hundred twenty seven dollars and forty cents (\$2,627.40), for the entire zone; or a rate of three hundred twenty eight dollars and forty three cents (\$328.43) per parcel per year (for 8 parcels). Following the 1994 Fee Hearings, on September 13, 1994, the Board approved Resolution No. 94-393, which increased the annual budget to three thousand four hundred sixty five dollars (\$3,465.00) for the entire zone; or a rate of three hundred forty six dollars and fifty cents (\$346.50) per parcel per year (for 10 parcels). The (revised) assessment rate approved at that time constituted an increase of approximately five and a half percent (5.5%).

At this time, Public Works staff is not recommending any additional adjustment to the annual budget for the entire zone. However, as a part of this application, staff is recommending that the per parcel assessment rate be modified to reflect an annual assessment of zero dollars (\$0.00) per year, for Mr. Bradbury's parcel (APN 017-031-004). As a result of this adjustment, the annual assessment rate on the other nine benefitted parcels within the boundaries of this zone would need to be increased to three hundred eighty five dollars (\$385.00) per parcel per year (for 9 parcels). This proposed adjustment would constitute an increase of approximately eleven percent (11.11%) over the per parcel rate approved by the Board on September 13, 1994. A reprinted copy of the approved Scope of Work and Account Balance Sheet, provided to the Board during the 1994 Fee Hearings, has been attached hereto as Attachment 5, for review.

Staff Report
Mariposa County Public Works Department

Attachment 2
March 29, 1995

Zone of Benefit Account Balance Sheet

Item Description **Amount**

CREDITS:

Initiation/Startup Fee	\$ 5,734.80
Assessments paid through 6/30/94	4,790.55
Interest Earned through 6/30/94	+ 785.89
Total Credits through 6/30/94	\$ 11,311.24

DEBITS:

SBE Filing Fee	\$ 480.00 *
Emergency Fund	98.80
Auditor's Charges	40.00
Assessor's Charges	75.00 *
PWD: Inspections/Administration 1991-94	248.92
Maintenance Work 1992	2,872.31
Maintenance Work 1993	3,120.00
Maintenance Work 1994	+ 1,552.60
Total Debits through 6/30/94	\$ 8,465.03
Total Maintenance & Administration paid through 6/30/94	\$ 7,910.03

Current Account Balance as of 6/30/94	\$ 2,846.21
Emergency Fund Balance as of 6/30/94	+ 113.83
Total Account Balance as of 6/30/94	\$ 2,960.04

Average annual maintenance & administration \$ 2,636.68

* The above figure does not average the SBE filing fee

Adopted Total Annual Assessment Fee (± 5%)	\$ 3,465.00
Adopted Annual Per parcel Assessment Fee (9-13-1994)	\$ 346.50
Proposed Annual Per parcel Assessment Fee (4-4-1995)	
	\$ 385.00

EXHIBIT "A"

SCOPE OF WORK FOR THE LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT

The specific purpose, nature, and scope of work involved in this zone are:

To maintain the easement road within the boundaries of Little Bear Road Maintenance Zone of Benefit, as established by Mariposa County Resolution No. 91-24. That road named **Little Bear Road**, from the intersection with Ganns Corral Road to the turnaround (within the remainder Parcel, as shown on that certain Parcel Map for Edward R. & Mary M. Reins, recorded in Book 25 - Page 10), a distance of approximately thirty three hundred feet (3300'), shall be maintained at Mariposa County Class II road standard, with a total width of twenty six feet (26'), and a graveled width of twenty feet (20'). The extended services provided by this zone shall include road maintenance tasks, including, but not limited to, grading, placement and compaction of base rock and asphalt where necessary on the road surface, road drainage facilities, erosion control, weed control, fuel modification and signage.

