



RESOLUTION No. _____
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.

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 B

ENGINEER'S REPORT FOR THE

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

EXHIBIT C

AFFIDAVIT OF VALUATION FOR THE

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