

DEPARTMENT: Public Works/Engineering

BY: James J. Petropulos, Director
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution Authorizing Public Works to Remove Parcel Number APN 011-300-0740 from the El Toro Road Zone of Benefit (Z90-03); and Direct Public Works to Refund Payments Including the Appropriate Interest Made by this Parcel to the Zone of Benefit for Maintenance of El Toro Road.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Major Subdivision No. 9/11/91 was approved by the Planning Commission on February 7, 1992. On August 16, 1994 the Board of Supervisors adopted Resolution No. 94-344 approving the reorganization of the El Toro Road Maintenance Zone of Benefit to include lots 1, 2, 3, 4, 5, 6, and 7 as shown on the proposed final map of B.I.C. Farms Major Subdivision No. 8/30/91. On August 23, 2002, per Resolution 94-361, the Board approved the final map for BIC Farms Major Subdivision No. 8/30/91. As part of this resolution, the Board rejected the dedication of road right-of-way along the unnamed easement across the westerly boundary of lot 5 as shown on the attached map. The purpose of this easement was to provide for the future extension of El Toro Road when the remainder lot No. 7 (APN 011-300-0740) was subdivided as part of phase two for the proposed development. However, the applicants decided not to proceed with phase two and to use the existing access off of Hornitos Road to access the remainder. As a result of these modifications to the final map of B.I.C Farms, Major Subdivision 8/30/91, APN 011-300-0740 has no access to El Toro Road and has received no benefit from the maintenance of El Toro Road. The only access to APN 011-300-0740 is from Hornitos Road.

Parcel No. APN 011-300-0740 has paid approximately \$1,361.60 to the El Toro Road Zone of Benefit for maintenance of El Toro Road since 1995. The current fund balance for the El Toro Road Zone of Benefit is \$16,654.57. Public Works does not believe that removing APN 011-300-0740 from the Zone of Benefit and refunding the assessment fees paid by this parcel will adversely impact the El Toro Road Zone of Benefit.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes () 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: \$ _____		_____
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.: 03-287 Ord. No. _____
Vote - Ayes: 3 Noes: _____
Absent: Salmon, Parks
my 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: _____

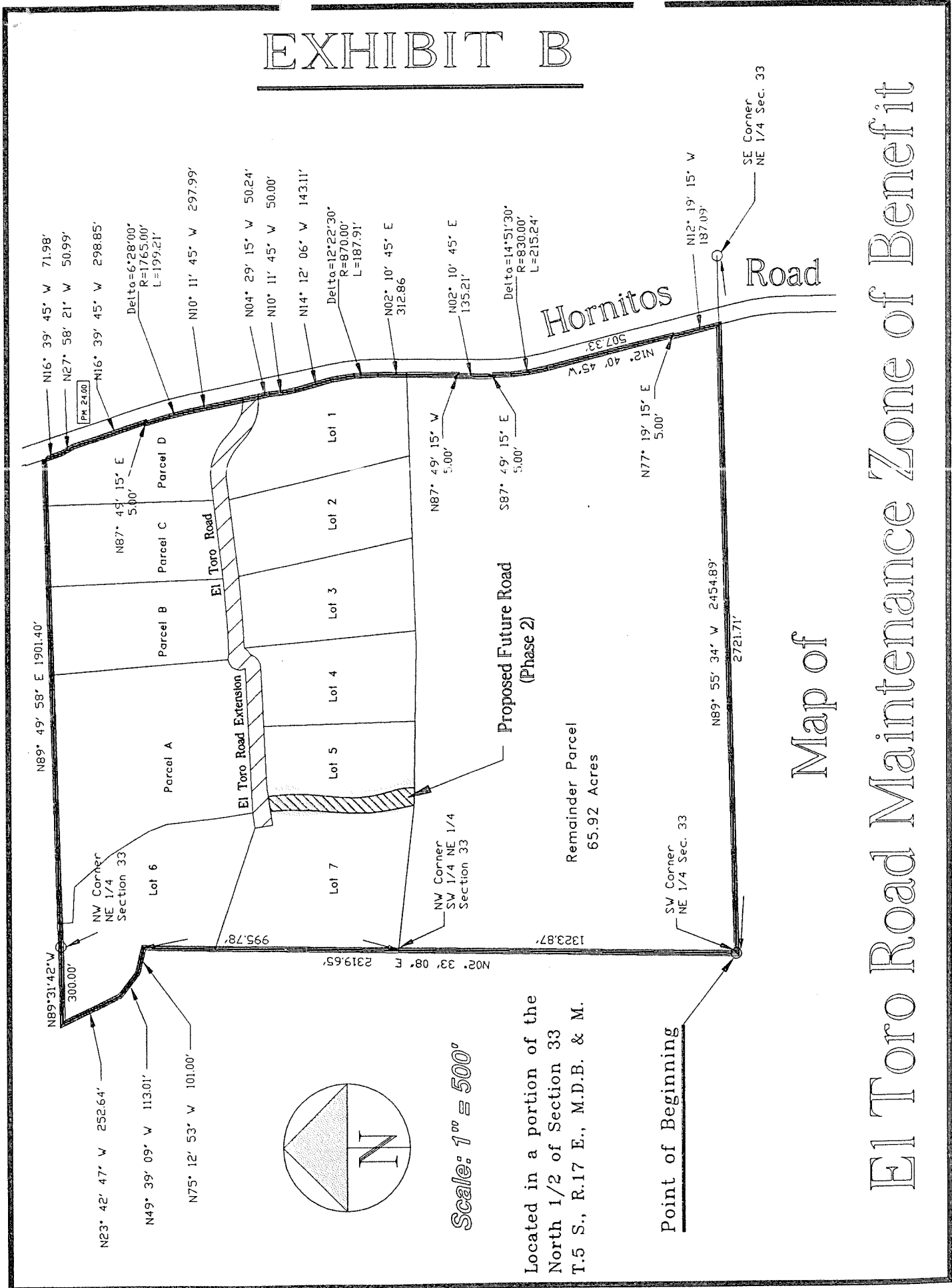
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: _____

EXHIBIT B

Map of El Toro Road Maintenance Zone of Benefit



Located in a portion of the
 North 1/2 of Section 33
 T.5 S., R.17 E., M.D.B. & M.