The level of maintenance and extent of work required shall be as follows:

- (A) Roads shall be maintained to the specified road class standard by grading the surface, (including any required turnouts or turnarounds) at least once per year; and shall include the addition of base rock and/or water as required. Culverts and other drainage facilities shall be checked twice each year and cleaned as necessary.
- (B) Weed Control and Fuel Modification, shall be checked twice each year, and work accomplished as necessary.
- (C) Signage shall be checked twice each year, and repairs and replacements will be made as necessary. The following two (2) signs are included in this zone:
 - "STOP" Sign at the intersection of Ganns Corral Road and Little Bear Road.
 - "LITTLE BEAR ROAD" Road Name Sign at the intersection of Ganns Corral Road and Little Bear Road.

MARIPOSA COUNTY RESOLUTION NO. 95-141

**A RESOLUTION APPROVING THE REORGANIZATION OF
THE LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT**

WHEREAS, Section II.I.2 (page 17) of the Mariposa County Road Improvement and Circulation Policy requires the formation of a Zone of Benefit on all subdivision roads that serve more than four parcels; and

WHEREAS, the applicant, Peter W. Bradbury, has petitioned Mariposa County for the reorganization of the Little Bear Road Maintenance Zone of Benefit; and

WHEREAS, the Board of Supervisors, through Resolution No. 95-76, filed a Resolution of Intention to Reorganize the Little Bear Road Maintenance Zone of Benefit, as required by Government Code Section 25210.32, and set a date and time for a Public Hearing; and

WHEREAS, on April 4, 1995, the Board of Supervisors held a duly noticed public hearing on the question of reorganizing the Little Bear Road Maintenance Zone of Benefit; and

WHEREAS, the Board of Supervisors, received no dissenting public input at the public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, that the Board hereby approves the reorganization of the LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT, as described and shown on the attached STATEMENT OF ZONE REORGANIZATION.

MARIPOSA COUNTY RESOLUTION C.J. 95-141

A RESOLUTION APPROVING THE REORGANIZATION OF
THE LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT


PASSED AND ADOPTED this 4th day of April, 1995
by the Mariposa County Board of Supervisors by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER and TABER

NOES: NONE

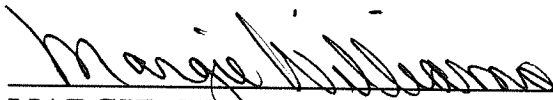
ABSENT: NONE

ABSTAINED: NONE



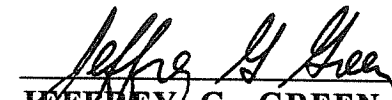
GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



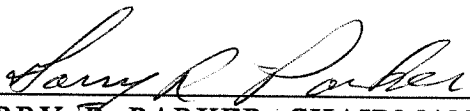
JEFFREY G. GREEN
County Counsel

STATEMENT OF ZONE REORGANIZATION

In accordance with Sections 54900-54903 of the California Government Code, this statement is hereby issued by the Chairman of the Board of Supervisors of the County of Mariposa, acting as Chairman of the Board of Directors of the Countywide County Service Area No. 1, County of Mariposa, State of California.

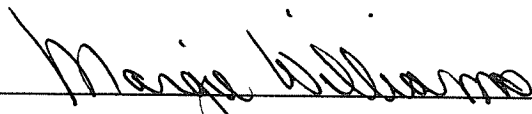
1. A certified copy of the resolution approving the reorganization of the **LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT** is attached hereto and titled "**MARIPOSA COUNTY RESOLUTION NO. 95-141 — A RESOLUTION APPROVING THE REORGANIZATION OF THE LITTLE BEAR ROAD MAINTENANCE ZONE OF BENEFIT,**" and by reference incorporated herein. A legal description and map of the boundaries are attached hereto and marked Exhibits "A" and Exhibit "B", and by reference incorporated herein.
2. The affected territory included within this newly reorganized zone of benefit will not be taxed for any existing bonded indebtedness or contractual obligation.
3. This statement, along with the attached map and legal description, shall be filed prior to January 1 of the year in which the jurisdictional change is to be reflected on the tax rolls and shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization, Sacramento, California.

