

ORDINANCE NO. 9177 (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. 21 – PAUMA HEIGHTS

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 21– Pauma Heights, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 21 – Pauma Heights is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 21 – Pauma Heights. 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. 8033 approved by the Board on February 4, 1992, that provided the procedure for County Service Area No. 21 – Pauma Heights.

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 \$500.00 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 containing less than 7 acres of land shall be assigned one unit of benefit.
- (c) Each parcel containing at least 7 acres but less than 20 acres of land shall be assigned 2 units of benefit.
- (d) Each parcel which contains 20 acres or more shall be assigned 3 units of benefit.
- (e) Each parcel, which, according to assessor's records, has been improved shall be assigned one additional unit of benefit.
- (f) Each parcel with direct access to the road shall be assigned one (1) additional benefit unit.

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 same newspaper of general circulation published in the County of San Diego.

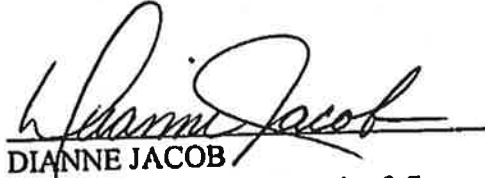
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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNCIL

BY William J. Smith
CLERK OF COUNTY

5/25/00

PASSED, APPROVED and ADOPTED this 21ST day of June, 2000.



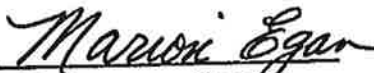
DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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. 9177 (New Series)
6/21/00 (18)

142739

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FILE/PAGE NO. 142739
RECORDED REQUEST OF
County Board of Supervisors

No. 78

AUG 11 3 50 PM '70

Resolution Establishing County Service
Area No. 21 - Pauma Heights

BOOK 1970
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
A.S. GRAY, REGISTER
NO FEE

On motion of Supervisor Austin, seconded by Supervisor
Scheidle, the following resolution is adopted:

WHEREAS, on June 23, 1970, this Board adopted its resolu-
tion of intention to form County Service Area No. 21 - Pauma
Heights, 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 August 4, 1970, 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.
430078); and

WHEREAS, said hearing was held at said time and place; all
interested persons or taxpayers were heard for and against the estab-
lishment 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. 428444); 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. 21 - Pauma Heights, 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:

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THOSE PORTIONS OF SECTIONS 21 AND 28 IN TOWNSHIP 10 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, TOGETHER WITH A PORTION OF THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN BOOK 1, PAGE 67 OF PATENTS, RECORDS OF SAID COUNTY, INCLUDING PORTIONS OF PAUMA VALLEY COUNTRY CLUB ESTATES, ACCORDING TO MAP THEREOF NO. 5184, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 21 IN TOWNSHIP 10 SOUTH, RANGE 1 WEST; THENCE ALONG THE EASTERLY LINE THEREOF, SOUTH $0^{\circ}28'19''$ WEST 2988.72 FEET TO THE NORTHEAST CORNER OF SAID SECTION 28, IN TOWNSHIP 10 SOUTH, RANGE 1 WEST; THENCE ALONG THE EASTERLY LINE OF SAID SECTION 28, SOUTH $0^{\circ}23'58''$ WEST 2562.92 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID NORTH HALF, NORTH $89^{\circ}56'27''$ WEST 5320.84 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE ALONG THE WEST LINE THEREOF, NORTH $0^{\circ}30'40''$ EAST 2708.79 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE ALONG THE WEST LINE OF SAID SECTION 21, NORTH $0^{\circ}51'45''$ EAST 2459.72 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 21; THENCE SOUTH $89^{\circ}36'23''$ EAST 1324.54 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE ALONG THE EAST LINE THEREOF TO AND ALONG THE EAST LINE OF LOT 2 OF SAID SECTION 21, NORTH $0^{\circ}47'03''$ EAST 1570.16 FEET TO THE NORTH LINE OF SAID SECTION 21. BEING THE SOUTHERLY LINE OF SAID PAUMA RANCHO; thence North $8^{\circ}25'25''$ East (deed, North $8^{\circ}25'05''$ East) 1534.43 feet to the Southerly line of land described in document No. 128791 recorded June 24, 1960, in the Recorder's Office of said County; thence North $71^{\circ}39'10''$ East 179.69 feet along said Southerly line to the Northwesterly corner of Lot 181 of Pauma Valley

