



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
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File: 250.16 013
600.16 013

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: November 8, 2016
TO: Board of Supervisors
FROM: Joshua Pack, Principal Civil Engineer
SUBJECT: **Resolution Approving an Agreement between the County of Nevada and New Verde Mines, LLC Relating to the North Star Water Treatment Project and Authorizing the Chair of the Board of Supervisors to Execute the Agreement – District 3**

RECOMMENDATION: Approve the attached resolution.

FUNDING: N/A

BACKGROUND:

On December 8, 2015 the Board of Supervisors approved Resolution 15-551, a Mitigated Negative Declaration, Use Permit and Management Plan for the North Star Water Treatment project on property located on 12509 Allison Ranch Road and upholding the Planning Commission's actions on the project, subject to modified conditions of approval.

The North Star project requires the installation of pipelines and appurtenant equipment within the subsurface areas of Allison Ranch Road and the Allison Ranch Bypass Road. While Allison Ranch Road is County maintained roadway, the road right-of-way is prescriptive in nature. As a result, property rights are implied after the continuous and open public use of the road for a statutorily prescribed number of years.

Condition B.1 "Right-of-Way" of the project conditions of approval require the applicant to provide rights for the County to perform routine maintenance, shoulder widening, road widening, drainage improvements, and fuels modification on portions of Allison Ranch Road and the Bypass Road. The condition also requires the County and New Verde Mines, LLC ("Owner") to enter into an agreement to better define these responsibilities.

To fulfill Condition B.1., the Nevada County Department of Public Works and County Counsel have prepared an Indemnification Agreement that thoroughly defines and describes the responsibilities for both the County and the Owner relating to Allison Ranch Road and the Bypass Road. The Agreement also requires the Owner to provide formal Offers of Dedication in four separate segments that include the

portion of each road on the Owner's property to secure the County's rights to perform road-related maintenance, widen the road and install improvements as necessary. These Offers will remain open until and unless the road is no longer used for public purposes and can be accepted at any time.

These offers maintain existing road maintenance rights and allow for the future widening of Allison Ranch Road. The offers also include rights to both Allison Ranch Road and the Bypass Road that allow the roads to be accepted in fee as a public road. In the event an emergency renders Allison Ranch Road impassable, the proposed Bypass Road could serve as an alternate route.

Public Works believes that the offers of dedication and indemnification agreement substantially complies with the spirit and intent of Condition B.1. and protects the County's rights to use, maintain and improve the road this roadway in the future.

Item Initiated by: Joshua Pack, Principal Civil Engineer

Approved by: Steven Castleberry, Director of Public Works

SC:JP:cn

Submittal Date: October 20, 2016

Revision Date: