



RESOLUTION No. 18-510
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION OF INTENT TO CREATE THE HIGGINS
WOODRIDGE PERMANENT ROAD DIVISION AND CONDUCT
AN ASSESSMENT BALLOT PROCEEDING - 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 establish 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, attached as Exhibit A (“Petition”), requesting the creation of a PRD and assessment of parcel charges in accordance with the conditions of approval for the Higgins Marketplace Parcel Map 04-020 and pursuant to the Streets and Highways Code, Section 1160, et seq. to fund road maintenance services; and

WHEREAS, a detailed Engineer’s Report and Legal Description for the PRD have been prepared in conformance with the requirements of Article XIID, Section 4 of the California Constitution; and are shown on Exhibit B, both attached hereto and incorporated herein; and

WHEREAS, the Petition has been signed by a majority of landowners within the Higgins Woodridge 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 Higgins Woodridge PRD include road and infrastructure maintenance and repair and are fully outlined in the Engineer’s Report; and

WHEREAS, Streets and Highways Code Section 1162.6 provides that parcel charges shall be deemed to be assessments within the meaning of Article XIID of the California Constitution, and that proceedings to form a Permanent Road Division may be consolidated with an assessment ballot proceeding to adopt a parcel charge pursuant to Government Code Section 53753.

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. It is the Board’s intention to create the Higgins Woodridge PRD located within the boundaries described in the attached Engineer’s Report (Exhibit B), which is attached hereto and incorporated herein by this reference.
3. The Board shall hold a public hearing regarding the proposed creation of the Higgins Woodridge PRD and imposition of the proposed parcel charge on December 11, 2018, at 11:00 a.m., in the Nevada County Board of Supervisors Chambers, Rood Administrative Center, 950 Maidu Avenue, Nevada City, California, which hearing shall be not less than 45 days after notice has been mailed to the record owner of each parcel. At the public hearing, the Board of Supervisors shall consider all objections and protests to the proposed PRD parcel charges, receive and tabulate written protests and assessment ballots, and determine whether to approve the proposed parcel charges for the Higgins Woodridge PRD.

4. The Board hereby directs that an assessment ballot proceeding be conducted within the proposed Higgins Woodridge PRD area, to be held on December 11, 2018, at which time there shall be submitted a proposed measure to create the parcel charges on the properties within the proposed Higgins Woodridge PRD, as set forth in this Resolution, and directs that an assessment ballot be mailed on or before October 26, 2018, to the record owner of each of the affected parcels. The ballots shall state that they must be marked and sealed in a designated envelope, and that they must be received back by the Clerk of the Board of Supervisors no later than the close of the public hearing to be held on December 11, 2018. The ballots will be opened and counted at the Board of Supervisors regular meeting on December 11, 2018, after the close of the public hearing.
5. If a majority protest exists, the Board of Supervisors will not impose the proposed parcel charge. For purposes of the assessment ballot procedure, a majority protest exists, if upon the conclusion of the public hearing, assessment ballots submitted in opposition to the proposed parcel charge exceed assessment ballots submitted in favor of such proposed parcel charge. In tabulating the assessment ballots, each assessment ballot shall be weighted by the amount of the proposed parcel charge to be imposed upon the parcel for which such assessment ballot was submitted.
6. Per California Constitution Article 13D, Section 4 (b), an Engineer's Report has been prepared on the proposed Parcel Charge which identifies (a) the services to be funded by the parcel charge, (b) its estimated cost, the entire special benefit attributable to the service, (c) the lots which will receive a special benefit from the proposed services and (d) each identified parcel's proportionate share of the cost of such services based upon that parcel's special benefit from the service.
7. The question to be placed before the affected property owners shall read as follows:

QUESTION

Shall the Board of Supervisors of Nevada County be empowered and authorized to impose and levy an annual parcel charge assessment, in the amount of \$1,428.94 per acre per fiscal year beginning in Fiscal Year 2019-20 and subject to an annual Consumer Price Index (CPI) adjustments as set forth in the San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for all Urban Consumers as of January 1st each calendar year not to exceed 5% per annum, for road maintenance in the Higgins Woodridge PRD, beginning with the Fiscal Year 2020-21, and continuing indefinitely for each fiscal year thereafter?

