

**DEPARTMENT:** County Counsel

**BY:** Jeffrey G. Green

**PHONE:** 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**

Authorize Chair to sign an Order of the Board to reject Claim No. C03-10 for an undisclosed amount. Claimants allege that they have sustained damages and injuries as a result of the County allowing a contractor to build an access road which exits their lot and runs across the Pedestrian & Equestrian Trail Easement. Counsel is requesting denial of this claim based on the County's belief that a valid easement exists for the roadway.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board usually follows Counsel's recommendation in matters of this nature.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- Reject claim as recommended.
- Take no action; claim will automatically be denied if no action is taken.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Claim _____
Source:		_____
Internal Transfer		_____
Unanticipated Revenue _____	4/5's vote	_____
Transfer Between Funds _____	4/5's vote	_____
Contingency _____	4/5's vote	_____
( ) General ( ) Other		_____

**CLERK'S USE ONLY:**

Res. No.: 03-399 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved \_\_\_\_\_  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

\_\_\_\_\_ Requested Action Recommended  
 No Opinion  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

CAO: [Signature]

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JEFFREY G. GREEN  
County Counsel  
P.O. Box 189  
5100 Bullion Street  
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of: )  
) CLAIM NO. 03-10  
CLAIM FOR DAMAGES PURSUANT )  
TO GOVERNMENT CODE § 911.6 )  
\_\_\_\_\_ )

JAMES AND MARION DEAN, represented by Michael J. Conklin, Esq., P.O. Box 1523,  
Los Altos, California, having filed with this Board on November 3, 2003, a claim for  
damages in an undisclosed amount.


NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is hereby  
rejected.

The foregoing order was passed by the following vote of the Board:

- AYES: STETSON, BALMAIN, BIBBY, PARKER, AND PICKARD
- NOES: NONE
- ABSENT: NONE
- ABSTAINED: NONE

Dated this 18<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
BOB PICKARD, Chair  
Board of Supervisors

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

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TO: Michael J. Conklin, Esq.  
P.O. Box 1523  
Los Altos, CA 94023

RE: CLAIM FOR DAMAGES (JAMES & MARION DEAN - CLAIM NO. C03-10)  
AMOUNT OF CLAIM: Undisclosed  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on November 3, 2003, was rejected by action of the Board on November 18, 2003.

WARNING

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code § 945.6)

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

JEFFREY G. GREEN  
Mariposa County Counsel


PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United State and a resident of the County aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5100 Bullion Street (P.O. Box 189), Mariposa, CA 95338. On November 26, 2003, I served the within Notice of Rejection of Claim on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel's office:

Michael J. Conklin, Esq.  
P.O. Box 1523  
Los Altos, CA 94023

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on November 26, 2003 at Mariposa, California.

  
Rhonda Scherf