

ORDINANCE NO. 9166 (NEW SERIES)

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 10 – DAVIS DRIVE

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 10 – Davis Drive, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 10 – Davis Drive is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 10 – Davis Drive. Streets and Highways Code Sections 1179 and 1162.6 and Government Code Section 25210.77a authorize the Board to fix and collect charges for services provided by a Permanent Road Division Zone to pay, in whole or in part, for the cost thereof. These sections further authorize the Board to collect such charges on the tax roll by adopting an Ordinance providing a procedure therefor. This Ordinance replaces the prior Ordinance No. 6310 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 10 – Davis Drive.

Section 2. Fixing of Charges. For the miscellaneous extended services related to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$400 for each "unit" determined under Section 3 of this Ordinance. Any charges established by this Ordinance may be modified or amended by Resolution of the Board of Supervisors subject to provisions of Article XIII of the California Constitution. Such charges shall be reviewed by staff annually and shall be fixed by substantially the following procedure:

(a) A budget shall be proposed for the fiscal year specifying amounts required to provide the required level of those miscellaneous extended services proposed to be funded by charges in lieu of, or supplemental to, revenue obtained by the levy of taxes.

(b) The fund balance, revenues to be obtained by the levy of taxes and other revenues available to support the budget, shall be deducted from the amount of proposed budget.

(c) The balance remaining shall be divided by total number of units, as calculated under Section 3 of this Ordinance. Amount obtained from that calculation shall be the charge fixed for each unit.

(d) The charge per unit shall be fixed by Resolution adopted by the Board of Supervisors.

Section 3. Number of Units Determined. Units shall be assigned to each parcel in proportion to estimated benefit received by that parcel and shall be calculated as follows:

- (a) Parcels not benefiting from service shall not be assigned units of benefit.
- (b) Each parcel of land shall be assigned one (1) unit of benefit.
- (c) Each improved parcel according to assessor's records shall be assigned one (1) additional unit of benefit.

Section 4. Preparation of Report, Hearing, and Transmission to Auditor.

(a) Once a year the Board of Supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and amount of the charge for each parcel for such year computed in conformity with the procedure set forth in this Ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the Clerk of the Board of Supervisors.

(b) Upon filing of such report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The Clerk shall publish notice of such hearing as provided in Government Code Section 6066, prior to the date set for hearing, in a newspaper of general circulation printed and published in the County.

(c) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, review, change, reduce or modify any charge and shall make its determination upon each charge as described in the report and, thereafter, by Resolution, shall confirm the report. Any change that increases the levy to property owners beyond that existing on July 1, 1996, or as subsequently approved pursuant to Article XIID of the California Constitution shall be submitted to property owners for approval in accordance with Article XIID of the California Constitution. Upon approval, the increased charge may be implemented. The report shall be transmitted to the Auditor no later than August 10 of the fiscal year in which charges shall apply.

(d) Charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected

and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of County ad valorem property taxes shall be applicable to such charge except that if the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith
SENIOR DEPUTY
5-25-00

PASSED, APPROVED and ADOPTED this 21ST day of June, 2000.



DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 3rd day of July, 2000.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Marion Egan, Deputy



Ordinance No. 9166 (New Series)
6/21/00 (18)

No. 80

File 5-4/27/68

Re the Establishment of County Service Area No. 10 - Davis Drive.]

On motion of Supervisor Cozens, seconded by Supervisor Dent, the following resolution is adopted:

WHEREAS, on January 16, 1968, this Board adopted its resolution of intention to form County Service Area No. 10 - Davis Drive, pursuant to the provisions of the County Service Area Law (Chapter 2.2, commencing with Section 25210.1 of Part 2, Division 2 of Title 5 of the Government Code) within the hereinafter described unincorporated territory, and ordered that a public hearing on the establishment of said proposed county service area be held in the Chamber of this Board on February 27, 1968 at 11:00 a.m.; and

WHEREAS, notice of said hearing was given, as required by law, as shown by the affidavit of publication on file herein (Document No. 397743); and

WHEREAS, said hearing was held at said time and place; all interested persons or taxpayers were heard for and against the establishment of the proposed county service area, the extent of the area and the furnishing of the proposed types of services; all written protests were considered; and evidence was received that the services proposed to be provided are extended county services; and

WHEREAS, the Local Agency Formation Commission of the County of San Diego has heretofore reviewed and approved the establishment of said area (Board of Supervisors Document No. 396311); NOW

THEREFORE

IT IS FOUND, DETERMINED AND DECLARED as follows:

1. The services described in said resolution of intention, as hereinafter set forth, are extended county services.
2. Written protests against the establishment of the area or the furnishing of any of the specified types of extended services within the proposed area were not received from 50% or more of the



registered voters residing within the territory proposed to be included in the area or from the owners of one-half or more of the value of the land and improvements in the territory to be included in the area, as shown by the last equalized assessment roll.