PROPOSED ASSESSMENTS

Property	Proposed Assessment
Parcel 1	\$19,305.00
TOTAL ANNUAL ASSESSMENT	\$19,305.00

8. If there is not a majority protest by the property owners within the proposed PRD, the Board of Supervisors may impose the parcel charge starting the Fiscal Year after the PRD is approved, and each year thereafter, to be enrolled on the assessment roll and billed and collected in the same manner as County property taxes.
9. The Clerk of the Board shall publish the Petition and the notice of public hearing for the proposed formation of the Higgins Woodridge PRD and imposition of the proposed parcel charge, and shall provide 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.

10. If the proposed Higgins Woodridge PRD parcel charges are authorized, then all expenses associated with processing and creating the PRD, providing engineering services and conducting the assessment ballot proceedings shall be paid by the Higgins Woodridge PRD in accordance with Streets & Highways Code section 1197.
11. The parcel charges proposed by this Resolution shall be retained in the Higgins Woodridge PRD fund, to be used only for the purpose of providing road maintenance services within the Higgins Woodridge PRD, as approved by the voters.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

EXHIBITS A – C

**Higgins Woodridge
Permanent Road Division (PRD)**

Exhibit A - PETITION SIGNATURES

Exhibit B - ENGINEER'S REPORT

Exhibit C – AFFIDAVIT OF VALUATION

EXHIBIT A

PETITION SIGNATURES FOR THE

**Higgins Woodridge
Permanent Road Division (PRD)**

Exhibit A

PETITION FOR CREATION OF THE HIGGINS WOODRIDGE PERMANENT ROAD DIVISION AND LEVY OF AN ASSESSMENT PROVIDING FOR MAINTENANCE OF A PUBLIC STREET AND/OR HIGHWAY

We, the undersigned, being landowners of interest within the boundaries of the proposed Permanent Road Division (PRD) described and shown on Exhibits "A" and "B", hereby petition the Nevada County Board of Supervisors to undertake the proceedings for the creation of the Higgins Woodridge Permanent Road Division and the levy of an assessment, subject to annual Consumer Price Index (CPI) adjustments not to exceed 5% per annum from the previous calendar year (January – December), within the boundaries in accordance with applicable provisions of the Government Code and/or Streets and Highways Code of the State of California.

Petitioners request that the Nevada County Board of Supervisors create a County road maintenance program consisting of normal and preventative maintenance services consistent with current and future Nevada County road maintenance policies.

The petitioners represent:

- The name of the PRD is the "Higgins Woodridge Permanent Road Division".
- The undersigned petitioners constitute more than 50 percent of the owners of interest within the described division boundaries.
- The boundaries of the proposed division are set forth in Exhibits "A" and "B", attached hereto.
- The total number of acres located within the boundaries of the proposed division is 20.07 acres.
- The assessed valuation of land within the boundaries of the proposed division, according to the last equalized assessment roll of the County of Nevada, State of California, is \$41,887.
- The assessed valuation of the improvements within the boundaries of the proposed division according to the last equalized assessment roll of the County of Nevada, State of California, is \$0.
- As nearly as can be determined, there are 0 inhabitants within the boundaries of the proposed division.
- As nearly as can be determined, there are 0 registered voters within the proposed division.
- The location of the streets that have maintenance services are Higgins Road (from Combie Road to Woodridge Drive) and Woodridge Drive (from Higgins Road to State Route 49).

Petitioners understand:

The proposed rate and method of apportionment of the "Assessment" are as follow:

<u>Land Use</u>	<u>Annual "Assessment"</u>
Parcel 1	\$7,887.76 per property
Parcel 2	\$2,786.44 per property
Parcel 3	\$1,371.78 per property
Parcel 4	\$1,757.60 per property
Parcel 5	\$0 per property (open space – no assessment)
Parcel 6	\$4,372.56 per property
Parcel 7	\$1,128.86 per property

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 1

Date: July 26, 2018

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 2

Date: July 26, 2018

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 3

Date: July 26, 2018

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 4

Date: July 26, 2018

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 6

Date: July 26, 2018

Name (print) Patricia J. Tintle (1)

Signature X Patricia J. Tintle

Property Higgins Marketplace Parcel Map – Parcel 7

Date: July 26, 2018

(1) As Successor Trustee of the Survivor Trust created under the Tintle Family 2000 Revocable Living Trust dated April 12, 2000 and as Trustee of the Norman Tintle Exemption Trust created December 6, 2000.

