

ORDINANCE NO. 9209 (NEW SERIES)

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COUNTY SAN DIEGO
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SPECIAL DISTRICT

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. 102 – MOUNTAIN MEADOW

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 102 – Mountain Meadow, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 102 – Mountain Meadow is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 102 – Mountain Meadow. 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. 6362 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 102 – Mountain Meadow.

Section 2. Fixing of Charges. For services related to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$150.00 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 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 the service shall not be assigned units of benefit.
- (b) Each parcel containing less than 3 acres of land shall be assigned one unit of benefit.
- (c) Each parcel containing at least 3 acres but less than 11 acres of land shall be assigned 2 units of benefit.
- (d) Each parcel which contains 11 acres or greater shall be assigned 3 units of benefit.
- (e) Each parcel, which, according to assessor's records, has been improved shall be assigned one 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 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

XIIID 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 same newspaper of general circulation published in the County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Shull
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
Marion Egan, Deputy



Ordinance No. 9209 (New Series)
6/21/00 (18)

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 102 - MOUNTAIN MEADOW
WITHOUT AN ELECTION AND ESTABLISHING ZONE A

On motion of Supervisor Hamilton, seconded by
Supervisor Bates, the following resolution is adopted:

WHEREAS, on July 22, 1980 (73), this Board adopted
its resolution of intention to form County Service Area
No. 102 - Mountain Meadow 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 3 of the Government
Code to provide the type or types of extended county services
herein described 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
the Board on Wednesday, August 27, 1980 at 10:00 a.m.; and

WHEREAS, said resolution of intention also proposed the
creation of Zone A of said County Service Area; and

WHEREAS, notice of said hearing was given, as required
by law, as shown by the affidavit of publication on file
herein (Document No. 609656); 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 and Zone A,
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 San
Diego County pursuant to Government Code Section 54773, et seq.
has reviewed and approved the establishment of the county
service area to include the territory herein described for
the purpose of providing the extended services herein proposed; and

WHEREAS, in the judgment of this Board it is advisable to
establish the proposed county service area and Zone A thereof
without an election in order to expedite the formation process
and permit the provision of the extended services herein proposed
at the earliest possible date; NOW, THEREFORE,

IT IS RESOLVED, ORDERED AND DETERMINED 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 and Zone A or the furnishing of any of the specified bypes of extended services within the proposed area and Zone 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, as described in Government Code Section 25210.17a.

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

4. 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 improvements and continued maintenance of the roads.

5. The Board certifies, in accordance with Section 15064 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (Div. 6, Title 14, Cal.Admin. Code, commencing at § 15000), that it has reviewed and considered the information contained in the Negative Declaration prepared by the Local Agency Formation Commission.

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

7. The following described territory is declared established without an election as a county service area and shall be designated County Service Area No. 102 - Mountain Meadow, pursuant to Government Code Section 25210.18:

Those portions of Sections 5, 6, 7, 8, 9 and 17., Township 11 South, Range 2 West, San Bernardino Base and Meridian in the County of San Diego, State of California, according to United States Government Survey, lying within the following described boundaries:

Beginning at the southeast corner of said Section 7;

1. Thence westerly along the South line of the East Quarter of said section to the southwest corner of said East Quarter;
2. Thence northerly along the West line of said East Quarter to the northwest corner thereof;