DATED: June 26, 1995.



GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisor

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

EXHIBIT "A"

PARCEL DESCRIPTION

Little Bear Road Maintenance Zone of Benefit

Beginning at the corner of sections 1 and 2, Township 6 south, Range 18 east, Mt. Diablo Base and Meridian, thence S89°34'27"E 1668.69 feet, thence along the centerline of Gann Corral Road the following 6 courses and distances: Southeasterly along a 200.00 foot radius curve to the right with a central angle of 27°55'30" an arc length of 97.48 feet, S2°14'41"W 312.89 feet, along a 250.00 foot radius curve to the left with a central angle of 36°41'33" an arc length of 160.10 feet, S34°26'52"E 179.69 feet, along a 450.00 foot radius curve to the right with a central angle of 21°12'46" an arc length of 166.61 feet, S13°14'06"E 123.22 feet, thence leaving said centerline S83°31'49"W 30.21 feet, thence N85°55'18"W 589.84 feet, thence South 375.00 feet, thence S89°42'52"E 613.00 feet, thence continuing along said centerline the following 11 courses: Southwesterly along a 560.00 foot radius curve to the right with a central angle of 14°22'27" an arc length of 140.49 feet, S21°18'56"W 108.19 feet, along a 560.00 foot radius curve to the right with a central angle of 9°29'06" an arc length of 92.70 feet, S30°48'02"W 269.66 feet, along a 75.00 foot radius curve to the left with a central angle of 100°19'28" an arc length of 131.32 feet, S69°31'26"E 187.41 feet, along a 315.00 foot radius curve to the right with a central angle of 32°25'49" an arc length of 178.30 feet, S37°05'37"E 79.91 feet, along a 210.00 foot radius curve to the right with a central angle of 48°34'33" an arc length of 178.04 feet, S11°28'56"W 196.11 feet, along a 520.00 foot radius curve to the left with a central angle of 7°50'50" an arc length of 71.22 feet, thence leaving said centerline, S89°58'52"W 2013.03 feet, thence N89°38'56"W 2640.92 feet, thence N00°41'56"W 2650.95 feet, thence S89°46'10"E 2634.70 feet to the point of beginning.

