

ORDINANCE NO. 9167 (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. 11A – BERNARDO LANE

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 11A – Bernardo Lane, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 11A – Bernardo Lane is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 11A – Bernardo Lane. 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. 6311 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 11A – Bernardo Lane.

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 \$200 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

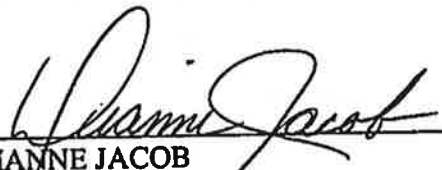
and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of County ad valorem property taxes shall be applicable to such charge except that if the real property to which such 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 21<sup>ST</sup> day of June, 2000.

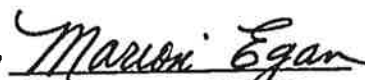
  
DIANNE JACOB  
Chairwoman of the Board of Supervisors of the  
County of San Diego, State of California

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. 9167 (New Series)  
6/21/00 (18)

132474

RECORDED REQUEST #  
County Board of Supervisors

No. 93

Re the Establishment of County )  
Service Area No. 11 - Bernardo Road . . . )

AUG 5 9 02 AM '68

SERIES 3 BOOK 1968  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
A. S. GRAY, RECORDER

NO FEE

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

WHEREAS, on June 17, 1968, this Board adopted its resolution of intention to form County Service Area No. 11 - Bernardo Road, 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 July 22, 1968, at 11:00 a.m.

WHEREAS, notice of said hearing was given, as required by law, as shown by the affidavit of publication on file herein (Document No. 403215); 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. 401768); 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

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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. 11 - Bernardo Road, 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:

All that portion of the Oak's Tract in the Rancho San Bernardo in the County of San Diego, State of California, according to Map No. 1415, filed in the Recorder's Office of said County, lying within the following described boundary:

- 1. Beginning at a point on the North line of said Oak's Tract distant thereon South 77°20'30" East 608.60 feet from the Southwest corner of Block 22 of Homeland Acres, said corner being also on the East line of Bernardo Avenue, all according to Map No. 1205, filed in the Recorder's Office of said County;
- 2. thence South 77°20'30" East (Record, South 77°30' East) 1835 feet more or less along said North line of Oak's Tract to the Westerly line of Felicita Road, according to County Road Survey No. 461 as relocated, on file in the County Engineer's Office of said County;
- 3. thence Southerly along said Westerly line, being along a 530 foot radius curve concave Easterly whose radius point bears North 66°17' East from the Southerly terminus of said curve, to an intersection with a line which bears North 66°17' East from the Northwest corner of Parcel 2, described in deed to Phillip S. Barker, Jr., recorded December 30, 1958, in Book 7421, Page 533 of Official Records in the Recorder's Office of said County;
- 4. thence South 66°17' West 50 feet more or less to said Northwest corner;
- 5. thence South 54°24'50" West 78 feet more or less to the Northeast corner of Record of Survey 5118, filed in the Recorder's Office of said County;
- 6. thence South 15°06'50" East 505.05 feet to the Northerly line of Via Rancho, 60 foot road, shown as Road Survey 1482 on said Record of Survey 5118;
- 7. thence along said Northerly line the following courses and distances:
  - a. North 86°29'30" West 272.07 feet to a tangent 1030 foot curve concave Southerly;
  - b. Westerly 237.59 feet along said curve;
- 8. thence North 31°00'45" West 146.77 feet;
- 9. thence North 18°54'30" East 105.49 feet;
- 10. thence North 59°18' West 729.49 feet;
- 11. thence North 77°42'40" West 308.33 feet (Record, 308.42 feet);
- 12. thence North 86°03'10" West 204.70 feet;
- 13. thence North 7°39'10" West 46.00 feet;
- 14. thence South 82°20'50" West 220.04 feet;

15. thence South  $89^{\circ}19'45''$  West 334.05 feet;
16. thence South  $15^{\circ}06'30''$  West 12.00 feet;
17. thence South  $77^{\circ}05'$  West 249.66 feet to a 50 foot radius curve whose center bears North  $16^{\circ}06'20''$  East;
18. thence Northwesterly and Northerly 79.73 feet along said curve;
19. thence North  $17^{\circ}27'50''$  East 168.52 feet;
20. thence North  $41^{\circ}30'40''$  East 30.00 feet to a point on a 150 foot radius curve whose center bears North  $41^{\circ}30'40''$  East from said point;
21. thence Northerly 118.70 feet through a central angle of  $33^{\circ}51'50''$  along said curve;
22. thence North  $75^{\circ}22'30''$  East 30 feet;
23. thence North  $59^{\circ}59'$  East 120.09 feet;
24. thence due East 85 feet;
25. thence South  $68^{\circ}22'50''$  East to a line which bears North  $84^{\circ}59'30''$  West from a point "A" which is South  $32^{\circ}20'30''$  West 270.83 feet from the point of beginning;
26. thence South  $84^{\circ}59'30''$  East to said point "A";
27. thence North  $32^{\circ}20'30''$  East 270.83 feet to the 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 22nd day of July, 1968, by the following vote:

AYES: Supervisors Gibson, Boney, Dent, and Cozens

NOES: Supervisors None

ABSENT: Supervisor 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 25th day of July, 1968.