COUNTRY CLUB ESTATES UNIT NO. 3, ACCORDING TO MAP THEREOF
NO. 6428, FILED IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY; THENCE ALONG THE BOUNDARY OF SAID UNIT NO. 3
AS FOLLOWS:

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SOUTH 01°29'50" WEST 232.79 FEET;
SOUTH 16°03'50" EAST 335.74 FEET; SOUTH 39°18'55" EAST 405.82 FEET;
SOUTH 76°17'45" EAST 568.65 FEET; NORTH 40°34'25" EAST 433.11 FEET;
AND NORTH 17°32'05" WEST 387.90 FEET TO AN INTERSECTION WITH A
LINE DRAWN PARALLEL WITH AND DISTANT 42.00 FEET SOUTHEASTERLY
AT RIGHT ANGLES FROM THE CENTER LINE OF THAT CERTAIN ROAD KNOWN
AS PAUMA VALLEY DRIVE ALSO KNOWN AS ROAD SURVEY NO. 1612; THENCE
ALONG SAID PARALLEL LINE, NORTH 50°15'40" EAST 34.66 FEET TO THE
BEGINNING OF A TANGENT 558.00 FOOT RADIUS CURVE CONCAVE
SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG
SAID PARALLEL LINE THROUGH A CENTRAL ANGLE OF 20°01'40" A
DISTANCE OF 195.05 FEET; THENCE NORTH 70°17'20" EAST 145.08 FEET
TO THE BEGINNING OF A TANGENT 258.00 FOOT RADIUS CURVE CONCAVE
SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL
ANGLE OF 39°24'25" A DISTANCE OF 177.45 FEET; THENCE SOUTH
70°18'15" EAST 284.43 FEET TO THE BEGINNING OF A TANGENT 282.00
FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE SOUTHEASTERLY
ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°03'37" A
DISTANCE OF 9.30 FEET TO AN INTERSECTION WITH THE WESTERLY
BOUNDARY OF PAUMA VALLEY COUNTRY CLUB ESTATES, ACCORDING TO
MAP THEREOF NO. 5184, FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY; THENCE LEAVING SAID PARALLEL LINE
AND ALONG THE BOUNDARY OF SAID PAUMA VALLEY COUNTRY CLUB
ESTATES THE FOLLOWING COURSES AND DISTANCES:

SOUTH 11°13'50" WEST 292.98 FEET; SOUTH 10°00'00" EAST 509.47 FEET;
SOUTH 33°10'00" WEST 385.58 FEET; SOUTH 16°15'00" EAST 347.92 FEET;
THENCE ALONG THE BOUNDARY OF PAUMA VALLEY COUNTRY CLUB ESTATES
RESUBDIVISION NO. 1, ACCORDING TO MAP THEREOF NO. 5758, FILED
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS FOLLOWS:

NORTH 62°00'00" EAST 293.11 FEET; THENCE SOUTH 74°18'20" EAST
931.07 FEET; THENCE NORTH 15°41'40" EAST 110.00 FEET; THENCE
SOUTH 74°18'20" EAST 391.17 FEET; THENCE LEAVING SAID BOUNDARY
SOUTH 12°58'25" EAST 939.46 FEET TO THE POINT OF BEGINNING.

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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 4th day of August, 1970, by the following vote:

- AYES: Supervisors Boney, Scheidle, and Austin
- NOES: Supervisors None
- ABSENT: Supervisors Walsh and Craven

COUNTY SERVICE AREAS

8-4-70 (78)

- cc: 1 File (w/map)
- 1 Foto
- 1 Recorder
- ~~1 County Counsel (Doris)~~
- 1 CAO (Thelma)
- 1 Assessor (w/map)
- 1 Auditor
- 2 County Engr. (re road repair & Main.) *1 for Pita Vinski*
- 1 St. Bd. of Equal., Box 1799, Sacramento 95808 *(w/map)*
- ~~1 Petitioner~~

Mailed: 8- 11 -70

dlw

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 11th day of August, 1970.

DLC:DBL

PORTER D. CREMANS
Clerk of the Board of Supervisors.

By Sara Drew *Sara Drew*
Deputy

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