RECOMMENDED ACTION AND JUSTIFICATION:

1. Direct the Department of Public Works to process a zone of benefit application and identify a funding mechanism for the formation of the Broncho Hollow Estates Zone of Benefit;
2. Identify and/or authorize the funding to complete the zone formation process for the Broncho Hollow Estates Zone of Benefit.

The applicants have petitioned for the formation of the Broncho Hollow Estates Zone of Benefit. The application has been initiated by several property owners in the area. The proponents have proposed this formation to provide road improvements and subsequent annual maintenance of Broncho Hollow and Windy Hollow Roads, which provide access to approximately 76 properties. Refer to the Staff Report for further information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This application is the first of its kind to reach the Board of Supervisors. Aside from the Midpines Fire Equipment Zone, and the recently proposed Fish Camp Fire Company Zone of Benefit, this application represents the first time a non-developer has petitioned the Board for the formation of a zone of benefit for road maintenance. Refer to the Staff Report for further information.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this recommendation and require the applicants to provide the funds necessary to commence processing the application on the requested zone of benefit.

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tbody>
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<td>( ) Not Applicable</td>
<td>List the attachments and number the pages consecutively:</td>
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<tr>
<td>A. Budgeted current FY&gt;</td>
<td>1. Staff Report</td>
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<tr>
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<td>2. Zone of Benefit Vicinity Map</td>
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<tr>
<td>B. Total anticipated Cost&gt;</td>
<td>3. Petition (as previously sent)</td>
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<td>4. Initial Cost Spreadsheet</td>
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<td>C. Required additional funding&gt;</td>
<td>5. Letters from Property Owners</td>
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<td>6. Charles Taylor's notes from 3/7/95</td>
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<td>D. Internal transfers&gt;</td>
<td>7. Budget Action Form</td>
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CLERK'S USE ONLY

Res. No.: 95-110
Ord. No.: 
Vote - Ayes: 5 Noes: 
Absent: Abstained: 

Approved □ Denied
Minute Order Attached □ No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office

Date:

ATTEST: MARGIE WILLIAMS, Clerk of the Board
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as: 
Recommended □ Not Recommended
For Policy Determination □ Submitted for Comment
Returned for Further Action

Comment: FORMATION OF NEW ZONES OF BENEFIT ARE RECOMMENDED TO BE ON A FULL COST RECOVERY BASIS

Action Form Revised 8/20/94
TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Zone of Benefit Application for the Broncho Hollow Estates Zone of Benefit; Resolution Number 95-110

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on March 21, 1995

ACTION AND VOTE:

11:20 a.m. Mike Edwards, Public Works Director;
   A) Direction to Process Zone of Benefit Application and Identify Funding Mechanism for the Formation of the Bronco Hollow Estates Zone of Benefit; Authorizing Necessary Funding to Complete Process; and Appropriating Funds ($3,650) from Reserves for Contingencies (4/5ths Vote Required)
   BOARD ACTION: Discussion was held with Mike Edwards and Bruce Atkinson/PWD-Special Projects Coordinator. Charles Taylor stated he feels there is support for forming the zone of benefit; he feels the issue is how the costs are allocated. (M)Taber, (S)Balmain, Res. 95-110 adopted, with direction given that the funding appropriated from Reserve for Contingencies be reimbursed upon formation of the zone of benefit/Ayes: Unanimous.

cc: Ken Hawkins, Auditor
    Jim Evans, HCD
APPLICATION: Zone of Benefit Application No. 94-03
Bronco Hollow Road Maintenance Zone of Benefit

APPLICANTS: Bronco Hollow Road Committee

AGENT: Mariposa County Public Works Department

STAFF RECOMMENDATION:
Direct the Department of Public Works to commence processing the application associated with the Formation of the Bronco Hollow Road Maintenance Zone of Benefit; and identify and authorize the funding necessary to complete the zone formation process.

PROJECT DESCRIPTION:
The applicants have proposed the formation of the Bronco Hollow Zone of Benefit to provide road improvements and maintenance on two of the roads that provide access to the seventy four parcels/lots within the proposed zone boundaries. The applicants have requested that the Board defer the zone processing fees and normal zone initiation fees until after the zone is adopted, so that those fees may be appropriately apportioned to all participants. Additionally, the applicants are requesting that the Board use the provisions of Government Code §25210.9c (County Service Areas) to establish a Revolving fund; from which, the funds necessary to restore the Bronco Hollow road system could be "loaned" to the proposed Bronco Hollow Zone of Benefit.

LOCATION:
The project site is located off Indian Peak Road, approximately one mile easterly of Hirsch Road. The project site encompasses approximately ±830 acres, more or less; with a total of 74 parcels/ lots being proposed within the boundaries of the zone.