EXHIBIT B

ENGINEER'S REPORT FOR THE

**Higgins Woodridge
Permanent Road Division (PRD)**

ENGINEER'S REPORT
For the
Higgins Woodridge
Permanent Road Division (PRD)

Nevada County, California
Revised August 8, 2018



Prepared by:

Joshua H. Pack, P.E.
Principal Civil Engineer
Nevada County Department of Public Works
950 Maidu Avenue Nevada City, CA 95959

I. PRD ASSESSMENT INTRODUCTION

The Higgins Marketplace Subdivision is an approved project with an approved Tentative Parcel Map (Parcel Map 04-020). The project is located south of Combie Road and east of State Route 49. The Parcel Map consists of six developable parcels and one open space parcel. As part of the project, the developer plans to improve and extend both Higgins Road and Woodridge Drive. The project is conditioned to create a Permanent Road Division (PRD) and levy an annual parcel charge to each developable lot for road maintenance within the development prior to recordation of the Parcel Map.

If approved, the PRD will charge the existing parcel an annual assessment to fund road maintenance services. Upon Parcel map recordation, each developable lot identified in the Parcel Map will pay its pro rata share of annual assessments. Details of these payments are included in this Engineer's Report. The services to be provided in the PRD will be as follows:

A. Road Surface Maintenance:

The proposed road surface maintenance consists of approximately 99,000 square feet and includes Higgins Road (Combie Road to Woodridge Drive) and Woodridge Drive (Higgins Road to State Route 49).

The following items are typically included in a typical 25-year pavement maintenance cycle:

- Road resurfacing, including seal coat, patch and crack seal preparation work twice per each cycle.
- Pavement overlay and additional preparation and preservation work at the end of each cycle.
- Traffic signal maintenance costs for equipment relating to the south leg (Higgins Road) of the future traffic signal at Combie Road / Higgins Road.
- Miscellaneous road maintenance work as-needed, including sidewalk maintenance, brush and vegetation maintenance, pothole repair, drainage and culvert maintenance, signing and striping, sidewalk maintenance snow removal, etc.
- Commercial driveways encroaching upon Higgins Road and Woodridge Drive are not included in PRD maintenance costs. These costs are borne upon the property owner. This includes private commercial driveway culvert maintenance, striping, and pavement repairs or improvements.

II. LEGAL REQUIREMENTS

Pursuant to Section 4 of Article XIII D of the California Constitution, the lots receiving a special benefit from the street improvements must be identified and the special benefit determined. Initially upon PRD formation, the existing parcel will be entirely responsible for the annual assessments. Upon Parcel Map recordation, all developable parcels within the parcel map shall share liability for the road. Since the size of each developable parcel will have a proportional impact on these roads, the proposed charges are assessed based on developable parcel size. For the purposes of discussion, Parcels 1-4 and 6-7 are considered developable. Parcel 5 is considered open space and has no impact on future road maintenance. As a result, no assessment is being charged.

III. BASIS OF ANNUAL ASSESSMENT

The annual assessments for each maintenance program as defined in this Report have been based upon current rates and maintenance costs. Further discussion on each maintenance activity is as follows:

A. Road Surface Maintenance:

The road pavement resurfacing program is based upon the cost to patch repair and reseal the pavement with twice in each 25-year cycle and to patch repair and resurface the pavement with a layer of asphaltic concrete overlay including grinding transitions at the end of each cycle. The annualized cost for these pavement surface treatments were obtained from Nevada County maintenance costs. These costs were amortized over a 25-year maintenance cycle, which is typically used for newly constructed roads below 3,500-foot elevation.

B. Additional Costs:

Additional future routine maintenance costs include PRD management and contingency (10% of maintenance costs) and off season work and other miscellaneous repairs (20% of maintenance costs). These costs are in line with established engineering principals and reflect actual costs in other similar road maintenance districts.

IV. CALCULATION OF SPECIAL BENEFIT

The existing lot and subsequent developable lots identified within the proposed parcel map are receiving a special benefit from the maintenance and the proportionate special benefit must be determined in relationship to the total maintenance expenses estimated to be necessary to maintain the road improvements. The benefits are wholly special benefits and each of the lot and lots within this PRD and receive special benefit from the identified maintenance in that the roads of this PRD.

Under the PRD program, the parcels receiving benefit from road maintenance activities will be responsible for annual costs of items included above. The County of Nevada will provide the actual maintenance functions with an annual parcel charge appearing on the annual Tax Bill. Prior to Parcel map recordation, the existing lot will be responsible for the entire cost of road maintenance. Upon Parcel Map recordation, each proposed parcel in this PRD would receive a special benefit from the proposed maintenance programs.