3. Thence North $02^{\circ}10'26''$ West 447.88 feet along the West line of the southeast Quarter of the southeast Quarter of said Section 6;
4. Thence South $88^{\circ}09'10''$ East 702.59 feet;
5. Thence North $02^{\circ}12'16''$ West 268.78 feet;
6. Thence South $88^{\circ}09'10''$ East 662.47 feet to the West line of the southwest Quarter of said Section 5;
7. Thence northerly along said West line to the northwest corner of said southwest Quarter;
8. Thence easterly along the North line of the northwest Quarter of the southwest Quarter of said Section 5 to the northeast corner thereof;
9. Thence South $00^{\circ}50'56''$ East 200 feet;
10. Thence South $65^{\circ}10'10''$ East 1229.34 feet;
11. Thence due South 570 feet;
12. Thence South $41^{\circ}23'29''$ West 786.45 feet;
13. Thence due South 300 feet;
14. Thence due East 450 feet;
15. Thence South $42^{\circ}52'58''$ East 437.25 feet to the East line of the southwest Quarter of said Section 5;
16. Thence southerly along said East line to the southeast corner of said southwest Quarter;
17. Thence easterly along the North line of the northeast Quarter of said Section 8 to the northeast corner thereof;
18. Thence southerly along the East line of said northeast Quarter to the southeast corner thereof;
19. Thence easterly along the North line of the northwest Quarter of the southwest Quarter of said Section 9 to the northeast corner of said northwest Quarter of the southwest Quarter;
20. Thence southerly along the East line of said northwest Quarter of the southwest Quarter to the southeast corner thereof;

21. Thence easterly along the North line of the southeast Quarter of the southwest Quarter of said Section 9 to the North and South center line of said section;
22. Thence southerly along said North and South center line to the South Quarter corner of said Section 9;
23. Thence westerly along the South line of said Section 9 to the southwest corner thereof;
24. Thence westerly along the northerly line of said Section 17, to the northeast corner of the northwest Quarter of the northwest Quarter thereof, being also the northeast corner of Parcel Map No. 4386 filed in the County Recorder's office of said county;
25. Thence along the easterly line of said northwest Quarter of the northwest Quarter and the easterly line of said parcel Map, South $1^{\circ}34'00''$ East 637.28 feet to the southeast corner of said Parcel Map No. 4386;
26. Thence North $88^{\circ}56'10''$ West (Record, North $88^{\circ}55'47''$ West) along the southerly lines of Parcel Maps 4386 and 7770 and continuing along the southerly line of Parcel Map No. 4442 and the westerly prolongation thereof, to the westerly line of said Section 17;
27. Thence northerly along said westerly line to the Point of Beginning.

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8. The following described territory within County Service Area 102 - Mountain Meadow is hereby established as Zone A of said County Service Area:

Zone A

Those portions of Sections 8 and 17, Township 11 South, Range 2 West, San Bernardino Base and Meridian in the County of San Diego, State of California, according to United States Government Survey, lying within the following described boundaries:

Beginning at the southwest corner of said Section 8;

1. Thence northerly along the West line thereof to the northwest corner of the South Half of the southwest Quarter of the southwest Quarter of said section;

- 1a. Thence easterly along the North line of said South Half to the northeast corner thereof;
2. Thence northerly along the West line of the southeast Quarter of the southwest Quarter of said Section 8 to a point on said West line distance thereon 350 feet southerly from the northwest corner of said southeast Quarter of the southwest Quarter;
3. Thence due East 370 feet to an angle point in the boundary of land described under Parcel "C" in deed to E.E. Benton, et ux, recorded May 15, 1972; as File No. 121497 of Official Records;
4. Thence along said boundary due North 181.37 feet to a point in the arc of a non-tangent 250.00 foot radius curve concave northerly, a radial through said point bears South $7^{\circ}55'42''$ West, said point also being in the center line of that certain 60.00 foot road easement described in deed recorded August 25, 1966 as File No. 138788, O.R.
5. Thence easterly along the arc of said curve through a central angle of $12^{\circ}51'12''$ a distance of 56.08 feet;
6. Thence tangent to said curve North $85^{\circ}04'30''$ East a distance of 66.45 feet to the beginning of a tangent 600.00 foot radius curve concave southerly;
7. Thence easterly along the arc of said curve through a central angle of $6^{\circ}59'47''$ a distance of 73.27 feet;
8. Thence leaving said center line due South a distance of 505.00 feet;
9. Thence due East 225.66 feet;
10. Thence due South 205.64 feet;
11. Thence due East 421.52 feet;
12. Thence South $14^{\circ}53'20''$ East to the East line of the southwest Quarter of said Section 8;
13. Thence southerly along said East line to the South Quarter corner of said Section 8;