BACKGROUND:
The area included in this proposal is one that has progressively developed over a twenty plus year period through a succession of pre-Map Act grant deeds, minor subdivisions, gift deeds, and a thirty two lot major subdivision. Since most of the development has occurred as a result of the minor land division process, the road improvements and subsequent maintenance provisions have been marginal, at best. Today the entire Bronco Hollow road system consists of over thirty three thousand feet (~33,176'), or approximately 6.28 miles, of mostly unmaintained private roads. However, the property owners within the thirty two (32) lot Bronco Hollow Estates major subdivision, have a well organized homeowners association which provides maintenance to the nearly eighty five hundred feet (8465') of roads within that portion of the Bronco Hollow area.

The total road system includes the following roads: Bronco Hollow Lane, Windy Hollow Road, Wildcat Springs Road, Quail Hollow Road, Deer Run, Hidden Valley Road, and several unnamed easement roads. Although several portions of these roads were built or
improved as a result of the land division process, the standards in place at the time of development were different than they are today. Most of the land division roads were built to what was called a Class III standard (twenty foot width), and several were required to apply an oil penetration. Unfortunately, an oil penetrated road is one that requires a consistent, ongoing maintenance program, and these roads have had little to no maintenance. The results have been predictable, a progressive deterioration of the road surface, to the point that public safety is threatened and significant public inconvenience has resulted.

STAFF DISCUSSION:
The Public Works Department has prepared the following discussion associated with the formation of the Bronco Hollow Road Maintenance Zone of Benefit. The proposed zone of benefit would provide a mechanism to collect the funds necessary to re-build and maintain major portions of the Bronco Hollow Road system. As proposed, the zone boundary would include all seventy four (74) of the parcels/ lots that presently have their access provided by this road system. Provisions should be established, if and when the zone is adopted, to insure that any adjacent property split and using this road system, would be required to annex into this zone of benefit. Since this proposal includes varying levels of service (or benefit) to each property owner, dependent upon which road, and how much of it a particular property owner uses, the resulting assessment structure is likely to be a tiered structure of some kind. Since the cost to restore their road system to a safe, maintainable level, exceeds the Bronco Hollow Road Committee's available resources, the applicants are requesting that the Board of Supervisors establish a "Revolving Fund" that could be used to advance a "loan" to them or other similar groups of property owners desiring a County administered private road maintenance program.

The Bronco Hollow Road Committee first approached the Public Works Department with this proposal in May, 1994. Their initial proposal followed an informal survey conducted by the committee in March of 1994. The results of that original survey were purported to have netted forty one (41) owners in favor of the proposal, three (3) owners against the proposal, and four (4) owners that had other ideas. Through the summer of 1994, staff worked with the applicants, and developed a proposal that was believed to be acceptable to a majority of the property owners in the area. Although the Road Committee had mailed questionnaires to a majority of the property owners, prior to contacting Public Works, staff felt that a petition detailing the proposal should be sent to each owner, by Public Works; and returned to Public Works, for documenting the results.

A revised petition was sent to the owners in late July, 1994 (see Attachment No. 78), which resulted in similar results to the March survey. That petition was based on a "parent and child" concept for distributing costs fairly to benefiting property owners, as requested by the committee. Unfortunately, due to numerous misconceptions about the zone of benefit program and issues of fair cost sharing, disputes between various factions of the property owners came up that stifled the momentum of the proposal.

On September 6, 1994, a Public Meeting was setup by Gertrude Taber, and conducted by staff from the Public Works Department, to re-present the Bronco Hollow Zone of Benefit
proposal to any interested property owners; and to re-state the general concepts and provisions of Mariposa County's zone of benefit program. At the conclusion of that meeting, several informal votes were taken in an attempt to define a consensus. There was a clear consensus that a zone of benefit was the best approach. Staff felt that no clear majority direction on cost sharing had been given or authorized; and agreed to develop one alternate proposal to re-present to the owners, at a later date. That alternative was to be based on a 25% equal share for all parcels and the other 75% to be shared based on mileage from Indian Peak Road, to the benefiting parcel.

Unfortunately, since this proposal had not been accompanied by an application fee, nor Board direction, staff has been unable to allocate the time to formulate that other alternative and get back to the property owners. Public Works has exhausted all available budgeting allowances for this type of community involvement work. In frustration, the Bronco Hollow Road Committee publicly petitioned the Board of Supervisors, on March 7, 1995, to direct the Department of Public Works to complete their staff work on the alternative proposal and re-present both of them to all Bronco Hollow area property owners, in the form of a formal petition or survey. The results of that petition would be presented to the Board for action.

The Bronco Hollow Road Committee has developed a conceptual program, whereby the most traveled segments of two of the roads, Bronco Hollow Lane, and Windy Hollow Road, would be restored to a safe driving surface, through application of a "double chip-seal." As mentioned earlier in this discussion, the Bronco Hollow Estates major subdivision already has a (working) private maintenance association for the roads within that portion of this proposed zone, and that portion has been eliminated from the maintenance provisions of this zone. Reconstruction and maintenance of the other roads within the boundaries of this proposal, may or may not be included in the proposal; these details have yet to be decided.

