



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

ANNEXATION OF THE RETHERFORD ROAD AREA INTO THE DARKHORSE PERMANENT ROAD DIVISION AND AUTHORIZATION OF COLLECTION OF SPECIAL TAXES FOR ROAD MAINTENANCE SERVICES – DISTRICT 2

WHEREAS, pursuant to the provisions of Permanent Road Division (PRD) law (Streets & Highways Code section 1160, et seq), the Board of Supervisors is authorized to annex territory into a Permanent Road Division as a method of providing road improvement and maintenance services by the County within the unincorporated area; and

WHEREAS, the Board of Supervisors has received a petition requesting annexation of the Retherford Road area into the Darkhorse PRD and imposition of a Special Tax pursuant to the Streets and Highways Code, Section 1160, et seq. to fund road maintenance services; and

WHEREAS, the legal description and map for the PRD is shown in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the petition (Exhibit B) has been signed by a majority of landowners within the PRD and meets all other requirements of Streets and Highways Code Sections 1162 and 1163; and

WHEREAS, the proposed services to be provided within the PRD include road and storm drainage maintenance; and

WHEREAS, proceedings to form a PRD may be consolidated with an assessment ballot proceeding to amend special taxes pursuant to Government Code Section 53753; and

WHEREAS, a detailed Engineer's Report has been prepared in conformance with the requirements of Article XIID, Section 4 of the California Constitution (Exhibit A); and

WHEREAS, a copy of the Engineer's Report is on file with the Department of Public Works; and

WHEREAS, on February 12, 2019, the Board adopted Resolution 19-059, a Resolution of Intent to annex the Retherford Road area into the Darkhorse PRD and conduct an assessment ballot proceeding; and

WHEREAS, the Clerk of the Board published the Petition and notice of public hearing for the proposed annexation of the Retherford Road area into the Darkhorse PRD and imposition of the proposed special tax and provided timely mailed notice of the same to the record owner of each parcel within the proposed PRD, in accordance with Streets & Highways Code Sections 1164 and 1196; and

WHEREAS, the Department of Public Works posted a minimum of three (3) notices of public hearing for the proposed annexation of the Retherford Road area into the Darkhorse PRD and imposition of the proposed special tax on the streets where the PRD will be formed a minimum of three (3) weeks in advance of the public hearing on April 9, 2019; and

WHEREAS, the Board held a public hearing regarding the annexation of the Retherford Road territory into the Darkhorse PRD on April 9, 2019, at which a majority protest was not presented; and

WHEREAS, the Board held a Proposition 218 election proposing the annexation of the Retherford Road area into the Darkhorse PRD on April 9, 2019, at which a majority protest was not presented; and

WHEREAS, on April 9, 2019, the Board directed the Clerk of the Board of Supervisors to open and count ballots received for the assessment ballot proceedings and at least two-thirds of the property owners voted in favor the proposed special tax.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Nevada County Board of Supervisors as follows:

1. The Board of Supervisors finds that the above recitals are true and correct.
2. Approves the annexation of the Retherford Road area into the Darkhorse PRD as described in the attached Exhibit A and shown on the attached Exhibit B.
3. Authorizes the Clerk Recorder to record the map depicting the boundary thereof.
4. Authorizes the approved "Special Tax" to be levied annually at the rate of \$298 per parcel per fiscal year, beginning in Fiscal Year 2019/20, and continuing indefinitely for each fiscal year thereafter.
5. Directs the "Special Tax" to be collected each year in the same manner and at the same time as the general property taxes, and deposited into a fund for payment of road maintenance services within the boundaries of the Darkhorse PRD.