

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

**DATE: March 19, 2002
AGENDA ITEM NO.:**

3-26-02
17 #7

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

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

3/19 Waive first reading and introduce Ordinance 3/26 Waive second reading and adopt Ordinance repealing Sections 12.04.010, 12.04.020, and 12.04.050 of Chapter 12.04 of the County Code.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt Ordinance as drafted.
- Revise Ordinance as the Board desires and adopt.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

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

Ordinance. _____

Memo to Board _____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 970

Vote - Ayes: _____ Noes: _____

1 Absent: _____ Abstained: _____

() Approved () Denied

() Minute Order Attached () No Action Necessary

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: [Signature]

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

MARIPOSA COUNTY ORDINANCE NO. 970

AN ORDINANCE REPEALING SECTIONS 12.04.010, 12.04.020 AND 12.04.050 OF
CHAPTER 12.04 ENTITLED "COUNTY ROADS"
OF THE MARIPOSA COUNTY CODE

The Board of Supervisors of the County of Mariposa ordains as follows:

SECTION I: Repeal the following Sections of Chapter 12.04 entitled "County Roads" of the Mariposa County Code:

12.04.010 Unimproved roads--Subject to weight limitations.

All roads maintained by the county are unimproved roads and are subject to weight limitations by order of the board of supervisors. (Ord. 156 Sec.1, 1950).

12.04.020 Undeeded rights-of-way.

All undeeded rights-of-way now being maintained as public roads by the county are to be in use for a width of forty feet. (Ord. 156 Sec.2, 1950).

12.04.050 Right to appeal order of road commissioner.

Any person aggrieved by an order of the road commissioner made pursuant to the authority granted by this chapter is given the right to appeal the order of the road commissioner to the board of supervisors any time within thirty days after the making of such order. (Ord. 156 Sec.5, 1950).

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 26th day of March 2002 by the following vote:

AYES: Parker, Stewart, Reilly, Balmain, Pickard
NOES: None
ABSENT: None
ABSTAINED: None



ROBERT C. STEWART, Chairman
Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel



**Office of the
County Counsel**

M E M O R A N D U M

Date: February 28, 2002

To: Board of Supervisors

From: Jeffrey G. Green, County Counsel

Re: Ordinance Repealing Sections 12.04.010, 12.04.020, and 12.04.050 of Chapter 12.04 of the County Code

It has been brought to the attention of the Public Works Director and County Counsel by a member of the public that the above County Code sections that were adopted in 1950 should be reviewed. Upon a review of the above code sections, it is the opinion of County Counsel and the Public Works Director that those code sections should be deleted in their entirety. Section 12.04.010 is now regulated by the State of California regarding weight limitations; therefore, Section 12.040.010 is unnecessary. Regarding Section 12.040.020, the County does not have the authority to declare a width of 40 feet for undeeded rights-of-ways. As the Board knows, the County only has authority over the actual maintained portions of undeeded rights-of-ways; therefore Section 12.040.020 should be deleted. Section 12.040.050 relative to appeals of decisions of the Road Commissioner, are now dealt with in other County policies; therefore Section 12.04.050 is unnecessary.

Should you have any questions regarding this matter, please feel free to contact me.

rs

cc: Greg Iturria, County Administrative Officer

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ACKNOWLEDGMENT

RE NEWSPAPER PUBLICATION

[Instructions: Please have a representative with the MARIPOSA GAZETTE complete the following acknowledgment of receipt regarding legal publications. Please forward the billing request to the Mariposa County Board of Supervisors, Post Office Box 784, Mariposa, California 95338. Should you have any questions, please contact our office (attention: Margie) at (209) 966-3222. Thank you.]

I, Judy Poor hereby acknowledge
(Print Name)

receipt of the following document for legal publication in the April 4, 2002, issue of the "Mariposa Gazette", on this 1st day of August, 2002

RECEIVED

APR 04 2002

MARIPOSA GAZETTE

Ordinance 970
"County Roads"

By: Judy Poor
(Representative)