When the Bronco Hollow Road Committee first presented their proposal to the Public Works Department staff, they had included an estimate (from Sparks Grading & Paving) of the costs to restore each of the road segments contemplated for inclusion in the maintenance provisions of this zone. The total cost indicated in that estimate was forty two thousand five hundred seventy dollars ($42,570.00), if done privately; or fifty one thousand two hundred seventy dollars ($51,270.00), if done at prevailing wage rates. Staff reviewed the estimates and adjusted the values to reflect prevailing wage rates, plan review, public bidding process, project administration, and inspections. The adjusted rate for the work was approximately fifty five thousand dollars ($55,000.00). The annual maintenance of those areas (reconstructed with a double chip-seal) was estimated at approximately two thousand dollars per year. The ultimate reconstruction and maintenance costs will be dependent upon the surface treatment(s) and road segments included in the final zone proposal. The per parcel assessments will be determined and presented to the Board, after the cost sharing alternatives are presented to the Bronco Hollow property owners for a vote.
COSTS AND REQUESTED ACTION:
The Board has directed the Public Works staff to prepare an estimate of the costs necessary to continue work on the Bronco Hollow proposal, and re-present the impacts of the various alternatives to all interested Bronco Hollow property owners. The Public Works staff has identified the following pre-application costs associated with this task:

1. Alternatives: Processing & Presentation  
2. Develop Financing Mechanism  
3. Newspaper Notices for Public Meetings  
4. Mailings (postage & supplies)  

Total pre-application processing costs $2,500.00

If the property owners accept the terms and conditions of one of the proposals, further application processing, a Resolution of Intention, and a Public Hearing will be required. These additional tasks will involve additional costs. Public Works has identified the following additional costs necessary to process this application to zone adoption:

1. Application Processing  
2. Newspaper Notices for Public Meetings  
3. Mailings (postage & supplies)  
4. Legal Description/Plat Preparation  
5. Assessor's mapping costs (2 hrs. @ $30)  
6. SBE Filing Fee (for 601-1500 acres)  
7. Auditor's Annual per Parcel Fee ($5 x 74 parcels)  

Total Estimated processing fees $2,880.00

The first three items on this second list reflect the anticipated costs to bring a proposal to the Board for action, and are normally included in our standard application fee. Item four (4) is an estimated cost to modify the legal description (if required), if the owners adopt a proposal which segregates the total area into sub-groups (each will require a separate legal description). The last three items in the list above reflect required costs that are normally paid by the applicant, at the time the zone is adopted.

Additionally, in this case, the owners are requesting financial assistance from the Board, for most of the upfront costs normally associated with a zone formation. First, the owners are requesting that all normally pre-paid processing costs be rolled-over into the first year's assessment. More importantly, however, the owners are requesting a "loan" from a Revolving Fund (or other source) to fund the initial ±$55,000 cost to restore the designated roads; to be paid back to the county over an extended period of time (§25210.9c of Government Code allows a pay-back period of no longer than ten years; and amounts must be repaid, along with the interest the county would have received from its normal investments).
FUTURE ACTIONS:
If and when this item next appears before the Board, staff will present a more elaborate and detailed explanation and accounting of the monies to be collected and the benefits to be provided to each property owner. In addition, staff will be requesting direction on the appropriate annual administrative charges to factor into the final consideration. Staff will also present a list of all parcels proposed for inclusion in this zone, along with owners names and proposed assessment rates. If the Board, at that time, adopts a Resolution of Intention to form the Bronco Hollow Road Maintenance Zone of Benefit, then a date for a Public Hearing will be set, when all Bronco Hollow residents and property owners will be afforded an opportunity to publicly state their support or opposition to the proposal.
Proposed Zone of Benefit for:
Bronco Hollow Lane & Windy Hollow Road
829.59 Acres

Vicinity Map

Area C-1 (10 Lots)
Area = 77.36 acres

Area C-2 (32 Lots)
Area = 204.45 acres

Parent Area (8 Lots)
Area = 143.47 acres

Area C-3 (5 Lots)
Area = 115.60 acres

Area C-4 (5 Lots)
Area = 88.77 acres

Area C-5 (5 Lots)
Area = 26.86 acres

Area C-6 (9 Lots)
Area = 172.45 acres

Scale: 1" = 1500'

Drawn By: BAA
County of Mariposa
Department of Public Works
Dwg. No. Z94-03

Approved By: DLT
Proposed Bronco Hollow Zone of Benefit
Date: 3-13-95
ATTACHMENT NO. 3

Petition previously sent to
Bronco Hollow Property Owners
in
July 1994
PETITION REQUESTING INSTITUTION OF PROCEEDINGS FOR ESTABLISHMENT OF THE BRONCO HOLLOW ROAD MAINTENANCE ZONE OF BENEFIT

To the Board of Supervisors of Mariposa County:

We the undersigned property owners of Mariposa County, hereby respectfully petition the Board of Supervisors of Mariposa County to institute proceedings to establish a Zone of Benefit to extend or provide services within Countywide Service Area No. 1, in accordance with the provisions of Mariposa County Resolution No. 90-140, and pursuant to Title 3, Division 2, Part 2, Chapter 2 of the Government Code of the State of California. Should the Board of Supervisors accept this petition and adopt a Resolution of Intention to form this, The Bronco Hollow Road Maintenance Zone of Benefit, we understand that we would have a right to protest this formation during the required Public Hearing.