3. All protests made orally or in writing against the establishment of the area, the extent of the area or the furnishing of specified types of extended services are denied.

4. The proceedings for the formation of said proposed county service area are valid and in conformity with the requirements of said County Service Area Law.

ACCORDINGLY, IT IS RESOLVED AND ORDERED as follows:

1. The hereinafter described territory is established as a county service area designated County Service Area No. 10 - Davis Drive, pursuant to the provisions of the County Service Area Law.

2. The types of extended county services to be performed within the boundaries of said county service area pursuant to said Chapter 2.2 of the Government Code are road repair and maintenance.

3. Except where funds are otherwise available from service charges collected pursuant to Section 25210.77a of the Government Code, a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such county service area.

4. The boundaries of said county service area are described as follows:



The subject service area is located in the Southwest Quarter of Section 17, Township 9 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, and its boundary may be described as follows:

1. Beginning at the Southwest corner of said Section 17 as shown on Record of Survey Map No. 1071 on file in the office of the Recorder of San Diego County;
2. thence North $0^{\circ}42'40''$ West, along the Westerly line of said Section 17, a distance of 1336.90 feet;
3. thence leaving said Westerly line, South $89^{\circ}50'30''$ East along the East and West center line of the Southwest Quarter of said Section 17, as shown on Record of Survey Map No. 1071, a distance of 522.60 feet to the true point of beginning;
4. thence continuing South $89^{\circ}50'30''$ East along said East and West center line, a distance of 161.60 feet;
5. thence leaving said East and West center line, North $0^{\circ}13'50''$ West 135.03 feet;
6. thence North $31^{\circ}07'00''$ East 193.82 feet;
7. thence South $84^{\circ}00'30''$ East 75.25 feet;
8. thence North $17^{\circ}17'40''$ East 162.06 feet;
9. thence North $57^{\circ}21'45''$ East 281.89 feet;
10. thence North $74^{\circ}23'30''$ East 244.72 feet;
11. thence North $9^{\circ}23'00''$ East 87.22 feet;
12. thence North $59^{\circ}13'45''$ East 377.54 feet to a point in the East line of the West Half of the West Half of the Northeast Quarter of the Southwest Quarter of said Section 17;
13. thence South $0^{\circ}29'25''$ West, along said East line, a distance of 947.79 feet, to its intersection with the East and West center line of the Southwest Quarter of said Section 17;
14. thence North $89^{\circ}50'30''$ West, along said center line, a distance of 641.70 feet;
15. thence leaving said center line, South $0^{\circ}09'30''$ West 310.22 feet;
16. thence South $82^{\circ}50'30''$ East 138.10 feet;
17. thence South $0^{\circ}09'30''$ West 272.70 feet to a point in the center line of County Highway Commission, Mission Road, Route 3, Division 1-C, as shown on Record of Survey Map No. 1071;
18. thence North $82^{\circ}33'30''$ West, along said center line of road, a distance of 266.54 feet to the beginning of a tangent curve concave Southerly and having a radius of 300 feet;
19. thence along said curve through a central angle of $26^{\circ}10'00''$, an arc length of 137.01 feet;
20. thence continuing along said road center line, tangent to said curve, South $71^{\circ}16'30''$ West a distance of 82.57 feet;
21. thence leaving said road center line, North $33^{\circ}09'30''$ West 309.23 feet;
22. thence North $5^{\circ}42'30''$ West 349.80 feet to the true point of beginning.

IT IS FURTHER ORDERED that the Clerk of this Board file with the Assessor of the County of San Diego and with the State Board of Equalization a certified copy of this resolution and order together with a map or plat indicating the boundaries of the territory to be established by this order, as provided in Chapter 8 (commencing with § 54900) of Part 1, Division 2, Title 5, of the Government Code.

BE IT FURTHER ORDERED that the Clerk of this Board make the filings required by Chapter 8 (commencing with § 56450) of Part 5, Division 1, Title 6 of the Government Code.



PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 27th day of February, 1968, by the following vote:

AYES: Supervisors Gibson, Boney, Dent, Austin, and Cozens

NOES: Supervisors None

ABSENT: Supervisors None

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STATE OF CALIFORNIA, }
County of San Diego, } ss.

I, PORTER D. CREMANS, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original

resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 28th day of February, 1968.

PORTER D. CREMANS
Clerk of the Board of Supervisors.

By Florinda Clark Deputy.

SEAL

No. 100

Re Resolution of Intention to Establish
(County Service Area No. 10 - Davis Drive . . .)

