

DEPARTMENT: Public Works

By: Michael D. Edwards

Phone: 966-5356

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

1) Conduct a public hearing on the abandonment of a portion of the pedestrian and equestrian easement through Lot 110 of Lake Don Pedro Subdivision Unit 1-M.

2) Adopt a resolution of 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.

On July 18, 1995 the Board adopted a resolution of intention for this abandonment.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If this resolution is not adopted 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. Notice of Public Hearing (1 page)  
2. Resolution (1 page)

CLERK'S USE ONLY  
Res. No.: 95-320 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: me

MARIPOSA COUNTY  
RESOLUTION 95-370

A RESOLUTION FOR THE ABANDONMENT OF A PORTION OF THE PEDESTRIAN AND EQUESTRIAN EASEMENT ACROSS LOT 110 OF THE LAKE DON PEDRO SUBDIVISION Unit 1-M

WHEREAS, On July 18, 1995 the Board of Supervisors of Mariposa County declared its intention to abandon the southerly one foot of the pedestrian and equestrian easement through Lot 110 of Lake Don Pedro Subdivision Unit 1-M and set August 15, 1995 as the date for a public hearing thereon, and

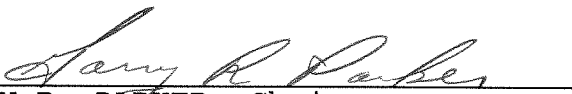
WHEREAS, a public hearing was held on August 15, 1995,

WHEREAS, the Board of Supervisors has found that said southerly one foot strip of the pedestrian and equestrian easement through Lot 110 of Lake Don Pedro Subdivision Unit 1-M is unnecessary for present or prospective public use,

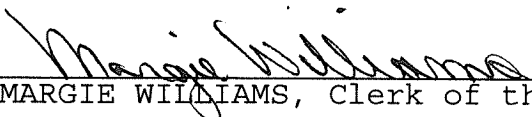
NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority granted by Section 8324 of the Streets and Highways Code, the Board of Supervisors of the County of Mariposa hereby abandon and vacate the southerly one foot of the pedestrian and equestrian easement through Lot 110 of Lake Don Pedro Subdivision Unit 1-M.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 15th day of August, 1995, by the following vote:

AYES:	REILLY, BALMAIN, STEWART, PARKER, 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

# NOTICE OF PUBLIC HEARING

## RESOLUTION of ABANDONMENT

of a portion of the pedestrian and equestrian easement through  
Lot 110 of Lake Don Pedro Subdivision Unit 1-M.

TO: ALL INTERESTED PERSONS

In accordance with California Streets and Highways Code, the Mariposa County Board of Supervisors has set a public hearing to consider the abandonment of the southerly one foot of the thirty-foot-wide pedestrian and equestrian easement across Lot 110 of the Lake Don Pedro Subdivision Unit 1-M.

The public hearing will be held on August 15, 1995, at 10:00 A.M., in the Board Room, Mariposa County Board of Supervisors at the Mariposa County Courthouse, 5088 Bullion Street, Mariposa, California.

At the time set for hearing, the testimony of all interested persons, for or against the proposed abandonment, will be heard.

Dated: July 21, 1995

MARGIE WILLIAMS, Clerk  
Mariposa County Board of Supervisors

RECORDED AT THE REQUEST OF  
**MARIPOSA COUNTY**  
Aug 24 1995 AT 2:15  
PAGES 1 FEE \$ 0  
OFFICIAL RECORDS GARY ESTEP  
MARIPOSA COUNTY RECORDER

MARIPOSA COUNTY  
RESOLUTION 95-370

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Unit 1-M

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hearing thereon, and

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PASSED AND ADOPTED by the Mariposa County Board of Supervisors  
this 15th day of August, 1995, by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER, TABER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

Garry R. Parker  
GARRY R. PARKER, Chairman  
Mariposa County 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

The foregoing instrument is a correct copy  
of the original on file in this office.

ATTEST, AUG 23 1995, 19.....  
MARGIE WILLIAMS  
Clerk of the Board of Supervisors of the County  
of Mariposa, State of California  
by Janet B. Baker Deputy