The boundaries of the territory that is proposed for inclusion in this zone of benefit is that certain area of land served by Bronco Hollow Lane and Windy Hollow Road, comprised of seventy four (74) parcels/lots, containing approximately eight hundred thirty (829.59) acres and is more particularly described in the legal description and plat attached hereto as Exhibits A and B.

The terms, conditions, reasons for, and the type(s) of extended county services to be provided within the area for this zone of benefit are summarized and described on attached Exhibit C, and will be expressed in an application presented to the Public Works Department.

Application for organization of this zone of benefit was provided for by the Formation of Countywide Service Area No. 1, which was approved May 10, 1988, by the local agency formation commission.
EXHIBIT "A"

Broncho Hollow Road Maintenance Zone of Benefit

Legal Description

Commencing at the Northeast Corner of Section 13, Township 6 South, Range 19 East, Mount Diablo Base and Meridian, said point being the True Point of Beginning for this description; Thence northerly, along the east section line of Sections 12, North 05 Degrees 35 Minutes 35 Seconds East, a distance of 204.13 feet to the Southwest Corner of Section 7, Township 6 South, Range 19 East, Mount Diablo Base and Meridian; Thence westerly, along the south line of said Section 7, South 89 Degrees 00 Minutes 13 Seconds East, a distance of 652.96 feet to a point; Thence North 03 Degrees 21 Minutes 20 Seconds East, a distance of 2463.55 feet to a point; Thence South 87 Degrees 38 Minutes 20 Seconds West, a distance of 560.06 feet to the east Quarter Corner of said Section 12; Thence westerly along the east-west quarter-section line of said Section 12, North 86 Degrees 55 Minutes 18 Seconds West, a distance of 2997.39 feet to the center section corner of said Section 12; Thence southerly, along the north-south quarter-section line of said Section 12, South 10 Degrees 05 Minutes 46 Seconds West, a distance of 1200.69 feet to a 1/16th corner; Thence westerly, along the 1/16th section line of said Section 12, North 88 Degrees 36 Minutes 29 Seconds West, a distance of 1282.20 feet to a 1/16th corner; Thence southerly along the 1/16 section line of said Section 12, South 09 Degrees 03 Minutes 16 Seconds West, a distance of 1239.49 feet to a 1/16 corner on the south Section line of said Section 12; Thence westerly along the line common to Sections 12 and 13, South 89 Degrees 41 Minutes 17 Seconds West, a distance of 916.98 feet to the Section Corner common to Sections 11, 12, 13 and 14; Thence southerly along the section line line common to Section 13 and 14, South 05 Degrees 33 Minutes 29 Seconds West, a distance of 1324.30 feet to a 1/16 Corner; Thence continuing southerly along said Section Line, South 05 Degrees 33 Minutes 29 Seconds West, a distance of 1238.01 feet to a point on the north line of the 59.245 acre Remainder Parcel as shown on that certain Parcel Map for E.J. Gilman, Recorded June 20, 1975, in Book 9 of Parcel Maps at Page 20, Mariposa County Records; Thence southwesterly, along the northerly boundary of said remainder parcel, the following courses and distances: Thence South 86 Degrees 15 Minutes 31 Seconds West, a distance of 521.60 feet to a point South 47 Degrees 24 Minutes 25 Seconds West, a distance of 284.02 feet to a point; Thence South 87 Degrees 41 Minutes 06 Seconds West, a distance of 351.65 feet to a point; Thence South 83 Degrees 38 Minutes 21 Seconds West, a distance of 228.49 feet to a point; Thence South 60 Degrees 12 Minutes 20 Seconds West, a distance of 142.40 feet to a point; Thence South 52 Degrees 37 Minutes 21 Seconds West, a distance of 208.44 feet to a point on the centerline of that certain Mariposa County Road known as Indian Peak Road; Thence southeasterly along the centerline of said Indian Peak road the following courses and distances: South 43 Degrees 06 Minutes 59 Seconds East, a distance of 1157.06 feet to a point; Thence North 83 Degrees 45 Minutes 01 Seconds Seconds East, a distance of 223.71 feet to a point; Thence South 80 Degrees 25
EXHIBIT "A"

Broncho Hollow Road Maintenance Zone of Benefit

Legal Description (continued)

