

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

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

1. Adopt the attached Resolution Conditionally Dissolving The Zone of Benefit for Grape Patch Estates, with the recommended conditions; and authorize the Chairman to sign the attached Statement of Zone Dissolutionment;
2. Adopt the attached Resolution Rescinding Assessment Fees for The Zone of Benefit for Grape Patch Estates;
3. Authorize the Chairman of the Board to sign the attached Notice of Zone Dissolutionment;
4. Authorize the filing of the Statement of Zone Dissolutionment with the State Board of Equalization;
5. Authorize the recordation of the Notice of Zone Dissolutionment, into the Official Records; and
6. Authorize the release of all unencumbered proceeds from The Zone of Benefit for Grape Patch Estates account to the newly formed home owners association, once all processing charges have been billed, required fees paid, and any existing debts and/or obligations are satisfied.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and leave the existing zone of benefit in place to insure the maintenance of their road system.

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(4 pages)
(w/6 Attachments: 37 pages)
2. Resolution to Dissolve
w/Statement of Zone Dissolutionment and
(w/2 Exhibits: 5 pages)
3. Fee Rescission Resolution
(w/2 Exhibits: 5 pages)
4. Notice of Dissolutionment
(w/2 Exhibits: 4 pages)

CLERK'S USE ONLY

Res. No.: 95-311 / 95-312 Ord. No.: _____

Vote - Ayes: 5 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: _____

A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *hw*
SUBJECT: PUBLIC HEARING on the Matter of Dissolving the
Grape Patch Estates Road Maintenance Zone of
Benefit;
Res. #95-311 (Conditionally Dissolving Zone) and
Res. #95-312 (Rescinding Assessment Fees)

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 27, 1995

ACTION AND VOTE:

11:28 a.m. Mike Edwards, Public Works Director;

A) PUBLIC HEARING on the Matter of Dissolving The
Grape Patch Estates Road Maintenance Zone of Benefit
BOARD ACTION: Mike Edwards presented staff report and
advised the Board of a correction to the conditions of
approval in Exhibit "C" - Board concurred with the change.
Mike Edwards and Bruce Atkinson/PWD-Special Projects
Coordinator, responded to questions from the Board relative
to participation of the one property owner who did not agree
to dissolving the Zone; and relative to the process. Public
portion of the hearing was opened and the following provided
input: John Kasnick presented the Board with 13
individually signed requests to dissolve the Zone. Public
portion of the hearing was closed and Board commenced with
deliberations. (M)Taber, (S)Reilly, Res. 95-311 adopted
conditionally dissolving the Zone; Res. 95-312 adopted
rescinding assessment fees; authorization was given for
Chairman to sign Statement and Notice of Zone
Dissolutionment and filing and recordation of same as
appropriate; and authorizing the release of all unencumbered
proceeds from the Zone account to the newly formed home
owners association as recommended/Ayes: Unanimous. Hearing
was closed.

cc: Jeffrey G. Green, County Counsel
Ken Hawkins, Auditor

**A RESOLUTION CONDITIONALLY DISSOLVING THE
ZONE OF BENEFIT FOR GRAPE PATCH ESTATES**

WHEREAS, Section II.I.3 of the Mariposa County Road Improvement and Circulation Policy provides an exemption to the requirement of a Zone of Benefit if a private maintenance association is established; and

WHEREAS, the applicants, The Grape Patch Estates Property Owners' Association, has petitioned Mariposa County for the dissolutionment of the Zone of Benefit for Grape Patch Estates; and

WHEREAS, the applicants' Secretary, Mr. John V. Kasnick has provided Mariposa County with the "Articles of Unincorporated Association - Grape Patch Estates Property Owners' Association" and "Bylaws of Grape Patch Estates Property Owners' Association," which provides for the private maintenance of the roads and water system with the Grape Patch Estates Major Subdivision; and

WHEREAS, on September 13, 1994, the Board of Supervisors, through a Minute Order, issued in conjunction with Resolution No. 94-393, continued a duly noticed Public Hearing on the matter of revised fees for the Zone of Benefit for Grape Patch Estates, to a future date, when alternatives to the zone of benefit could be discussed; and

WHEREAS, on June 27, 1995, the Board of Supervisors held a duly noticed public hearing on the question of dissolving the Zone of Benefit for Grape Patch Estates; 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 conditionally approves the dissolutionment of the ZONE OF BENEFIT for GRAPE PATCH ESTATES, as described and shown on the attached STATEMENT OF ZONE DISSOLUTIONMENT.

