

ORDINANCE NO. 9214 (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. 105A – ALTA LOMA DRIVE, ZONE A

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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. 105A – Alta Loma Drive, Zone A.

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 105A – Alta Loma Drive, Zone A is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 105A – Alta Loma Drive, Zone A. 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. 6170 approved by the Board on September 22, 1981 (98) that provided the procedure for County Service Area No. 105A – Alta Loma Drive, Zone A.

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 \$200.00 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) Each parcel of land less than 7 acres shall be assigned 1 unit of benefit.
- (b) Each parcel of land at least 7 acres but less than 14 acres shall be assigned 2 units of benefit.
- (c) Each parcel of land 14 acres or greater shall be assigned 3 units of benefit.
- (d) Each parcel improved according to Assessor's records shall be assigned an additional unit of benefit unless the value is less than \$100.00.

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 E. Smith
SENIOR DEPUTY

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. 9214 (New Series)
6/21/00 (18)

RESOLUTION ESTABLISHING ZONE A
IN COUNTY SERVICE AREA NO. 105 - ALTA LOMA DRIVE

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

WHEREAS, on July 28, 1981, this Board adopted its resolution of intention to form Zone A - IN COUNTY SERVICE AREA No. 105 - ALTA LOMA 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 Zone be held in the Chamber of this Board on September 16, 1981, 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. 627701); 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 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, in the judgment of this Board it is advisable to establish the Zone; 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 Zone or the furnishing of any of the specified types of extended services within the proposed Zone were not received from 50% or more of the registered voters residing within the territory proposed to be included in the Zone 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 Zone, 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 establishment of the Zone, 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 Zone pursuant to said Chapter 2.2 of the Government Code are

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 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 Zone and shall be designated Zone A:

APPROVED AS TO LOCAL LAW LEGALITY
COUNTY COUNSEL

BY William O. Smith

7-20-81

All those portions of Sections 33 and 34, Township 16 South, Range 1 West, San Bernardino 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 center of said Section 34, Township 16 South, Range 1 West;

Thence South $88^{\circ}02'25''$ West 1455.16 feet along the East and West centerline of said Section 34 to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 34;

Thence Southerly along the East line of the Northwest Quarter of the Southwest Quarter of said Section 34 to the Southeast corner thereof;

Thence Westerly along the South line of said Northwest Quarter of the Southwest Quarter 1145 feet (Calc.);

Thence North $29^{\circ}12'40''$ East 470 feet;

Thence North $13^{\circ}07'20''$ West 702.33 feet;

Thence North $64^{\circ}40'20''$ West 493.95 feet to the West Quarter corner of said Section 34;

Thence South $10^{\circ}05'$ East 105 feet along the East line of said Section 33;

Thence South $88^{\circ}03'$ West 420.00 feet according to record of survey Map No.4033 on file in the Office of the Recorder of said San Diego County, October 5, 1956;

Thence North $10^{\circ}05'$ West 105 feet to the East and West centerline of said Section 33;

Thence South $85^{\circ}02'35''$ West 674.60 feet to the Southwest corner of Parcel 2 of Parcel Map 5746 filed in the County Recorder's Office, March 31, 1977;

Thence North $18^{\circ}15'26''$ West 615.47 feet;

Thence North $31^{\circ}41'$ West 30.53 feet;

Thence North $69^{\circ}02'$ East 137.07 feet;

Thence North $66^{\circ}33'30''$ East 127.10 feet;

Thence North $85^{\circ}55'$ East 97.46 feet;

Thence North $52^{\circ}29'$ East 253.04 feet;

Thence North $25^{\circ}16'$ East 37.25 feet;

Thence North $41^{\circ}50'30''$ East 101.42 feet;

Thence North $85^{\circ}00'30''$ East 59.31 feet;

Thence South $8^{\circ}04'$ East 30 feet;

Thence North $88^{\circ}12'48''$ East 47.71 feet;

Thence South $85^{\circ}39'$ East 66.71 feet;

Thence North $26^{\circ}43'28''$ West 391.32 feet to the beginning of a non-tangent 200 foot radius curve concave Westerly, a radial of said curve to said point bears South $73^{\circ}21'20''$ East;

Thence Northerly along said curve to the North line of the Southeast Quarter of the Northeast Quarter of said Section 33;

Thence North $87^{\circ}20'13''$ East 482.02 feet along said North line to the Northwest corner of Lot 5 of said Section 34;

Thence continuing along the North Line of said Lot 5 North $87^{\circ}20'30''$ East 1044.98 feet;

Thence North $01^{\circ}52'56''$ West 626.34 feet;

Thence North $75^{\circ}20'39''$ East 360 feet to the East line of Lot 4 of said Section 34;

Thence South $7^{\circ}31'27''$ East 704.51 feet to the Southeast Corner of said Lot 4;

Thence North $87^{\circ}20'13''$ East along the North line of the Southeast Quarter of the Northwest Quarter of Said Section 34, 1395.42 feet;

Thence South $18^{\circ}56'50''$ West 203.98 feet (Dd.);

Thence South $68^{\circ}25'$ East (South $71^{\circ}02'10''$ East-Deed) to the North and South centerline of said Section 34;

Thence South $07^{\circ}01'40''$ East along said North and South centerline to the Point of Beginning.

The Clerk of this Board shall 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 legal description of the boundaries of the territory to be established by this order as provided in Chapter 8 (commencing with Section 54900) of Part 2, 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 16th day of September, 1981, by the following vote:

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

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STATE OF CALIFORNIA) ss.
County of San Diego)

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 16th day of September, 1981.

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell
Deputy

(SEAL)