14. Thence westerly along the North line of the northeast Quarter of the northwest Quarter of said Section 17 to the northeast corner of the North Half of the northwest Quarter of the northwest Quarter thereof, being also the northeast corner of Parcel Map No. 4386 filed in the County Recorder's office of said county;
15. Thence along the easterly line of said northwest Quarter of the northwest Quarter and the easterly line of said parcel map, South $1^{\circ}34'00''$ East 637.28 feet to the southeast corner of said Parcel Map No. 4386;
16. Thence North $88^{\circ}56'10''$ West (record, North $88^{\circ}55'47''$ West) along the southerly lines of Parcel Maps 4386 and 7770 and continuing along the southerly line of Parcel Map No. 4442 and the westerly prolongation thereof, to the westerly line of said Section 17;
17. Thence northerly along said westerly line to the Point of Beginning.

dg:rs
7/15/80

Approved by the Local Agency Formation
Commission of San Diego

JUL 7 1980

James J. McFarley

(Acting) Executive Officer of said Commission

LAFCO

IT IS FURTHER ORDERED that the Clerk of this Board immediately transmit a certified copy of this resolution along with a remittance to cover the fees required by Government Code Section 54902.5 to the Executive Officer of the Local Agency Formation Commission of San Diego County, so that the Executive Officer may make the filings required by Government Code Section 54797.2 and by Chapter 8 (commencing with § 54900), Part 1, Division 2, Title 5 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 August, 1980 by the following vote:

AYES: Supervisors Hamilton, Hedgecock and Bates
NOES: Supervisors None
ABSENT: Supervisors Moore and Eckert

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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 27th day of August, 1980.

PORTER D. CREMANS
Clerk of the Board of Supervisors
By Beatrice Mitchell Deputy

(SEAL)

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY William D. Smith
DEPUTY
7/21/80

"Formation of Mountain Meadow Road, et Al. County Service Area"

Those portions of Sections 5, 6, 7, 8, 9 and 17, Township 11 South, Range 2 West, San Bernardino Base and Meridian in the County of San Diego, State of California, according to United States Government Survey, lying within the following described boundaries:

Beginning at the southeast corner of said Section 7;

1. Thence westerly along the South line of the East Quarter of said section to the southwest corner of said East Quarter;
2. Thence northerly along the West line of said East Quarter to the northwest corner thereof;
3. Thence North $02^{\circ}10'26''$ West 447.88 feet along the West line of the southeast Quarter of the southeast Quarter of said Section 6;
4. Thence South $88^{\circ}09'10''$ East 702.59 feet;
5. Thence North $02^{\circ}12'16''$ West 268.78 feet;
6. Thence South $88^{\circ}09'10''$ East 662.47 feet to the West line of the southwest Quarter of said Section 5;
7. Thence northerly along said West line to the northwest corner of said southwest Quarter;
8. Thence easterly along the North line of the northwest Quarter of the southwest Quarter of said Section 5 to the northeast corner thereof;
9. Thence South $00^{\circ}50'56''$ East 200 feet;
10. Thence South $65^{\circ}10'10''$ East 1229.34 feet;
11. Thence due South 570 feet;
12. Thence South $41^{\circ}23'29''$ West 786.45 feet;
13. Thence due South 300 feet;
14. Thence due East 450 feet;
15. Thence South $42^{\circ}52'58''$ East 437.25 feet to the East line of the southwest Quarter of said Section 5;

