

BACKGROUND:

A precursor to the Town's acceptance of any improved segment of roadway is the voluntary, (no cost to the Town), dedication of public right-of-way to the Town from the adjacent land owners. For the majority of existing dirt roads in Apple Valley, no formal dedication of right-of-way has been offered, or accepted by the Town.

The existence of homes on private, un-maintained dirt roads is quite common throughout the Town of Apple Valley and in the surrounding unincorporated County areas. The Town already has approximately 450 miles of publicly maintained roads and expends significant resources annually to maintain those improved roads. The level of maintenance care is dictated by available funding, and is generally considered marginally adequate at best. As a matter of policy, the Town will not expend scarce roadway maintenance resources to procure any new property rights along dirt roads within Town jurisdiction. The Town may improve and widen an existing Town maintained roadway, but does not construct new improvements where none currently exist. There have been exceptions under special circumstances, like the extension of Apple Valley Road, north to Falchion Road. The circumstance in that case was that Apple Valley Road is a Major Arterial on the Town's General Plan Circulation Element, and the roadway was needed for regional circulation. (However, the adjacent properties along Apple Valley Road will be required to repay the Town when they ultimately develop in the future). Another example is paving a currently "maintained" dirt road. At the time of incorporation the Town inherited a number of dirt roads that had been on the County's list of maintained roadways. Over time the Town has paved those "maintained" dirt roads in order to reduce the cost of ongoing maintenance. There are very few "maintained" dirt roads remaining that have not been paved, and those will be paved as funding allows.

The Town requires appropriate paved access for all new subdivisions and commercial developments. After the improvements are complete, the roadway can be offered to the Town for inclusion into the maintained road system. However, there is no mechanism in place to require older existing properties that were created and developed years ago, many prior to Town incorporation, to retroactively comply with current Town requirements. A mechanism does exist under State Law to improve dirt roads, and this mechanism is the formation of a 1911 Act Assessment District for the construction of Public Improvements. The 1911 Act Public Improvement Assessment District mechanism, (California Streets and Highways Code), provides a way for public improvements to be constructed in a post-development circumstance when a majority of the benefitting property owners are willing to voluntarily pay their fair share. The minority property owners who do not participate will have their proportionate cost share added to their property tax bill as a special assessment. The Assessment District formation requires a majority of adjacent owners to be in favor. The formation of the special district is voluntary, and should be initiated by the affected property owners. In compliance with Prop 218, the majority requirement serves as a vote in favor of a special tax.

One misconception that some property owners have is that they are already paying for roadway improvements by virtue of paying their property taxes. Property taxes are used for many purposes including education, fire and police protection, but property taxes are **not** used to pave or maintain roads.

Often, one of the reasons a land purchase, especially in the desert, appears to be a "good deal" is that the road or roads serving the parcel are not in the Town or County maintained roadway network. Purchasers should always investigate to see if the road serving a parcel of interest is maintained by the Town or County. If the road is not in the maintained roadway network, the purchasers must realize that they are responsible for maintenance of the road, and that obligation should be reflected in the property value.

To summarize, If a road or section of road is not in the Town's maintained roadway network, by law, (California Streets and Highway Code, Section 2150), the Town is not allowed to do any maintenance or repair work. Any maintenance or repair work on private roads is the responsibility of the respective property owners along that road. The Town cannot pave or grade roads that are not in the Town's maintained roadway network using Gas Tax money. The Town's policy regarding how dirt roads become paved and maintained is consistent with California State Law, and consistent with San Bernardino County Public Works Department Policy.

FISCAL IMPACT: None