Minutes 08 Seconds East, a distance of 142.26 feet to a point; Thence North 84 Degrees 11 Minutes 51 Seconds East, a distance of 355.56 feet to a point; Thence South 82 Degrees 59 Minutes 09 Seconds East, a distance of 237.67 feet to a point; Thence South 60 Degrees 47 Minutes 03 Seconds East, a distance of 378.65 feet to a point on the 1/16 Section line of said Section 13; Thence easterly, along said 1/16 line of Section 13, South 87 Degrees 30 Minutes 56 Seconds East, a distance of 616.86 feet to a 1/16 Corner; Thence southerly along the 1/16 section line of said Section 13, South 00 Degrees 54 Minutes 54 Seconds East, a distance of 1307.45 feet to the 1/16 corner on the south line of said Section 13, Thence easterly along said south line of Section 13, South 86 Degrees 20 Minutes 57 Seconds East, a distance of 2843.24 feet to a 1/16 corner; Thence leaving said South line of Section 13, and continuing northerly along the 1/16 line of Section 13, North 00 Degrees 44 Minutes 17 Seconds East, a distance of 2612.31 feet to a 1/16 corner on the east-west quarter section line of said Section 13; Thence easterly along said quarter section line, South 86 Degrees 26 Minutes 25 Seconds East, a distance of 1549.37 feet to the east quarter corner of said Section 13; Thence northerly along the Section line common of said Section 13, said line being the Range Line dividing Range 19 East and 20 East, North 01 Degrees 14 Minutes 52 Seconds East, a distance of 2625.95 feet, to the POINT OF BEGINNING; said point being the terminus of this description containing 36136917.66 square feet or 829.59 acres, more or less.

Legal Description Prepared By:

__________________________
Charles M. Pratt, L.S.4891
Proposed Zone of Benefit for:
Bronco Hollow Lane & Windy Hollow Road
829.59 acres

Scale: 1" = 1500'

Area C-1 (10 Lots)
Area = 77.36 acres

Area C-2 (32 Lots)
Area = 204.45 acres

Parent Area (8 Lots)
Area = 143.47 acres

Area C-3 (5 Lots)
Area = 115.60 acres

Area C-4 (5 Lots)
Area = 88.77 acres

Area C-5 (5 Lots)
Area = 115.60 acres

Area C-6 (9 Lots)
Area = 26.86 acres

Area C-6 (9 Lots)
Area = 172.45 acres

Attachment 3-4

Drawn By: BAA
County of Mariposa
Department of Public Works
Dwg. No. Z94-03

Approved By: DLT
Proposed Bronco Hollow Zone of Benefit
Date: 7-26-94
EXHIBIT "C"

PROPOSED BRONCO HOLLOW ROAD MAINTENANCE ZONE OF BENEFIT

The terms, conditions, reasons for, and the type(s) of extended county services to be provided within the area for this zone of benefit are summarized as follows:

A. The purpose of this proposed zone of benefit will be to provide road improvements and maintenance on portions of the roads serving the Bronco Hollow Road Maintenance Zone of Benefit, as said area is described on attached Exhibits A and B.

B. The terms and conditions of this zone of benefit formation shall include the following:

1. The formation shall be pursuant to Section 25210.9c of the Government Code of the State of California, or similar provisions; whereby the funds necessary to complete the processing and filing of this zone of benefit, as well as the improvements described in Paragraph "C.1" of this Exhibit, shall be appropriated by the Board of Supervisors and loaned to the zone. Said funds would be repaid to the County, by the monies available from the annual zone assessments fees, over a period of five (5) years, together with interest at the current rate per annum received on similar investments by the County, as determined by the County Treasurer.

2. The formation would create a zone, divided into seven separate areas, corresponding to particular road segments. The subdivision of the zone into sub-areas, is to afford a more equitable distribution of the costs, relative to the benefit derived by each property owner. The areas are delineated on the plat attached therewith to the petition as Exhibit "B", and are described as follows:

Parent Area (8 parcels): Bronco Hollow Road, from Indian Peak Road to Windy Hollow Road;

Area C-1 (10 parcels): Windy Hollow Road, from Bronco Hollow Road to the entrance of Bronco Hollow Estates;

Area C-2 (32 lots): the roads within Bronco Hollow Estates;

Area C-3 (5 parcels): The oiled portion of Bronco Hollow Lane, from Windy Hollow Road to the easterly boundaries of APN 17-460-12 and APN 17-460-15;

Area C-4 (5 parcels): The graveled portions of Bronco Hollow Lane and Windy Hollow Road, from the end of Area C-3 above, to the southerly boundary of Bronco Hollow Estates;

Area C-5 (5 parcels): The ungraveled portion of Bronco Hollow Lane, from the intersection of Bronco Hollow Lane and Windy Hollow Road to its termination near River Haven Drive;

Area C-6 (9 parcels): Hidden Valley Road.

