

ORDINANCE NO. 9217 (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. 123 – MIIZPAH LANE

RECEIVED  
COUNTY SAN DIEGO  
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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. 123 – Mizpah Lane do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 123 – Mizpah Lane is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 123 – Mizpah 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. 7555 approved by the Board on November 29, 1988 (23) that provided the procedure for County Service Area No. 123 – Mizpah Lane.

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 \$474.00 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 shall be assigned one unit of benefit.
- (c) Each parcel, which according to Assessor's records, is improved shall be assigned one unit of benefit.
- (d) Each parcel having direct access to Mizpah Lane shall be assigned on 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 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

5/25/98

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  
Marion Egan, Deputy



Ordinance No. 9217 (New Series)  
6/21/00 (18)

TUESDAY, NOVEMBER 22, 1988

RESOLUTION ESTABLISHING  
COUNTY SERVICE AREA NO. 123 - Mizpah Lane

On motion of Supervisor Williams, seconded by Supervisor Bilbray, the following resolution is adopted:

WHEREAS, on October 18, 1988 the Board adopted its resolution of intention to form County Service Area No. 123 - Mizpah Lane, 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 November 22, 1988 at 9:00 a.m.; and

WHEREAS, notice of said hearing was given, as required by law, as shown by the affidavit of publication of file herein (Document No. 716602); 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 56000, 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 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 with 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 establishment of the area, the extent of the area or the furnishing of specified types of extended services are denied.

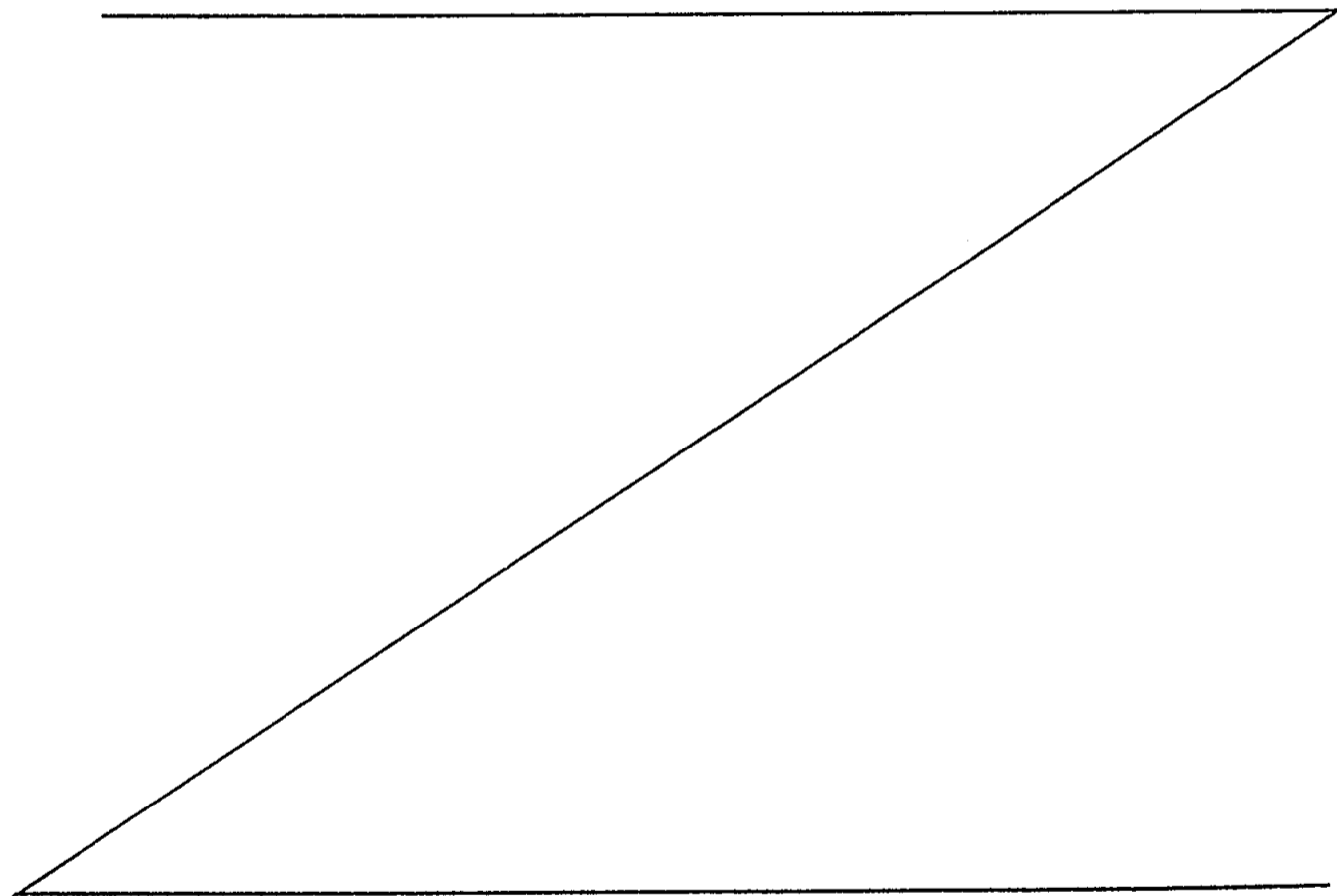
4. The type of extended county services to be performed within the boundaries of said county service area pursuant to said Chapter 2.2 of the Government Code are road improvement and maintenance.