The Annual Maintenance Budget is intended to identify the maintenance items for the long-term maintenance of project road facilities. Table 1 includes annual assessments necessary to fund ongoing road maintenance activity. Prior to Parcel Map recordation, the existing lot would be responsible for the entire annual assessment. Once the Parcel Map is recorded, annual assessments would become the responsibility of the created parcels based on parcel size. Table 1 includes budget information for both scenarios:

**Table 1: Higgins Woodridge PRD
Maintenance Budget Worksheet**

PRD Maintenance					
LONG TERM PREVENTATIVE MAINTENANCE**		Width	Length	Cost Per Square Foot	Cost
Year 10	Microsurface	30	3300	0.2	\$ 19,800.00
	Patch and Crack Seal (prep work)	30	3300	0.55	\$ 54,450.00
Year 18	Microsurface	30	3300	0.2	\$ 19,800.00
	Patch and Crack Seal (prep work)	30	3300	0.55	\$ 54,450.00
Year 25	Overlay	30	3300	1.65	\$ 163,350.00
	Patch and Crack Seal (prep work)	30	3300	0.6	\$ 59,400.00
	Management/Admin/Contingency				\$ 37,125.00
	Other Miscellaneous Repairs & Maintenance				\$ 74,250.00
	Total				\$ 482,625.00
	Annual Assessment				\$ 19,305.00
	Annual Assessments Per Parcel		Size (acres)	Percentage	
	Parcel 1		5.52	40.9%	\$ 7,887.76
	Parcel 2		1.95	14.4%	\$ 2,786.44
	Parcel 3		0.96	7.1%	\$ 1,371.78
	Parcel 4		1.23	9.1%	\$ 1,757.60
	Parcel 6		3.06	22.6%	\$ 4,372.56
	Parcel 7		0.79	5.8%	\$ 1,128.86
	TOTAL		13.51	100.0%	\$ 19,305.00
	Parcel 5	Open Space - not included in PRD Maintenance Costs			
**Assumptions:					
Six Parcels paying proportionally based on their lot acreage. Parcel 5 (open space) pays no fee.					
This assume revenue cost for 25-year maintenance cycle for Year 1. Future years shall be adjusted for inflation.					
Parcel sizes per draft Parcel Map 04-020 dated 5/31/2018.					

V. ASSESSMENT RATE AND METHOD OF ASSESSMENT

A. Assessment Rate:

The rate of assessment is calculated for the 2019/20 Tax Year and is proposed to be as follows:

1. Annual Maintenance Budget – Existing Parcel (prior to Parcel Map recordation)
 - Parcel 1 - \$19,305.00

2. Annual Maintenance Budget – Proposed Parcels (after Parcel Map recordation):
 - Parcel 1 - \$7,887.76
 - Parcel 2 - \$2,786.44
 - Parcel 3 - \$1,371.78
 - Parcel 4 - \$1,757.60
 - Parcel 5 - \$0 (open space)
 - Parcel 6 - \$4,372.56
 - Parcel 7 - \$1,128.86

B. Method of Assessment:

Assessments will be collected in the same way real property taxes are collected by the Nevada County Tax Collector on behalf of the zone of benefit and will be deposited by the County in a separate fund in the name of "Higgins Woodridge Permanent Road Division (PRD)". Assessments will be collected in two (2) installments and will be available within sixty (60) days after the installments are due. The amount of assessment specified for this year shall be adjusted annually for the ensuing fiscal year to reflect the San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for all Urban Consumers for the previous calendar year (January – December). The amount of increase shall not exceed five percent (5%) in any one year. Nevada County Department of Public Works shall be responsible for making the necessary computations each year and advising the Nevada County Auditor-Controller what the amount of charge for public roads maintenance services is to be for the next year as a result of the foregoing computation.

C. Timing of Assessment:

Assessments will be first collected for each lot in the first year after the creation of the Higgins Woodridge PRD and collection of a parcel charge is adopted by the Board of Supervisors.

