

ORDINANCE NO. 9210 (NEW SERIES)

RECEIVED  
COUNTY SAN DIEGO

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. 103 – ALTO DRIVE

00 JUL -7 AM 8:05  
SPECIAL DISTRICT

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 103 – Alto Drive do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 103 – Alto Drive is authorized to provide services of road improvement and maintenance: It is the successor in interest to County Service Area No. 103 – Alto 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. 6364 approved by the Board on June 1, 1982 (159) that provided the procedure for County Service Area No. 103 – Alto Drive.

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 \$800.00 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 service shall not be assigned units of Benefit.
- (b) Each parcel of land shall be assigned two units of benefit.
- (c) Each parcel, which according to Assessor's records, is improved shall be assigned one 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 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 G. Smith  
SENIOR DEPUTY

5/25/06

PASSED, APPROVED and ADOPTED this 21<sup>ST</sup> day of June, 2000.

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DIANNE JACOB

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

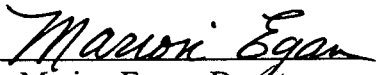
The above Ordinance was adopted by the following vote:

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. 9210 (New Series)  
6/21/00 (18)

1 2 6 8

This being the time set for the hearing on the proposed establishment of County Service Area No. 103 - Alto Drive, Mt. Helix area, the matter is now called up.

Evidence is on file that due and proper notice of said hearing has been given as required by law.

There is presented to the Board a letter, Board of Supervisors Document No. 613127, from the Director of Transportation concerning said County Service area, and recommending that the Board make the necessary environmental findings, and adopt a resolution establishing.

The record shows receipt of a request to speak in favor of the proposal from David D. Hewes, although he did not in fact orally address the Board.

No. 18

ON MOTION of Supervisor Hamilton, seconded by Supervisor Bates, the Board of Supervisors adopts the following resolution:

WHEREAS, On November 4, 1980, this Board adopted its resolution of intention to form County Service Area No. 103 - Alto 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 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 this Board on December 10, 1980 at 10:00 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. 614590); 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 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

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PAPERS PULLED TO 12/16/80

WHEREAS, in the judgment of this Board it is advisable to establish the proposed county service area 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; and 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 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, as described in Government Code Section 25219.17a.

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 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 improvement and continued maintenance, and street lighting.

5. The Board certifies, in accordance with Section 15054 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 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 103, Alto Drive pursuant to Government Code Section 25210.18:

T 2 9 0

LEGAL DESCRIPTION

All that portion of Section 21, Township 16 South, Range 1 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 Northeast corner of that portion of the Northeast Quarter of the Southwest Quarter of said Section 21 according to Record of Survey Map No. 3111 filed at the Office of the Recorder of San Diego County, June 15, 1953, said corner also being a point on the East and West Centerline of said Section 21 and on the South line of Mount Helix Subdivision, Map No. 1516 filed at the Office of said County Recorder, January 13, 1913.

Thence South  $23^{\circ} 26' 30''$  West 327.07 feet as shown on said Record of Survey Map No. 3111, to the Northerly boundary of Helix Vista Estates, Map No. 8676 filed at the Office of said County Recorder, September 22, 1977;

Thence Easterly along said Northerly boundary to the Northeast corner of said Helix Vista Estates;

Thence Southerly along the East boundary of said Estates to the Northwest corner of Lot 11 of Grandview Estates Unit No. 1 Map No. 6480 filed at the Office of said County Recorder, September 16, 1969;

Thence along the following courses and distances according to said Grandview Estates Unit No. 1:

South  $73^{\circ} 15' 15''$  East 217.92 feet,  
South  $8^{\circ} 46' 12''$  East 50.97 feet,  
South  $73^{\circ} 24' 30''$  East 151.41 feet to a point on the arc of a 48.00 foot radius curve, concave Southeasterly, a radial line of said curve bears North  $37^{\circ} 43' 23''$  West to said point; thence Easterly along the arc of said curve through a central angle of  $54^{\circ} 18' 53''$  a distance of 45.50 feet,  
North  $73^{\circ} 24' 30''$  West 177.75 feet,  
North  $50^{\circ} 37' 32''$  East 188.80 feet and  
North  $59^{\circ} 40' 13''$  East 189.36 feet to the Westerly boundary of Grandview Estates Unit No. 2 Map No. 7686, filed at the Office of said County Recorder, July 5, 1973;

Thence along the boundary of said Grandview Estates Unit No. 2 the following courses and distances:

North  $13^{\circ} 48' 40''$  West 103.00 feet and  
North  $20^{\circ} 26' 38''$  East 120.00 feet to the most Westerly corner of County of San Diego Tract 3655, Map No. 9408, filed at the Office of said County Recorder, October 10, 1979;