16. Thence southerly along said East line to the southeast corner of said southwest Quarter;
17. Thence easterly along the North line of the northeast Quarter of said Section 8 to the northeast corner thereof;
18. Thence southerly along the East line of said northeast Quarter to the southeast corner thereof;
19. Thence easterly along the North line of the northwest Quarter of the southwest Quarter of said Section 9 to the northeast corner of said northwest Quarter of the southwest Quarter;
20. Thence southerly along the East line of said northwest Quarter of the southwest Quarter to the southeast corner thereof;
21. Thence easterly along the North line of the southeast Quarter of the southwest Quarter of said Section 9 to the North and South center line of said section;
22. Thence southerly along said North and South center line to the South Quarter corner of said Section 9;
23. Thence westerly along the South line of said Section 9 to the southwest corner thereof;
24. Thence westerly along the northerly line of said Section 17, to the northeast corner of the northwest Quarter of the northwest Quarter thereof, being also the northeast corner of Parcel Map No. 4386 filed in the County Recorder's office of said county;
25. Thence along the easterly line of said northwest Quarter of the northwest Quarter and the easterly line of said parcel Map, South $1^{\circ}34'00''$ East 637.28 feet to the southeast corner of said Parcel Map No. 4386;
26. Thence North $88^{\circ}56'10''$ West (Record, North $88^{\circ}55'47''$ West) along the southerly lines of Parcel Maps 4386 and 7770 and continuing along the southerly line of Parcel Map No. 4442 and the westerly prolongation thereof, to the westerly line of said Section 17;
27. Thence northerly along said westerly line to the Point of Beginning.

County Service Area Mountain Meadow, et Al.

Zone A

Those portions of Sections 8 and 17, Township 11 South, Range 2 West, San Bernardino Base and Meridian in the County of San Diego, State of California, according to United States Government Survey, lying within the following described boundaries:

Beginning at the southwest corner of said Section 8;

- 1.. Thence northerly along the West line thereof to the northwest corner of the South Half of the southwest Quarter of the southwest Quarter of said section;
- 1a. Thence easterly along the North line of said South Half to the northeast corner thereof;
2. Thence northerly along the West line of the southeast Quarter of the southwest Quarter of said Section 8 to a point on said West line distance thereon 350 feet southerly from the northwest corner of said southeast Quarter of the southwest Quarter;
3. Thence due East 370 feet to an angle point in the boundary of land described under Parcel "C" in deed to E.E. Benton, et ux, recorded May 15, 1972; as File No. 121497 of Official Records;
4. Thence along said boundary due North 181.37 feet to a point in the arc of a non-tangent 250.00 foot radius curve concave northerly, a radial through said point bears South $7^{\circ}55'42''$ West, said point also being in the center line of that certain 60.00 foot road easement described in deed recorded August 25, 1966 as File No. 138788, O.R.
5. Thence easterly along the arc of said curve through a central angle of $12^{\circ}51'12''$ a distance of 56.08 feet;
6. Thence tangent to said curve North $85^{\circ}04'30''$ East a distance of 66.45 feet to the beginning of a tangent 600.00 foot radius curve concave southerly;
7. Thence easterly along the arc of said curve through a central angle of $6^{\circ}59'47''$ a distance of 73.27 feet;
8. Thence leaving said center line due South a distance of 505.00 feet;
9. Thence due East 225.66 feet;
10. Thence due South 205.64 feet;

11. Thence due East 421.52 feet;
12. Thence South $14^{\circ}53'20''$ East to the East line of the southwest Quarter of said Section 8;
13. Thence southerly along said East line to the South Quarter corner of said Section 8;
14. Thence westerly along the North line of the northeast Quarter of the northwest Quarter of said Section 17 to the northeast corner of the North Half of the northwest Quarter of the northwest Quarter thereof, being also the northeast corner of Parcel Map No. 4386 filed in the County Recorder's office of said county;
15. Thence along the easterly line of said northwest Quarter of the northwest Quarter and the easterly line of said parcel map, South $1^{\circ}34'00''$ East 637.28 feet to the southeast corner of said Parcel Map No. 4386;
16. Thence North $88^{\circ}56'10''$ West (record, North $88^{\circ}55'47''$ West) along the southerly lines of Parcel Maps 4386 and 7770 and continuing along the southerly line of Parcel Map No. 4442 and the westerly prolongation thereof, to the westerly line of said Section 17;
17. Thence northerly along said westerly line to the Point of Beginning.

dg:rs
7/15/80