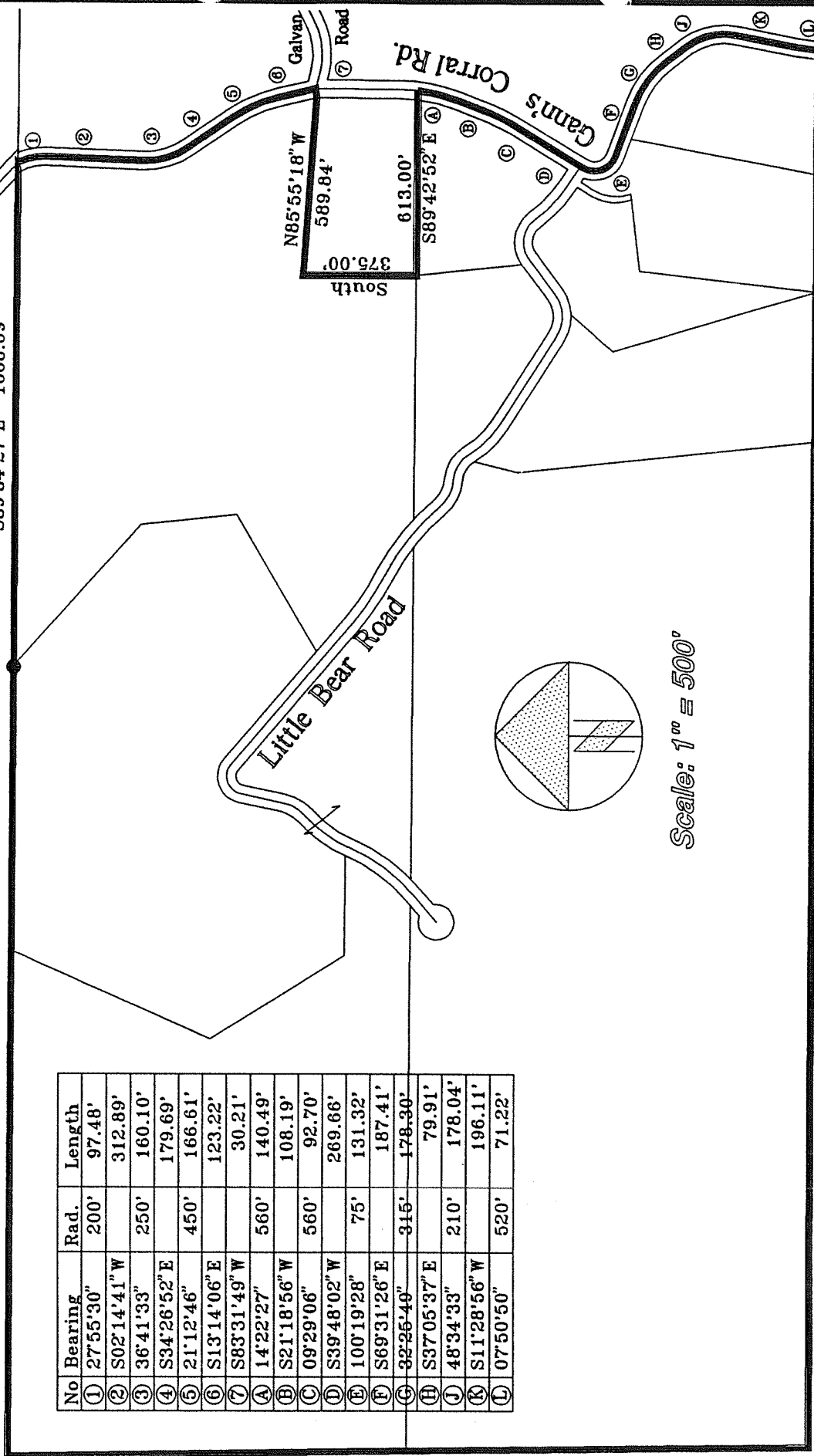


DOUGLAS BREADAHL
ENGINEERING FIELD SERVICES
P.O. BOX 424
NORTH FORK, CALIFORNIA 93643

Exhibit B

S89°46'10"E 2634.70'

S89°34'27"E 1668.69'

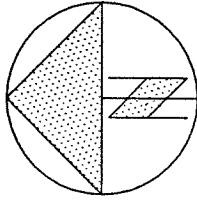


No	Bearing	Rad.	Length
①	S27°55'30"W	200'	97.48'
②	S02°14'41"W	250'	312.89'
③	S36°41'33"W	250'	160.10'
④	S34°26'52"E	450'	179.69'
⑤	S21°12'46"W	450'	166.61'
⑥	S13°14'06"E	560'	123.22'
⑦	S83°31'49"W	560'	30.21'
⑧	S21°18'56"W	560'	140.49'
⑨	S09°29'06"W	560'	108.19'
⑩	S39°48'02"W	75'	92.70'
⑪	S100°19'28"E	75'	269.66'
⑫	S69°31'26"E	315'	131.32'
⑬	S32°26'46"W	315'	187.41'
⑭	S37°05'37"E	210'	178.30'
⑮	S48°34'33"W	210'	79.91'
⑯	S11°28'56"W	520'	178.04'
⑰	S07°50'50"W	520'	196.11'
⑱			71.22'

South
375.00'
N85°55'18"W
589.84'
613.00'
S89°42'52"E ④

Little Bear Road

Galvan Road
Cann's Corral Rd.



Scale: 1" = 500'

N89°38'56"W 2640.92'

S89°58'52"W 2013.03'

Little Bear Road Zone of Benefit

N00°41'56"W 2650.95'