C. The Extended County Services to be provided to this zone of benefit shall cover those oiled portions of Bronco Hollow Lane and Windy Hollow Road lying within the Parent Area, Area C-1, and Area C-3; and shall include the following tasks:

1. Improvements: The improvements shall consist of all labor, materials, inspections and administration of a reconstruction project on the above noted road segments; and will include: grading and shaping of the road surfaces, including patching holes as required; cleaning roadside ditches and the application of a double chipseal treatment. The double chipseal treatment will carry a two (2) year warranty.
EXHIBIT "C"

PROPOSED BRONCO HOLLOW ROAD MAINTENANCE ZONE OF BENEFIT

2. **Maintenance:** The maintenance shall consist of all labor, materials, inspections and administration of the maintenance of the road segments improved per Paragraph "C.1." above. Maintenance shall consist of two aspects: (1) routine annual maintenance, and (2) long-term road surface management. The routine annual maintenance shall include patching holes in the road surfaces and cleaning roadside ditches, as needed. The long-term management has planned for oil seals at years 5 and 15, a (single) chipseal at year 10, and an additional double chipseal at year 20. This cycle would be repeated in 20 year intervals.

3. **Contracting:** Since the zone shall be administered by the Public Works Department, Public Contracting Law and Prevailing Wage Rates shall apply. The improvements shall be specified, bid, contracted, and work administered by the Public Works Department. The construction work will be advertised locally, and awarded to the lowest competent bidder. The improvements shall be warranted for two (2) years. The maintenance work shall be conducted by either the Public Works Department's Road Maintenance Crews, or contracted to a qualified Licensed Contractor on the Public Works Department's zone of benefit bidders list. The routine annual maintenance shall be conducted once annually, as needed; and the long-range tasks shall be accomplished in the designated years.

D. The approximate per parcel costs associated with this zone formation consists of two parts: (1) the cost for the improvements; and (2) the costs for the annual and periodic maintenance. The zone sub-areas described in Paragraph 2, above, result in the parcel memberships, and costs described on Attachment 1 to this Exhibit. The costs shown thereon should be considered approximate. The final costs shall be determined by the Board of Supervisors, during the required Public Hearing; and will include State Board of Equalization Filing Fees, pro-rated application fees, administration, and amortization costs.
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|          |          | 10 Total Parcels in Area 1 | $8,835.40 | $1,844.10 |

Page 2

07/26/1994
Attachment 3-8
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| Total Parcels in Area 6 | **$2,665.62** | **$548.46** |

| Total Parcels Proposed for Bronco Hollow Zone of Benefit | **$54,995.44** | **$11,213.60** |
ATTACHMENT NO. 4

Initial cost Spreadsheets

for the Proposed

Bronco Hollow Road Maintenance Zone of Benefit
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Bronco Hollow Road Maintenance Zone of Benefit

Cost Estimate for Periodic Maintenance

Initial cost spreadsheet for the proposed Bronco Hollow Road Maintenance Zone of Benefit

Attachment No. 4
### Broncho Hollow Zone of Benefit Proposal

#### Initial Cost Spreadsheet for the Proposed Broncho Hollow Road Maintenance Zone of Benefit

**Attachment No. 4**
ATTACHMENT NO. 5

Letters received by Public Works Department

from

Bronco Hollow Property Owners:

1. from Glenn Zachary on August 23, 1994
2. from Glenn Zachary on March 7, 1995
March 7, 1995
Oakhurst, California

Board of Supervisors
Mariposa, California

Re: The proposed Zone of Benefit for Bronco Hollow Road area.

Honorable Members of the Board,

I wish to Thank the Board of Supervisors and the Public Works Department for their effort on behalf of the proposed Zone of Benefit. I also thank the Bronco Hollow Road Committee for all their labors on behalf of the community.

I attended the September 6th, 1994 Meeting in Mariposa with the Public Works Department, and our local Supervisor. At this meeting, I expressed my opinion that the most equitable and practical solution to finance this project is to apportion equal cost for all property owners.

All properties in the area will benefit with increased value, especially those properties fronting Bronco Hollow or Windy Hollow Road. Increased property value in the most practical measure of benefit.

The fact is that any one of us could find many reasons, seemingly logical to us, why we should pay the least. The 32 property owners of Bronco Hollow Estates could say: "We already have paved roads in front of our property, and we paid for, and are maintaining, these roads without help form neighbors;" or "Three fourth of the Bronco Hollow Estates property owners don't use the subject roads as much in a year as the local residents use in a day:" or "I never use Windy Hollow Rd. and have no need to, yet I'm being charged three times as much as some people who use both Bronco Hollow and Windy Hollow Roads;" or "We already paid for the paving of these identical roads once without the help of our neighbors who have used and abused these roads more than we did:" or "The greater benefit of improved property values is to those people whose property fronts the proposed improved roads, let them pay the most;" or "Bronco Hollow Estates properties cannot be split, whereas other parcels along these proposed improved roads are splitable but must have this road improvement before they can split."