(Handwritten signatures and notes)
(See file)
There
24

On motion of Supervisor Dent, seconded by Supervisor
Eszens, the following resolution is adopted:

WHEREAS, pursuant to the provisions of the County Service Area
Law (Chapter 2.2 [commencing with § 25210.1] of Part 2, Division 2
of Title 3 of the Government Code), this Board is authorized to
establish a county service area as a method for providing governmental
services by the County within the unincorporated area thereof; and

WHEREAS, application for approval of a proposal for initiation
of proceedings for the formation of a county service area to be known
as County Service Area No. 10 - Davis Drive was filed with the
Local Agency Formation Commission (Local Agency Formation Commission
Reference No. DF67-4) as provided by Government Code Section 54791
and that said application for approval specified road repair and
maintenance as the governmental service to be performed within said
county service area; and

WHEREAS, the Local Agency Formation Commission of the County of
San Diego has heretofore reviewed and approved the establishment of
a county service area to include such territory for the purpose of
providing road repair and maintenance therein; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED that it is the intention
of this Board to establish a county service area, as provided in
Government Code Section 25210.15, as follows:

- (a) A county service area is proposed to be established under
the terms of Chapter 2.2 (commencing with § 25210.1) of
Part 2 of Division 2 of Title 3 of the Government Code in
the unincorporated area of the County described on Exhibit A
attached hereto and incorporated herein, as the territory
proposed for inclusion in the area.



- (b) The name proposed for such county service area is County Service Area No. 10 - Davis Drive.
- (c) The type or types of extended county services proposed to be provided within the area pursuant to said Chapter 2.2 of the Government Code are road repair and maintenance and, except where funds are otherwise available from service charges collected pursuant to Section 25210.77a of the Government Code, a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area.
- (d) The time and place for the public hearing on this resolution of intention shall be February 27, 1968, at 11:00 a .m., in Room 310, County Administration Center, 1600 Pacific Highway, San Diego, California.

At the hearing the testimony of all interested persons or taxpayers for or against the establishment of the service area, the extent of the area or the furnishing of specified types of extended services will be heard, as provided in Government Code Section 25210.16.

The Clerk of this Board of Supervisors shall publish notice of the hearing by publishing a copy of this resolution pursuant to Government Code Section 6061 in the Fallbrook Enterprise, a newspaper of general circulation published in the County of San Diego, as provided in Government Code Section 25210.16.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 16th day of January, 1968, by the following vote:

AYES: Supervisors Boney, Dent, and Cozens

NOES: Supervisors None

ABSENT: Supervisors Gibson and Austin

STATE OF CALIFORNIA, }
County of San Diego, } ss.

I, PORTER D. CREMANS, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 17th day of January, 1968.

PORTER D. CREMANS
Clerk of the Board of Supervisors.

SEAL

By Florinda Clark Deputy.



Exhibit "A"

The subject service area is located in the Southwest Quarter of Section 17, Township 9 South, Range 3 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, and its boundary may be described as follows:

1. Beginning at the Southwest corner of said Section 17 as shown on Record of Survey Map No. 1071 on file in the office of the Recorder of San Diego County;
2. thence North $0^{\circ}42'40''$ West, along the Westerly line of said Section 17, a distance of 1336.90 feet;
3. thence leaving said Westerly line, South $89^{\circ}50'30''$ East along the East and West center line of the Southwest Quarter of said Section 17, as shown on Record of Survey Map No. 1071, a distance of 522.60 feet to the true point of beginning;
4. thence continuing South $89^{\circ}50'30''$ East along said East and West center line, a distance of 161.60 feet;
5. thence leaving said East and West center line, North $0^{\circ}13'50''$ West 135.03 feet;
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12. thence North $59^{\circ}13'45''$ East 377.54 feet to a point in the East line of the West Half of the West Half of the Northeast Quarter of the Southwest Quarter of said Section 17;
13. thence South $0^{\circ}29'25''$ West, along said East line, a distance of 947.79 feet, to its intersection with the East and West center line of the Southwest Quarter of said Section 17;
14. thence North $89^{\circ}50'30''$ West, along said center line, a distance of 641.70 feet;
15. thence leaving said center line, South $0^{\circ}09'30''$ West 310.22 feet;
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18. thence North $82^{\circ}33'30''$ West, along said center line of road, a distance of 266.54 feet to the beginning of a tangent curve concave Southerly and having a radius of 300 feet;
19. thence along said curve through a central angle of $26^{\circ}10'00''$, an arc length of 137.01 feet;
20. thence continuing along said road center line, tangent to said curve, South $71^{\circ}16'30''$ West a distance of 82.57 feet;
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