5. If road maintenance is a service provided by this CSA, the Board of Supervisors hereby declares that said road 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 they are accepted by this Board into the County Maintained Road System.

6. The Board certified, 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 Sec. 15000), that it has reviewed and considered the information contained in the Negative Declaration prepared by the Local Agency Formation Commission.

7. 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.

8. The following described territory is declared established without an election as a county service area and shall be designated County Service Area 123 - Mizpah Lane, pursuant to Government Code Section 25210.18.



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All that territory in the County of San Diego, State of California, lying within the following described boundaries.

Beginning at the northwest Corner of Parcel Map No. 10777 on file in the Recorder's Office of said County December 11, 1980, said corner being the TRUE POINT OF BEGINNING:

1. Thence North 88o35'22" east 817.97 feet to the Northeast Corner of said Parcel Map No. 10777;
2. Thence south 0o32'48" east 2640.00 feet to an intersection with the north line of Descanso Park, Unit No. 1, Map No. 1955, filed in the Office of the County Recorder November 3, 1926;
3. Thence south 88o15'00" west along the north line of said Map No. 1955 to the northeast Corner of Lot 29 of said Map No. 1955;
4. Thence south 18o25'50" west 103.65 feet along the east line of said lot 29 to the southeast corner thereof;
5. Thence north 71o25'00" west along the south line of said Lot 29 to the southwest corner thereof;
6. Thence north 18o22'18" east along the west line of said lot 29 to a Point of Intersection with the south line of section 18, Township 15 south, Range 4 east, San Bernardino Base Meridian, said Point also being the northwest corner of said Lot 29;
7. Thence leaving said northwest corner of Lot 29 and along the south line of said section 18 south 83o33'58" west 17.27 feet to a point that is distant 1650.00 feet from the southwest corner of said section 18;
8. Thence leaving said south line of section 18 north 0o32'41" west 2640.54 feet to a point that is distant therefrom south 88o35'22" west 501.95 feet from the TRUE POINT OF BEGINNING;
9. Thence north 88o35'22" east 501.95 feet to the TRUE POINT OF BEGINNING.

Approved by the Local Agency Formation  
Commission of San Diego

JUL 11 1988

*Greg Heine*  
Executive Director  
of Commission

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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 57200 and by Chapter 8 (commencing with Sec. 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 22nd day of November, 1988 by the following vote:

AYES: Supervisors Bilbray, Baileym, Golding, Williams, and MacDonald  
NOES: Supervisors None  
ABSENT: Supervisors None

STATE OF CALIFORNIA )  
County of San Diego ) ss.

I, KATHRYN A. NELSON, 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 herein 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 November, 1988.

(SEAL)

KATHRYN A. NELSON  
Clerk of the Board of Supervisors  
*Maria A. Tiscareno*  
By Maria A. Tiscareno  
Deputy

cc's: 6-s|s LAFCO  
1-DPW (0346) Nelson Olivas  
1-CBO (0306) Shirley Ramsay  
1-Source Control (0350)  
1-Auditor and Controller (A5)

Mailed: <sup>12-06</sup> 11-28-88mat

APPROVED AND FORWARDED  
COUNTY CLERK

BY *William D. Smith*  
DEPUTY 10-5-88

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