My point is, all of us have our reasons why we should pay the least. It is time that we all just bite the bullet, split the cost equally, and get on with this much needed improvement.
It is time we quit Mickey Mousing the numbers and rally the community to support this Zone of Benefit package.

I would also strongly urge that the Public Works Department be under "Special Orders" to "cite!" and "require" every property owner along these proposed, newly improved roads, to correct their own drainage problems. Much of the destruction of Bronco Hollow and Windy Hollow Roads has been caused by improper drainage from private property as well as failed road maintenance.

Sincerely,

[Signature]

Glenn T. Zachary
P.O. Box 236
Oakhurst, CA 93644-0236
683-3383
683-8008 fax
August 23, 1994
Oakhurst, California

ALL MEMBERS
Bronco Hollow Road Committee
Bronco Hollow Estates (BHE) Board of Directors

Ladies and Gentlemen,

We heartily commend you for your labors and concerns for the Bronco Hollow Community at large. We appreciate every effort you have made on our behalf. We know it has been a lot of hard, frustrating effort and WE THANK YOU!

At our last meeting with Bronco Hollow Board of Directors, I explained that we agree that the "zone of benefit" program is the most practical. We still believe this. Also, at this meeting I expressed our support of the road improvement which Mr. Taylor estimated to be 6 to 7 hundred dollars per property, based on every property owner paying equally. I also mentioned that it is our opinion that some of the accumulated funds from our individual $38.00 per month payments be used to defray these new road cost to BHE property owners.

Your July 29, 1994 letter arrived late. We were out of town and unable to respond in a timely manner. We have been ambivalent to your new plan for several reasons. On the one hand we very much want to cooperate with your hard working, sincere Committee. (We have considerable experience working on Boards and Committees for Community improvements, including road projects. We have property in 3 Developments with CC&R's and private roads.) We also empathize with residents in the area who must drive those pot hole filled roads every day. You deserve better.

I recollect Mr. Jerry Sparks and Mr. Jerry Vogt telling me that the road base is "inadequate on the roads you propose to chip seal. I don't believe Jerry Sparks would consider building a new chip seal road on inadequate base, however, I still do not understand why repaving without changing the base is good logic. This came to mind when I got a phone call telling me that the "head man" at the County Road Dept. stated that the new proposed roads would soon fall apart. Believing this "head man" was coming to a meeting on Windy Hollow Road, we made arrangements to attend.

We attended this meeting on the evening of August 17. The so-called "head man" did not materialize. I learned from the ensuing debate that this "head man" was not a road expert at all. The meeting was a disappointment to us...just all heat and very little light. Chuck Taylor, Jim
Wilson, and Vernon Ward did a good job of handling objections. We decided that this was not a proper forum to express our views, and that we should give more consideration to our objections. (My experience being misquoted leads me to prefer writing rather than speaking.)

Our objections to your plan are quite simple. **Your cost per property owner is inequitable.** Your formula for deciding who pays what is flawed to the extent of being ridiculous. Too many facts are ignored.

**FACT:** Area C2, (the 32 parcels of Bronco Hollow Estates) has already paid for the entire road improvement once without help from anyone. Approximately 10 years ago when this road, now under consideration for repaving, was first paved it was paid for by BHE. No one else, regardless of where he lived, paid a farthing. Everyone had a free ride at BHE expense. This fundamental fact should not be ignored.

**FACT:** Your proposition to charge various Areas according to how much of road they use is inequitable and without good logic. This factor of distance and frequency of use cannot possibly be applied equitably for a dozen reasons, and regardless how hard you try you will never treat every one fairly. For instance: The Zacharys will use the same amount of road getting to their (our) property as some of the Parent Area, and area C6, yet you propose we are to pay 3 times as much for road construction and maintenance as they do. Others in C1,2,3,4,5 could use the same reasoning.

Don't forget that Bronco Hollow Lane, the road that is in the worst condition, is not is not to be improved at all per your plan. One of your committee said publicly that at, "some time in the future the people accessing property off Bronco Hollow Lane will be able to get together and fix their road". Who is to pay for Bronco Hollow Lane improvements "some time in the future"? How much do you propose that the people on Windy Hollow Lane, (Area C1 and much of C2) who seldom ever use Bronco Hollow Lane, pay for these future improvements? The fact is, there is no reciprocal covenant written into this current agreement that addresses this inequity, yet people on Bronco Hollow Lane are required to pay for Windy Hollow Lane that they don't use.

We have property in the BHE and we have little or no reason to use Windy Hollow Lane. There is no logical reason for us to use this road, since it doubles the distance to our property. Others in the BHE could say the same thing. Per your reasoning we should pay half as much as those who have a reason to use Windy Hollow Lane, but this would not be equitable either.

