

DEPARTMENT: Public Works

By: Michael D. Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X)

Adopt a resolution of intention to abandon a portion of the pedestrian and equestrian easement through Lot 110 of Lake Don Pedro Subdivision Unit 1-M and set a date for a public hearing on the abandonment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The house on Lot 110 was inadvertently built with a slight encroachment into the public pedestrian and equestrian easement. There has been correspondence between the property owner, building contractor, Public Works and County Counsel regarding this matter. The solution that is being recommended appears to be the simplest way to resolve this encroachment. Abandonment of one foot of the 30-foot wide easement will eliminate the encroachment of the house and leave 29 feet available for pedestrian and equestrian use. There is also an additional easement directly adjacent in Tuolumne County.

The Board approved an exchange of pedestrian and equestrian easements on Lots 166 and 167 of Lake Don Pedro Subdivision Unit 1-M when an encroachment was discovered.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If this resolution is not adopted, the abandonment procedure cannot continue and the house on Lot 110 will continue to encroach onto the pedestrian and equestrian easement.

| | |
|--------------------------------|--------------|
| COSTS: () Not Applicable | |
| A. Budgeted current FY | \$ _____ |
| B. Total anticipated costs | \$ 250 _____ |
| C. Required additional funding | \$ _____ |
| D. Internal transfers | \$ _____ |

| | |
|------------------------------------------------------------|----------|
| SOURCE: () 4/5th Vote Required | |
| A. Unanticipated revenues | \$ _____ |
| B. Reserve for contingencies | \$ _____ |
| C. Source description: money posted by building contractor | _____ |
| Balance in Reserve Contingencies, if approved: \$ | _____ |

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Exhibit Map _____
2. Memo from D. Tucker to J. Green RE abandonment of 1' strip _____
3. letter from M.J.C. Const. agreeing to pay cost of abandonment _____
4. letter from owners agreeing to abandonment _____

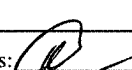
CLERK'S USE ONLY

| | |
|---------------------------|-------------------------|
| Res. No.: 95-343 | 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
County of Mariposa, State of California
By: _____
Deputy

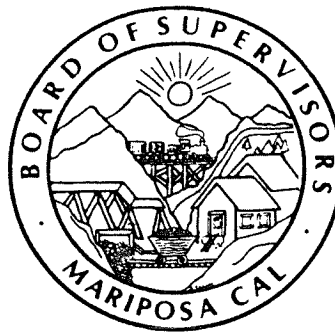
ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action

Comment: _____
A.O. Initials: 

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....GERTRUDE R. TABER



MIKE COFFIELD
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147

July 19, 1995

To: Mike Edwards, Public Works Director
Attn: Sue Mejica

From: Margie Williams, Clerk of the Board *MW*

Subject: Public Hearing to Consider Abandonment of a Portion
of the Pedestrian and Equestrian Easement through
Lot 110 of Lake Don Pedro Subdivision Unit 1-M

Pursuant to our discussion this morning, the above-referenced
Public Hearing has been scheduled for August 15, 1995, at 10:00
a.m.

cc: Jeff Green, County Counsel
Jim Evans, Housing and Community Development Agency Director



TUOLUMNE COUNTY LINE

AZUCENA CT.

SEE DETAIL

HOUSE

30' WIDE PEDESTRIAN
& EQUESTRIAN EASEMENT

LOT 110

LOT 109

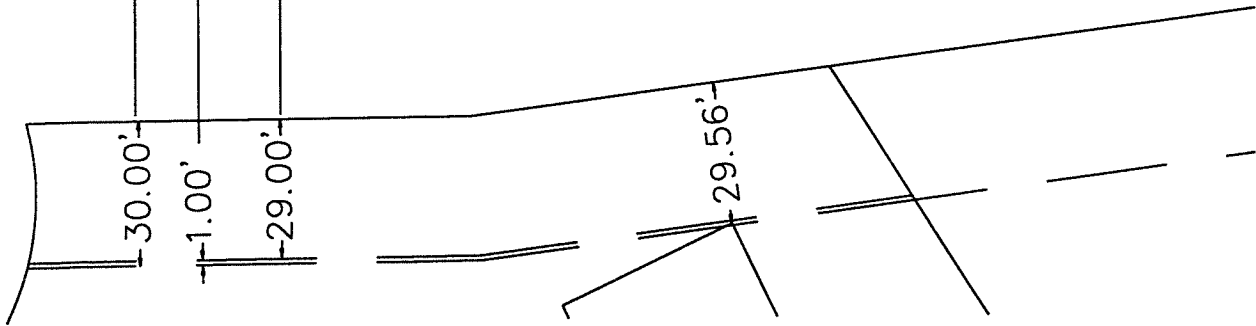
DETAIL

30' WIDE EXISTING EASEMENT

1' PROPOSED TO BE ABANDONED

29' TO REMAIN AVAILABLE FOR

PEDESTRIAN AND EQUESTRIAN USE



MARIPOSA COUNTY ENGINEERING DEPARTMENT

Drawn Chas

Sheet 1 of 1

DON PEDRO EQUESTRIAN TRAIL

Checked _____

Approved By
Engineer _____

Dwg. No. _____

Date 6-28-95

Scale = none



COUNTY of MARIPOSA

4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356 FAX (209) 966-2828

June 6, 1995

Dave
DEPARTMENT OF
PUBLIC WORKS
Divisions of:
• Design & Construction
• Administration
• Operations