PORTER D. CREMANS  
Clerk of the Board of Supervisors

*Florinda Clark*

By Florinda Clark Deputy

(SEAL)

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- cc: 1 File (w/map)
- 1 Foto
- 1 St. Bd. of Equalization (w/map)
- 1 Assessor (w/map)
- 1 Auditor
- 1 Co. Engr. (re road repair & maintenance)
- 1 CAO (Thelma)

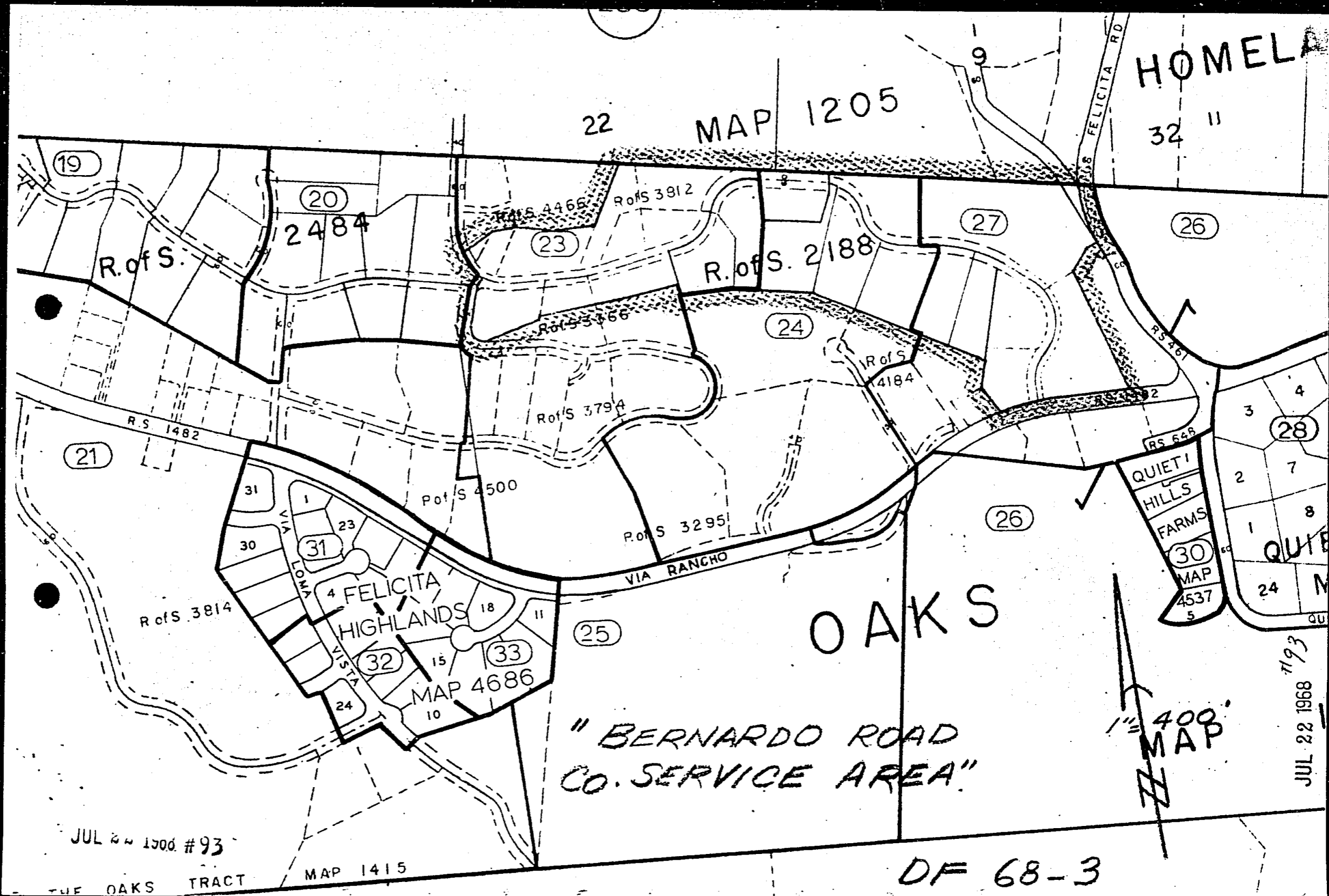
→ 1 Recorder - mailed 8-2-68. JM

mailed by FC 7-25-68

Recorded because no certif of filing  
 received from Secy of State.  
 (see blue note attached to his  
 letter of 7-30-68). JM

*Dennis L. Luce  
 Attorney General  
 M.P. JM  
 7-2-68*

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THE OAKS TRACT MAP 1415

"BERNARDO ROAD CO. SERVICE AREA"

1"=400' MAP

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