**A RESOLUTION CONDITIONALLY DISSOLVING THE
ZONE OF BENEFIT FOR GRAPE PATCH ESTATES**

BE IT FURTHER RESOLVED, the Board of Supervisors finds the dissolutionment of the ZONE OF BENEFIT FOR GRAPE PATCH ESTATES is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) of the CEQA Guidelines based on the following findings:

- 1) The zone of benefit to be dissolved is being replaced by a private maintenance entity, established for the maintenance of existing public facilities involving negligible use beyond that previously existing.
- 2) It is determined with certainty that there will be no possibility that the dissolutionment of this zone of benefit may have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, the Board of Supervisors finds the Grape Patch Estates Property Owners' Association to be an acceptable alternative to the zone of benefit based on the following findings:

- 1) California Civil Code §845 states that *"The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair; (b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose ... ; and (c) In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner;*
- (2) The final map for Grape Patch Estates was recorded in Mariposa County, based on stipulations contained in a "Declaration of Restrictions" which constructively noticed buyers that they would be privately and mutually responsible for a proportionate share of the costs for maintenance of roads and other common improvements within the subdivision;
- (3) The existing Zone of Benefit for Grape Patch Estates was not required by the county, was not referenced on the final map, and was established after the recordation of the final map; and

A RESOLUTION CONDITIONALLY DISSOLVING THE
ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

- (4) The Grape Patch Estates Property Owners' Association is a duly authorized substitute for the existing zone of benefit, that includes all parcels within the boundaries which are served by the improvements maintained by the existing zone of benefit.

BE IT FURTHER RESOLVED, the Board of Supervisors adopts the conditions provided in the attached Exhibit "C," and directs that they be implemented by County Staff.

PASSED AND ADOPTED this 27th day of June, 1995 by the Mariposa County Board of Supervisors by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER and TABER

NOES: NONE

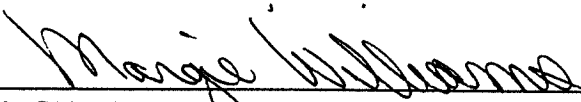
ABSENT: NONE

ABSTAINED: NONE



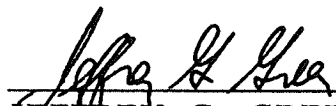
GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



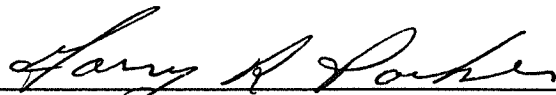
JEFFREY G. GREEN
County Counsel

STATEMENT OF ZONE DISSOLUTIONMENT

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.

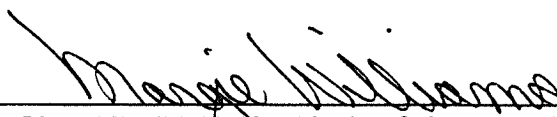
1. A certified copy of the resolution approving the dissolutionment of the **ZONE OF BENEFIT FOR GRAPE PATCH ESTATES** is attached hereto and titled "**MARIPOSA COUNTY RESOLUTION NO. 95-311 — A RESOLUTION DISSOLVING THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES**", and by reference incorporated herein. 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 being excluded from this existing zone of benefit will 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 30, 1995.



GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisor

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

EXHIBIT "A"
LEGAL DESCRIPTION FOR
THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

All that certain real property situate in the County of Mariposa, State of California, described as follows:

A tract of land situated in a portion of Section 5 and Section 6, all in Township 6 South, Range 20 East, Mount Diablo Base and Meridian; said tract of land being more particularly described as follows:

The South one-half of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 5; and the Southeast quarter of the Northeast quarter of Section 6.

EXCEPTING THEREFROM, all that portion of said Southeast quarter of the Northeast quarter of Section 6, described as follows:

COMMENCING at the Southeast corner of said Southeast quarter of the Northeast quarter of Section 6, said point being the POINT OF BEGINNING for this description; thence along the Easterly line of said Southeast quarter of the Northeast quarter, North $00^{\circ} 33' 15''$ West, 687.85 feet to a point, said point being the Northeast corner of the South one-half of said Southeast quarter of the Northeast quarter, said point being located South $00^{\circ} 33' 15''$ East, 687.85 feet from the Northeast corner of said Southeast quarter of the Northeast quarter; thence leaving the Easterly line of said Southeast quarter of the Northeast quarter, and running Northwesterly, North $84^{\circ} 10' 44''$ West, 1324.21 feet to a point on the Westerly line thereof, said point being located South $00^{\circ} 45' 44''$ East, 597.26 feet from the Northwest corner of said Southeast quarter of the Northeast quarter; thence along the Westerly line of said Southeast quarter of the Northeast quarter South $00^{\circ} 45' 44''$ East, 759.64 feet, to the Southwest corner thereof; thence along the Southerly line of said Southeast quarter of the Northeast quarter South $87^{\circ} 16' 27''$ East, 1315.42 feet, more or less, to the POINT OF BEGINNING.

