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ORDINANCE NO. 9174 (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. 16 – WYNOLA

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 16 – Wynola, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 16 – Wynola is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 16 – Wynola. 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. 8242 approved by the Board on May 18, 1993, that provided the procedure for County Service Area No. 16 – Wynola.

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 \$75.00 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 of land shall be assigned nine units of benefit.
- (c) 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 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,

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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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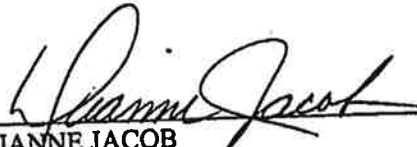
APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith
SENIOR DEPUTY

5/25/00

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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, Deputy



Ordinance No. 9174 (New Series)
6/21/00 (18)

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No. 87

Resolution Establishing County Service)
Area No. 16 Wynola)
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On motion of Supervisor Barry, seconded by Supervisor Cozens, the following resolution is adopted:

WHEREAS, on April 21, 1969, this Board adopted its resolution of intention to form County Service Area No. 16 - Wynola, 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 May 20, 1969, at 2:00 p.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. 414073); 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. 412043); 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. 10 - Wynola, 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 maintenance, fuel break maintenance for structural fire protection, and street lighting.

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:

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All of the real property in the Southeast Quarter and portions of the Northeast Quarter, Northwest Quarter and Southwest Quarter lying easterly, southerly and westerly of State Highway 78/79, in Section 27, Township 12 South, Range 3 East, San Bernardino Base and Meridian, according to U.S. Government Survey, County of San Diego, State of California, described as follows:

1. Beginning at the Southeast corner of said Section 27; thence North $89^{\circ}46'52''$ West a distance of 2,634.55 feet to the South Quarter corner of said Section 27;
2. Thence North $0^{\circ}07'54''$ East 1,312.59 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 27;
3. Thence South $89^{\circ}19'32''$ West 1,345.50 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 27;
4. Thence North $0^{\circ}24'31''$ East 217.93 feet to an intersection with the southerly right of way line of State Highway routes 78 and 79, said point being opposite Highway Engineers Station 47+93.12 and 100 feet from the centerline thereof measured on a radial line;
5. Thence Northeasterly along said right of way line on a curve concave to the Northwest having a 400 foot radius, an arc distance of 130.94 feet, which subtends an angle of $27^{\circ}21'03''$ to the end of curve opposite Highway Engineers Station 49+89.06;
6. Thence North $18^{\circ}21'10''$ East 415.52 feet;
7. Thence North $71^{\circ}36'50''$ West 40.00 feet;
8. Thence North $18^{\circ}21'10''$ East 144.43 feet to the beginning of a curve concave to the Southeast having a radius of 1140.00 feet, said point being opposite Highway Engineers Station 55+45.85 and 60.00 feet Southeasterly thereof on a radial line;
9. Thence along said curve, an arc distance of 402.94 feet, which subtends an angle of $20^{\circ}15'06''$;
10. Thence North $83^{\circ}52'36''$ East 124.79 feet;
11. Thence North $13^{\circ}14'35''$ East 57.48 feet;
12. Thence North $5^{\circ}44'39''$ West 69.01 feet;
13. Thence along a curve concave to the Southeast, and having a radius of 1140 feet an arc distance of 189.99 feet which subtends an angle of $9^{\circ}32'56''$ to the end of curve opposite Highway Engineers Station 63+59.99 and 60.00 feet from centerline measured on a radial line;

14. Thence North $57^{\circ}42'10''$ East 80.01 feet;
15. Thence South $32^{\circ}17'50''$ East 30.00 feet;
16. Thence North $57^{\circ}42'10''$ East 175.00 feet;
17. Thence North $32^{\circ}17'50''$ West 30.00 feet;
18. Thence North $57^{\circ}42'10''$ East 32.06 feet to the beginning of a curve concave to the Northwest, and having a radius of 960.00 feet, said beginning of curve being opposite Highway Engineers Station 65+97.85;
19. Thence along said curve an arc distance of 947.50 feet, which subtends an angle of $56^{\circ}33'$ to the end of curve opposite Highway Engineers Station 75+45.35 and 60.00 feet from centerline measured on a radial line;
20. Thence North $1^{\circ}09'10''$ East 189.26 feet to the intersection of the North line of the Southwest Quarter of the Northeast Quarter of said Section 27;
21. Thence South $89^{\circ}54'37''$ East along said line a distance of 1287.87 feet to the intersection of the westerly right of way line of said highway, said intersection being South $47^{\circ}22'$ West 51.00 feet from centerline of said highway at Highway Engineers Station 926+41.47;
Thence southerly and easterly along said right of way line parallel to the centerline of said highway on the following described courses:
22. South $42^{\circ}38'$ East 23.32 feet to the beginning of a curve concave to the Southwest and having a radius of 949.00 feet;
23. Thence Southeasterly along said curve an arc distance of 255.07 feet which subtends an angle of $15^{\circ}24'$;
24. Thence South $27^{\circ}14'$ East 40.55 feet to the beginning of a curve concave to the Northeast and having a radius of 351.00 feet;
25. Thence along said curve an arc distance of 104.14 feet, which subtends an angle of $17^{\circ}00'$;
26. Thence South $44^{\circ}14'$ East 12.92 feet to the beginning of a curve concave to the Southwest and having a radius of 249.00 feet;
27. Thence along said curve an arc distance of 119.51 feet, which subtends an angle of $27^{\circ}30'$;
28. Thence South $16^{\circ}44'$ East 142.13 feet to the beginning of a curve concave to the West and having a radius of 249.00 feet;

29. Thence along said curve an arc distance of 73.88 feet, which subtends an angle of $17^{\circ}00'$;

30. Thence South $0^{\circ}16'$ West a distance of 52.41 feet to the beginning of a curve concave to the East and having a radius of 401.00 feet;

31. Thence along said curve an arc distance of 491.66 feet which subtends an angle of $70^{\circ}15'$;

32. Thence South $69^{\circ}59'$ East 734.76 feet to the intersection of the East line of said Section 27;

Thence along said line South $0^{\circ}42'23''$ West 2610.56 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 26th day of May, 1969, by the following vote:

AYES: Supervisors Roney, Scheldle, Austin, and Cozens
NOES: Supervisors None
ABSENT: Supervisor Walsh