MICHAEL D. EDWARDS
Director

INTEROFFICE MEMO

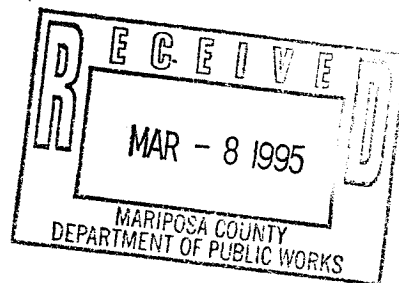
To: Jeffrey G. Green, County Counsel
From: David Tucker, Senior Engineer *DT*
Subject: Equestrian Easement, Lot 110, Don Pedro Subdivision

We previously recommended that the subject encroachment be formalized by a variance or some legal form of entitlement so that this issue is settled. We have now received written authorization by the property owners (copy attached) to proceed. We will prepare and file an easement abandonment, the cost of which is to be paid for by Michael Chaulkin. The abandonment will be for a one foot strip of the existing 30 feet wide easement.

cc: Mike Edwards, Director of Public Works
Mark and Kim Jochim
Michael Chaulkin, MJC Construction
Douglas M. Gee
Rich Begley, Recreation Planner
Charlie Pratt, Associate County Surveyor



3692 Highway 132 • Coulterville, California 95311
(209) 878-3016 • FAX (209) 878-3017 • (800) 742-4052



March 3, 1995

Jeffrey G. Green
The County Counsel
P.O. Box 189
Mariposa, California 95338

Re: Lot 110, Unit 1M, Lake Don Pedro Subdivision

Dear Mr. Green:

In reference to your letter to Mark and Kim Jochim dated February 7, 1995, regarding the alleged encroachment into the easement, I feel that your suggestion is an equatable solution.

When we started the job and all of the property pins were in their proper location, I still feel that we were in the proper setback with the placement of the home. However, it would be difficult of ascertain the setback without a complete survey of the property to replace the missing pins, which most are now missing.

Regrettably, we have had some outside interference with another contractor that resides in the area and I suspect that this has something to do with the missing pins.

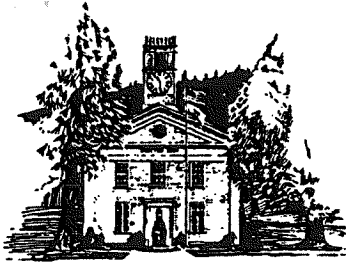
M.J.C. Construction, Inc., will pay the \$250.00 cost to change the easement as suggested in your letter.

Very truly yours,

Michael J. Chaulklin
Michael J. Chaulklin
President

MJC/dmc

cc: Michael Edwards, Public Works Director ✓
Rich Begley, Parks and Recreation
Mr. and Mrs. Jochim



COUNTY of MARIPOSA

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(209) 966-5356 FAX (209) 966-2828

DEPARTMENT OF PUBLIC WORKS

Divisions of:

- Design & Construction
- Administration
- Operations

May 3, 1995

MICHAEL D. EDWARDS
Director

Mark and Kim Jochim
3194 Azucena Ct.
Coulterville, CA 95311

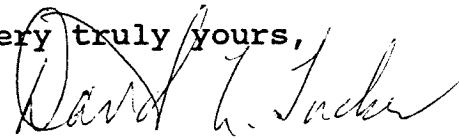
RE: Easement Encroachment, Lot 110 Don Pedro 1-M

Dear Mr. and Mrs. Jochim:

On March 14, 1995, I sent you a letter advising that Michael Chaulkin is offering to pay the \$250 fee to abandon a portion of the equestrian easement on your property. A corner of your house encroaches slightly into the existing easement. The County intends to reduce the width of the easement so that your house will no longer encroach. Jeffrey G. Green, our County Counsel has asked me to obtain your agreement before we proceed. I have just received a letter from your attorney, Douglas M. Gee, requesting clarification regarding your permission for us to proceed. I am enclosing a copy of my letter to Mr. Gee.

If these clarifications are acceptable, please sign and return the copy of this letter.

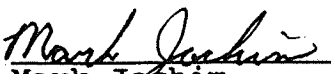
If you have any questions, please call.

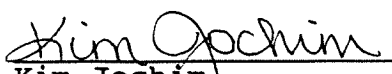
Very truly yours,


David L. Tucker, P.E.
Senior Civil Engineer

cc: Michael D. Edwards, Director of Public Works
Jeffrey G. Green, County Counsel
Michael Chaulkin, MJC Construction
Rich Begley, Parks and Recreation
Douglas M. Gee

We agree to the preparation and filing, subject to the approval of our attorney, Douglas M. Gee, of documents abandoning a portion of the equestrian easement on our property. The costs of preparation and filing of said easement abandonment are to be paid for by Michael Chaulkin.


Mark Jochim


Kim Jochim

6/2/95
Date