TOGETHER WITH all that portion of the Northeast quarter of the Northeast quarter of Section 6 described as follows:

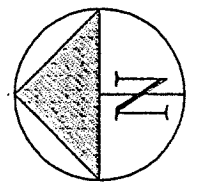
COMMENCING at the Southeast corner of said Northeast quarter of the Northeast quarter of Section 6; thence Northwesterly, along the Southerly line of said Northeast quarter of the Northeast quarter, North $88^{\circ} 06' 09''$ West, 482.40 feet to a point, said point being the POINT OF BEGINNING for this description; thence continuing Northwesterly along said Southerly line of the Northeast quarter of the

EXHIBIT "A"

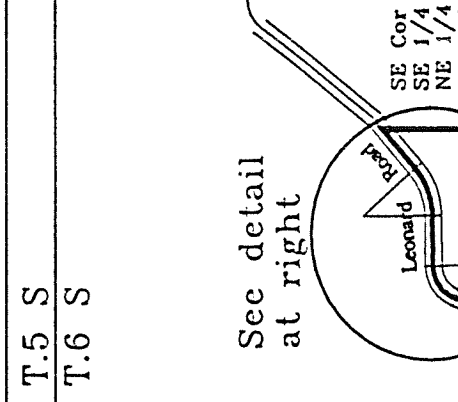
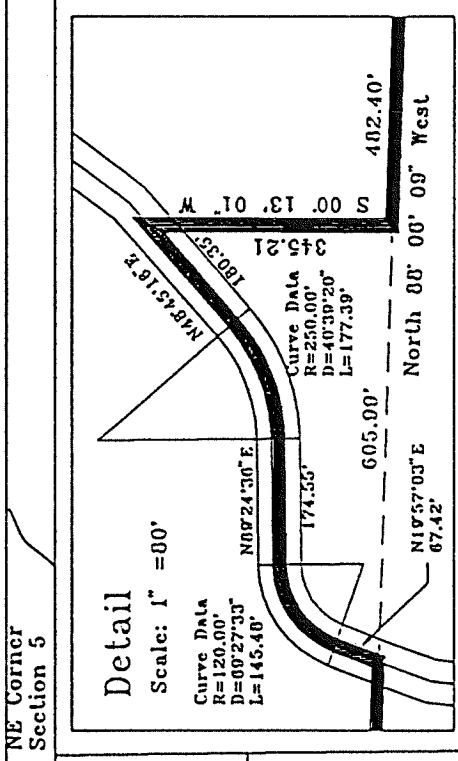
LEGAL DESCRIPTION FOR THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

Northeast quarter, North $88^{\circ} 06' 09''$ West, 605.99 feet, more or less, to a point on the centerline of that certain County Road known as Leonard Road; thence leaving said Southerly line of the Northeast quarter of the Northeast quarter, and running Northeasterly along said centerline of Leonard Road, North $19^{\circ} 57' 03''$ East, 67.42 feet; thence continuing along the centerline of Leonard Road, along a tangent curve to the right, concave to the Southeast, with a radius of 120.00 feet, through a central angle of $69^{\circ} 27' 33''$, an arc length of 145.48 feet; thence continuing along said centerline, North $89^{\circ} 24' 36''$ East, 174.55 feet; thence continuing along the centerline of Leonard Road, along a tangent curve to the left, concave to the Northwest, with a radius of 250.00 feet, through a central angle of $40^{\circ} 39' 20''$, an arc length of 177.39 feet; thence continuing along said centerline, North $48^{\circ} 45' 16''$ East, 180.35 feet to a point, said point being the most easterly point of this description; thence leaving said centerline of Leonard Road, and running Southwesterly, South $00^{\circ} 13' 01''$ West, 345.21 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT "B"



Scale: 1" = 200'



SW 1/4
NE 1/4
Section 5

S 1/2
NW 1/4
Section 5

Portion
SE 1/4
NE 1/4
Section 6

Center Quarter Corner
Section 5

ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

A tract of land situated in a portion of Section 5 and 6, all in Township 6 South, Range 20 East, M.D.B. & M.

EXHIBIT "C"

CONDITIONS OF APPROVAL FOR THE DISSOLUTIONMENT OF THE ZONE OF BENEFIT FOR GRAPE PATCH ESTATES

The following conditions shall apply to the Resolution Conditionally Dissolving the Zone of Benefit for Grape Patch Estates:

- 1) The Grape Patch Estates Property Owners' Association shall be required to provide an addendum to their bylaws or adopt a Resolution by the Board of Directors of said Association, which will establish stipulations on the maintenance provisions of said Association's Bylaws: ensuring that the easement roads are maintained in the condition under which they were approved; providing for the maintenance of all roads and common improvements in the subdivision including drainage and erosion control devices, fuel modification, road surfaces, and water storage facilities; be in effect for a period of not less than 30 years; provide for annual maintenance and the immediate correction of emergency and safety hazard situations. Said addendum or Resolution shall be reviewed and approved by the County, before acceptance, signed by an authorized representative(s) of the Association, and then recorded.
- 2) This zone dissolutionment will not be filed (finalized) with the State Board of Equalization (SBE), the County Assessor, or the County Auditor, until the documentation required in condition number 1 above, has been recorded, and any necessary roadway and/or water system maintenance is completed. The "Notice of Zone Dissolutionment" will not be recorded until said condition has been fulfilled.
- 3) All unencumbered proceeds from the Auditor's account for the Zone of Benefit for Grape Patch Estates shall be refunded to the Grape Patch Estates Property Owners' Association (allocated to their maintenance fund), within sixty (60) days of the Board's adoption of this Resolution to Dissolve and the Resolution Rescinding Assessment Fees; once all bills for the processing of this dissolutionment have been submitted and paid.