**FACT:** The BHE Road Committee, in a 3/11/94 statement speaks of, "a decent road will reduce the wear and tear on our vehicles and improve our property values." I believe all of us will agree with this, however, your plan seems to forget the "property values" part, and you seem to forget.
that the majority of property owners in C1,2,4,&5 are non residents, like we are, and seldom use these roads.

Re: PROPERTY VALUES, please kindly note that property owners in the Parent Area and C6 will benefit the most from increased property values and these are the areas you have programmed to pay 1/3 as much as the rest of us. This is not equitable.

FACT: Most of the properties in the Parent and C6 Area are yet to be parceled. It is very doubtful that any of these properties would qualify for splitting because of the present condition of the road. (Please keep in mind that I am not talking about a subdivision.) Parcelling involves splitting property into 2,3, or 4 parcels. As soon as these roads are paved...zoom...up goes the values on these splitable properties. (Don't forget that, with few exceptions, the rest of us cannot split our property under present zoning, and B H E property owners will never be permitted to split due to the regulations governing a subdivision.) So, on the matter of property values it is obvious that those who will benefit the most pay the least. This is not equitable.

The fact that some one may say, "I have no intention of splitting my property" matters not in the least. Their property values still shoot up. Incidentally the party owning the 155 or so acres will have the same benefit. All he needs to do is sit and wait until the roads are paved and he can parcel into 40 acre parcels, and I don't see where you have him paying anything. This is not equitable. There are quite a few property owners out in that neighborhood, rubbing their hand is glad anticipation of this proposed road project being completed. It must be hard for them to believe that they will benefit the most and all the while only paying 1/3 as much.

If you fix it so that we all pay an equal amount for this road, even though the Zacharys seldom use the road, we will pay the equal portion for our two properties. I also think that B H E treasury should fund at least the first $10,000 toward the cost to the 32 B H E owners. That will help ease the pain of this $38.00 per month we are paying now and the additional $15.00 per month you have us scheduled to pay in the future. Of course all properties, regardless of Area, should pay equally for maintenance. This also needs to be corrected in your plan.

Again we thank you for your work. We believe you have sincerely tried to serve the entire community. Unfortunately we must disagree with the inequities.

Sincerely,

Glenn and Aurelie Zachary
March 7, 1995

Bronco Hollow Oil Penetrated Roads

* Request Supervisors assistance in helping form Zone of Benefit for common roads in Bronco Hollow (BH).

* Oil penetrated common roads (see exhibit)
  - Bronco Hollow Road - 2650 ft.
  - Windy Hollow Road - 3675 ft.
  - Bronco Hollow Lane - 1076 ft.

* Common Road Condition -- (see pictures)

* July 1993 -- working towards formation of a Zone of Benefit.

* March 1994 -- survey
  - In favor 41
  - Roads are fine 3
  - Other 4

* May 1, 1994 - bids and data to Department of Public Works for preparation of petition.

* July 29, 1994 - petition sent to 74 parcel owners
  - Bronco Hollow Road Committee received -- 43 favorable
    -- 1 against
  - Local neighbor collected -- 13 against

* September 6, 1994 - Bronco Hollow parcel owners meeting with Gert Taber and Mike Edwards.
  - open meeting item --- cost share plan
    1. Segmented plan included in petition
    2. 25% plan
    3. Equal share plan

* February 27, 1995 - UPS terminated delivery in BH.

* March 7, 1995 - need Supervisors help with the Department of Public Works.

Prepared by:
Charles Taylor
BUDGET ACTION FORM

DEPT/DIV: Public Works CONTACT: Michael D. Edwards

DATE: March 14, 1995 PHONE: 966-5356

ACTION REQUESTED: (Check All That Apply)

(X) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the County Budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriation from one budget to another, or between categories within a budget unit;

( ) Transfer by Administrator: Moving existing appropriations within a single budget category between line items (i.e. services and supplies, etc.);

( ) Transfer by Auditor: Moving salaries between line items to accommodate variances internal to salaries; OR transfers within the County budget under $50.00 to accommodate minor variations from the budget.

<table>
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<tr>
<th>FUND/DEPT/ACCT NO.</th>
<th>LINE ITEM DESCRIPTION</th>
<th>AMOUNT (FROM)/TO</th>
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<td>Transfer Out</td>
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<tr>
<td>284-1200-309-1600</td>
<td>Transfer In</td>
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<td>284-1200-680-0416</td>
<td>Bronco Hollow Estates ZOB</td>
<td>$3,650.00</td>
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Justification: See attached Board item.

Department Head Signature: [Signature] Date: 3/14/95
Approved By: Res. No. 95-110 Clerk: [Signature] Date: 3-21-95
Administrator: [Signature] Date: 3-14-98
Auditor: [Signature] Date: 3-14-98

AUDITOR’S USE ONLY:
Description: Transfer No.: ____________________________
B.R. No.: ____________________________

Budget Action Form Revised 5/92