



# **RESOLUTION No. 18-607**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **CREATION OF THE HIGGINS WOODRIDGE PERMANENT ROAD DIVISION AND AUTHORIZATION OF COLLECTION OF PARCEL CHARGES 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 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 requesting creation of the Higgins Woodridge PRD and imposition of a Parcel Charge 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, 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 PRD may be consolidated with an assessment ballot proceeding to amend parcel charges 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; and

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

WHEREAS, on October 23, 2018, the Board adopted Resolution 18-510, a Resolution of Intent to create the Higgins Woodridge 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 formation of the Higgins Woodridge PRD and imposition of the proposed parcel charge 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 formation of the Higgins Woodridge PRD and imposition of the proposed parcel charge on the streets where the PRD will be formed a minimum of three (3) weeks in advance of the public hearing on December 11, 2018; and

WHEREAS, the Board held a public hearing regarding the creation of the Higgins Woodridge PRD on December 11, 2018, at which a majority protest was not presented; and

WHEREAS, the Board held a Proposition 218 election proposing the creation of the Higgins Woodridge PRD on December 11, 2018, at which a majority protest was not presented; and

WHEREAS, on December 11, 2018, the Board directed the Clerk of the Board of Supervisors to open and count ballots received for the assessment ballot proceedings and a majority of the property owners voted in favor the proposed parcel charge.

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 creation of the Higgins Woodridge PRD as described in the attached Exhibit A and shown on the attached Exhibit B.
3. Authorizes the Clerk Record to record the map depicting the boundary thereof.
4. Authorizes the approved "Parcel Charge" to be levied annually at the rate of \$1,428.94 per acre per fiscal year, beginning in Fiscal Year 2019/20, and continuing indefinitely for each fiscal year thereafter. The Parcel Charge shall be adjusted annually based on the Consumer Price Index, as set forth in the San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for all Urban Customers as of January 1st each calendar year, not to exceed five percent (5%) in any one year.
5. Directs the "Parcel Charge" 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 Higgins Woodridge PRD.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of December, 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

## Exhibit A

### Legal Description and Map of Higgins Woodridge Permanent Road Division

#### 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



**COUNTY SURVEYOR'S STATEMENT**  
 THIS MAP WAS PREPARED BY ME FROM RECORD INFORMATION AT THE REQUEST  
 OF THE HIGGINS WOODRIDGE PERMANENT ROAD DIVISION ON THIS DAY  
 OF 2018, DATE



JAMES J. NELSON, P.L.S. 12345  
 ABERRATION EXPIRES 12/31/18  
 COUNTY SURVEYOR

**COUNTY RECORDER'S STATEMENT**

FILED THIS DAY OF 2018 AT  
 IN BOOK OF SURVEYS, AT PAGE, AT THE REQUEST  
 OF COUNTY OF NEVADA

FEE  
 COUNTY RECORDER  
 CREDITOR J. D. KAT

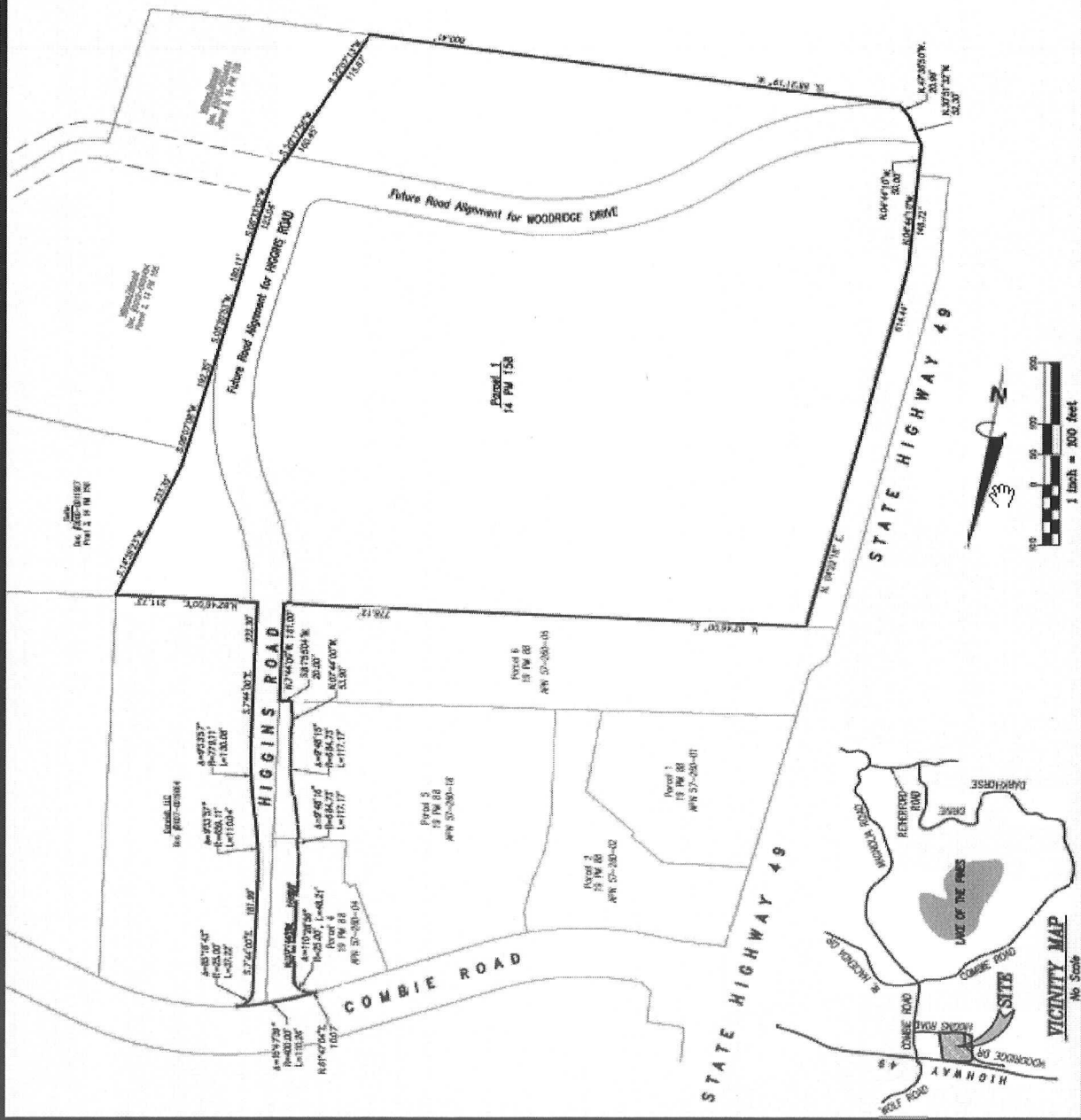
DOC. NO. BY

**LEGEND**

PROPOSED PERMANENT ROAD DIVISION BOUNDARY  
 TOTAL AREA TO BE AMENDED = 20.324 Acres

**Boundary Map for**  
 the formation of the  
**HIGGINS WOODRIDGE**  
**PERMANENT ROAD DIVISION**  
 BEING A PORTION OF SECTIONS 28, TOWNSHIP 14 NORTH,  
 RANGE 8 EAST, M.D.M. IN THE UNINCORPORATED  
 TERRITORY OF NEVADA COUNTY, CALIFORNIA  
 August 2018 Scale 1"=100'

**NEVADA COUNTY**  
 DEPARTMENT OF PUBLIC WORKS  
 Sheet 1 of 1 Sheets





**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.