ATTACHMENT A

PROPOSED LEGAL DESCRIPTION AND BOUNDARY MAP FOR THE HIGGINS WOODRIDGE PRD

ATTACHMENT A

Higgins Woodridge Permanent Road Division

That portion of land within portions of the Southeast Quarter of the Southwest Quarter of Section 21 and the North Half of Section 28, Township 14 North, Range 8 East, M.D.B.&M, in the unincorporated area of County of Nevada, State of California, and being more particularly described as follows:

Beginning at the northeast corner of Parcel 1 as shown on that certain Parcel Map No. 79-89 recorded April 8, 1980 in Book 14 of Parcel Maps at Page 158, Nevada County Official Records; thence from said Point of Beginning around the perimeter of said Parcel 1 the following thirteen (13) consecutive courses: 1) South 14° 39' 23" West, 233.39 feet, 2) South 06° 07' 08" West, 192.35 feet, 3) South 05° 20' 53" West, 180.11 feet, 4) South 06° 33' 02" West, 123.04 feet, 5) South 20° 17' 56" West, 160.45 feet, 6) South 22° 07' 13" West, 115.87 feet, 7) South 88° 21' 19" West, 800.41 feet, 8) North 47° 36' 50" West, 20.99 feet, 9) North 30° 51' 32" West, 52.30 feet, 10) North 04° 44' 10" West, 50.00 feet, 11) North 04° 44' 10" West, 148.72 feet, 12) North 04° 22' 18" East, 614.44 feet, and 13) North 82° 46' 00" East, 778.12 feet to the southeast corner of Parcel 6 of that certain Parcel Map No. 99-002 recorded April 1, 2002 in Book 19 of Parcel Map at Page 88, Nevada County Official Records and also being a point on the westerly right-of-way line of Higgins Road as dedicated to the County of Nevada in Deed Document No. 2002-0012743; thence northerly along said westerly right-of-way of Higgins Road the following seven (7) consecutive courses: 1) North 07° 44' 00" West, 161.00 feet, 2) South 81° 55' 04" West, 20.00 feet, 3) North 07° 44' 00" West, 53.90 feet to the beginning of a curve to the left and having a radius of 684.73 feet, 4) along said curve through a central angle of 09° 48' 15" and an arc length of 117.17 feet to the beginning of a curve to the right and having a radius of 684.73 feet, 5) along said curve through a central angle of 09° 48' 16" and an arc length of 117.17 feet, 6) North 07° 44' 00" West, 169.00 feet to the beginning of a curve to the left and having a radius of 25.00 feet, 7) along said curve through a central angle of 110° 28' 56" and an arc length of 48.21 feet to a point on the southerly right-of-way line of Combie Road; thence easterly along the said southerly right-of-way line of Combie Road, North 61° 47' 04" East, 10.07 feet to the beginning of a curve to the right and having a radius of 400.00 feet; thence along said curve through a central angle of 15° 47' 39" and an arc length of 110.26 feet to the beginning of a non-tangent curve concave southeasterly and having a radius of 25.00 feet whose chord bears South 34° 55' 21" West, 33.88 feet; thence along said curve through a central angle of 85° 18' 43" and an arc length of 37.22 feet; thence South 07° 44' 00" West, 181.99 feet to the beginning of a curve to the left and having a radius of 659.11 feet; thence along said curve through a central angle of 9° 33' 57" and an arc length of 110.04 feet to the beginning of a curve to the right and having a radius of 779.11 feet; thence along said curve through a central angle of 9° 33' 57" and an arc length of 130.08 feet; thence South 07° 44' 00" East, 222.30 feet to the north line of said Parcel 1; thence easterly along said north line of said Parcel 1, North 82° 46' 00" East, 211.73 feet to said Point of Beginning.

The herein described property contains an area of 20.92 acres, more or less.

This description has been prepared by me, or under my direct supervision, in conformance with the Professional Land Surveyors Act, on August 8, 2018.



Kevin J. Nelson, P.L.S. 8423
Expires 12-31-18





EXHIBIT C

AFFIDAVIT OF VALUATION FOR THE

**Higgins Woodridge
Permanent Road Division (PRD)**

Higgins Woodridge Permanent Road Division

Subject: Affidavit of Valuation

TO WHOM IT MAY CONCERN:

This is to certify that the undersigned has reviewed the Engineer's Report and evaluation totals shown in the above named petition with those on the last Equalized Assessment Rolls of Nevada County California and finds said Report and totals to be complete and correct as of July 23, 2018.

Further, I am a person over the age of 18 years. I am not a signatory to the said petition and I own no property, taxable or otherwise, in the Higgins Woodridge Permanent Road Division.

Joshua Pack

Name

[Handwritten Signature]

Signature

950 Maiden Avenue

Address

Nevada City, CA 95959