Thence along the following courses and distances according to said County  
of San Diego Tract 3655:

South 84° 46' 30" East 249.62 feet,  
North 66° 17' 17" East 112.00 feet,  
North 14° 07' 22" West 232.66 feet,  
North 28° 25' 37" East 26.00 feet,  
North 51° 34' 23" West 85.95 feet,  
North 34° 31' 49" West 48.00 feet to a point on the arc of a 48.00  
foot radius curve, concave Southerly, a radial line of said curve bears North  
34° 31' 49" West to said point; thence Easterly, Southeasterly and Southerly  
along the arc of said curve through a central angle of 119° 39' 56" a distance  
of 100.25 feet to a point of reverse curvature with a 22.00 foot radius curve  
concave Northeasterly, thence Southeasterly along the arc of said curve through  
a central angle of 46° 42' 30" a distance of 17.94 feet,  
South 51° 34' 23" East 84.05 feet,  
North 58° 37' 20" East 226.04 feet;

Thence along the following courses and distances according to Record of  
Survey Map No. 3022, filed at the Office of said County Recorder, March 16, 1953:  
North 25° 32' West 53.65 feet and  
North 48° 44' West 74.52 feet;

Thence South 73° 37' West to the Southwesterly line of Lot G of said  
Mt. Helix Subdivision, Map No. 1516,

Thence North 10° 55' West along said Southwesterly line to the Northwest  
corner thereof;

Thence along the following courses and distances according to Record of  
Survey Map No. 1257, filed at the Office of said County Recorder, March 6, 1946:  
South 53° 40' West 33.72 feet,  
South 85° 02' West 88.68 feet,  
North 54° 30' West 77.22 feet,  
North 23° 51' 30" West 123.44 feet,  
North 66° 08' East 95.23 feet  
South 79° 27' East 93.02 feet and  
South 68° 08' East 67.89 feet (88.00 feet Rec.);

Thence Northeasterly along a straight line to a point identified in this  
legal description as point "A" described as follows:

Beginning at the most Easterly corner of Lot 64 of said Mt. Helix Subdivision;  
thence along the southeasterly line of said Lot 64, South 89° 03' West 75.75  
feet to the most Northerly corner of that parcel of land conveyed to James H.  
Post, et al, by Deed recorded August 2, 1945 as Document No. 63403 in Book 1898,  
page 442 of Official Records; thence along the Northwesterly boundary of said  
land as follows: South 46° 59' 20" West 45.75 feet (record 58.97 feet) to an  
angle point; South 61° 47' West 95.17 feet (record 95.20 feet); and South 66°  
17' West 44.58 feet; thence leaving said Northwesterly boundary of Post's land  
North 37° 33' 20" West 146.99 feet to said point "A". (See also Record of  
Survey Map No. 3317 filed at the Office of said County Recorder, March 10,  
1954);



Thence retracing said North 37° 38' 20" West line to the  
the Northwesterly boundary of Lot 65 of said Mt. Helix Subdivision;

Thence Eastarily in a straight line to a point on the Southwesterly line of  
said Lot 64, distant thereon 20.00 feet Southeastery of the most Westerly  
corner of said Lot 64; thence Northeastery in a straight line to the most  
Northerly corner of said Lot 64;

Thence along the following courses and distances according to said Mt.

Helix Subdivision:

North 30° 39' East 178.00 feet,

North 72° 07' East 119.20 feet,

North 82° 28' East 200.60 feet,

South 9° 36' West 47.30 feet,

North 81° 21' East 90.00 feet and

South 8° 11' East to a point distant North 81° 54' 11" West 229.40

feet from the Southeast corner of Lot 60 of said Mt. Helix Subdivision;

Thence South 81° 54' 11" East to the intersection with the Northwesterly

Right-of-Way line of Mount Helix Drive (Road Survey No. 508);

Thence Northeastery, Northerly and Northwesterly along said Right-of-Way

line to the intersection with the Southeastery line of Lot 102 of said Mount

Helix Subdivision;

Thence South 33° 36' West along the Southeastery line of said Lot 102 to

the most Southerly corner thereof;

Thence North 57° 51' West 445.20 feet to the most Westerly corner of said

Lot 102;

Thence North 35° 21' 40" West 37.84 feet;

Thence South 65° 53' 40" West 148.34 feet;

Thence South 85° 13' 04" West 190.87 feet,

Thence North 7° 19' 40" West to a point a distance of 88.42 feet from the

Southerly Right-of-Way of Lemon Avenue (Road Survey 1286);

Thence South 59° 11' 40" West 164.82 feet to the Easterly boundary of Lemon

Heights Map No. 8654 filed at the Office of said County Recorder, June 7, 1975;

Thence along the following courses and distances according to said Lemon

Heights Subdivision:

South 9° 44' 33" West 284.65 feet,

North 86° 47' 07" West 58.53 feet,

South 22° 00' 39" West 56.12 feet,

South 5° 39' 56" East 89.23 feet,

South 67° 20' 56" East 24.24 feet,

North 53° 55' 04" East 47.47 feet,

South 59° 52' 01" East 21.79 feet,

South 45° 49' 09" West 78.95 feet,

North 65° 28' 51" West 249.92 feet,

North 69° 39' 18" West 51.19 feet,

North 10° 45' 45" West 264.34 feet,

South 67° 53' 55" West 273.75 feet,

South 44° 30' 15" East 89.82 feet,

South 31° 55' 55" West 79.34 feet,

South 31° 50' 35" West 205.13 feet,

North 45° 54' 36" West 86.92 feet,

North 20° 58' 18" West 72.79 feet,

South 83° 37' 02" West 74.35 feet and

South 74° 23' 15" West 74.37 feet;

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Thence leaving the boundary of said Lemon Heights Subdivision South  $45^{\circ} 01'$   
 $20''$  West 117.05 feet, North  $85^{\circ} 59' 30''$  West 56.82 feet, South  $48^{\circ} 35'$  East  
19.28 feet, South  $31^{\circ} 39'$  West 40.59 feet and North  $48^{\circ} 35'$  West 24.90 feet to  
the West line of Lot 42 of said Mount Helix Subdivision;

Thence along said West line South  $4^{\circ} 15' 30''$  East 115.20 feet and South  $11^{\circ}$   
 $49' 30''$  West 81.80 feet to the intersection with a line parallel and 15.00 feet  
Northerly at right angles with the Southerly line of said Lot 42;

Thence South  $80^{\circ} 26'$  East along said parallel line to the East line of said  
Lot 42;

Thence South  $44^{\circ} 46' 10''$  East 96.82 feet to the Northwest corner of a  
portion of Lot 40 of said Mount Helix Subdivision, according to Record of  
Survey Map No. 3717 filed at the Office of said County Recorder, September 28, 1955;

Thence along the following courses and distances according to said Record  
of Survey Map No. 3717:

North  $82^{\circ} 18' 50''$  East 395.65 feet,  
North  $63^{\circ} 49'$  East 5.01 feet,  
South  $7^{\circ} 19'$  East 28.35 feet,  
South  $23^{\circ} 25'$  West 97.45 feet,  
South  $32^{\circ} 29' 40''$  West 162.97 feet,  
South  $53^{\circ} 03' 10''$  West 333.00 feet and  
South  $49^{\circ} 00' 30''$  West 166.68 feet;

Thence along the following courses and distances according to Record of  
Survey Map No. 4102 filed at the Office of said County Recorder, December 3, 1956:

South  $49^{\circ} 00' 30''$  West 36.46 feet,  
South  $50^{\circ} 41'$  West 37.30 feet,  
South  $28^{\circ} 56' 30''$  West 50.85 feet,  
North  $80^{\circ} 40' 45''$  West 21.24 feet and  
South  $32^{\circ} 21'$  West 147.71 feet to the POINT OF BEGINNING.

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 10th / day of December, 1980, (the following vote:

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

No. 19.

ON MOTION of Supervisor Hamilton, seconded by Supervisor Bates, the Board of Supervisors adopts the following resolution:

WHEREAS, the Board of Supervisors of the County of San Diego has received evidence (Board Document No. 613127) that Alto Drive for a distance of 0.81 mile

located in County Service Area No. 103 - Alto Drive as said road lies on the ground this date, has been used by the public as a road for a period of more than five (5) years, with full knowledge of the owners, without asking or receiving permission to do so and without objection being made by anyone; and

WHEREAS, it is necessary and desirable that said portion of ALTO DRIVE be declared a public road so as to permit the County Service Area to expend County Service Area funds for the improvement and continuing maintenance of said road; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

1. The Board of Supervisors of the County of San Diego hereby finds that Alto Drive, for a distance of 0.81 Mile

located in County Service Area No. 103 - Alto Drive, as said road lies on the ground this date, has been used by the public as a road for a period of more than five (5) years, with full knowledge of the owners, without asking or receiving permission to do so and without objection being made by anyone.

2. The Board of Supervisors hereby declares that said portion of Alto Drive is a Public Road.

3. The Board of Supervisors further declares that said portion of Alto Drive is not a County highway, is not accepted into the County Maintained Road System and the County of San Diego is not obligated to maintain such road unless at some future time it is accepted by this Board as a County highway.

4. County Service Area No. 103 shall assume responsibility for maintenance of said portion of Alto Drive only if a sufficient service charge is established for the service area to provide this maintenance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 10th day of December, 1980, by the following vote:

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