

ORDINANCE NO. 9178 (NEW SERIES)

RECEIVED
COUNTY SAN DIEGO
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SPECIAL DISTRICT

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. 22 – WEST DOUGHERTY STREET

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 22 – West Dougherty Street, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 22 – West Dougherty Street is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 22 – West Dougherty Street. 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. 6321 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 22 – West Dougherty Street.

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.

6/21/00 (18)

Assessment rate maximum for this district is the rate in effect in Fiscal Year 1996-97.
Any rate higher than that must have been approved by a weighted majority approval
under Proposition 218.

(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 J. Smith
SENIOR DEPUTY 5/25/00

FILE NO. 148440
RECORDED REQUEST OF
County Board of Supervisors

M/W
1093

Return to:

No. 74

Resolution Establishing County Service
Area No. 22 - West Dougherty Street . . .

AUG 19 1 20 PM '70
BOOK 1970
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
A.S. GRAY, RECORDER NO FEE

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

WHEREAS, on June 30, 1970, this Board adopted its resolu-
tion of intention to form County Service Area No. 22 - West
Dougherty Street, 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 11, 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.
430527); 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. 428382); 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. 22 - West Dougherty Street, 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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All that area in the County of San Diego, State of California, lying within the following described boundary line:

1. Beginning at a point on the East line of Lot 1 (NW $\frac{1}{4}$ of the NW $\frac{1}{4}$) of Section 24, Township 9 South, Range 4 West, San Bernardino Base and Meridian, according to U. S. Government Survey distant along said East line South 0°28' West 557.40 feet (deed, 557.76 feet) as shown on Record of Survey Map No. 1808. filed in the Recorder's Office of said County;
2. thence North 89°13'30" West 496.23 feet to an angle point in that 9.69 acre parcel of said Record of Survey Map No. 1808;
3. thence South 0°28' West 165.41 feet;
4. thence North 89°32' West to the Westerly line of said 9.69 acre parcel;
5. thence South 25°26'30" West to an angle point in said Westerly line;
6. thence continuing along said Westerly line South 7°11'40" West 144.69 feet to an angle point therein;
7. thence North 89°13'30" West 230.20 feet;
8. thence South 46°09'10" West 184.26 feet;
9. thence South 81°10'10" West 116.49 feet;
10. thence South 67°58'40" West 210.08 feet to a point on the fence line within the Rancho Santa Margarita as shown on Record of Survey Map No. 831 filed in the Recorder's Office of said County;
11. thence Northerly along said fence line to the Westerly prolongation of the East and West center line of Section 13 of said Township 9 South, and Range 4 West;
12. thence South 88°17' East 150.36 feet as shown on said Record of Survey No. 831 to the Westerly terminus of said East and West center line;
13. thence Easterly along said East and West center line to the center survey line of De Luz Road according to Road Survey No. 967 on file in the County Engineer's Office of said County;
14. thence Southerly along said center survey line and along the center line of Pico Avenue as shown on Map No. 61 of Stevenson Brothers' Addition filed in the Recorder's Office of said County, to the South line of the Northerly 363 feet of the Northwest quarter of the Northeast quarter of the aforesaid Section 24;
15. thence Westerly along said South line to the East line of said Lot 1 of said Section 24;
16. thence South 0°28' West along said East line 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 11th day of August, 1970, by the following vote:

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

COUNTY SERVICE AREAS

8-11-70 (74)

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

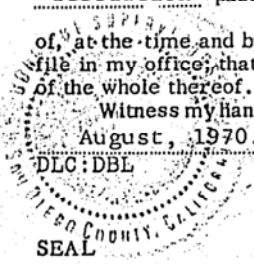
Mailed: 8-18-70
del

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 17th day of August, 1970.



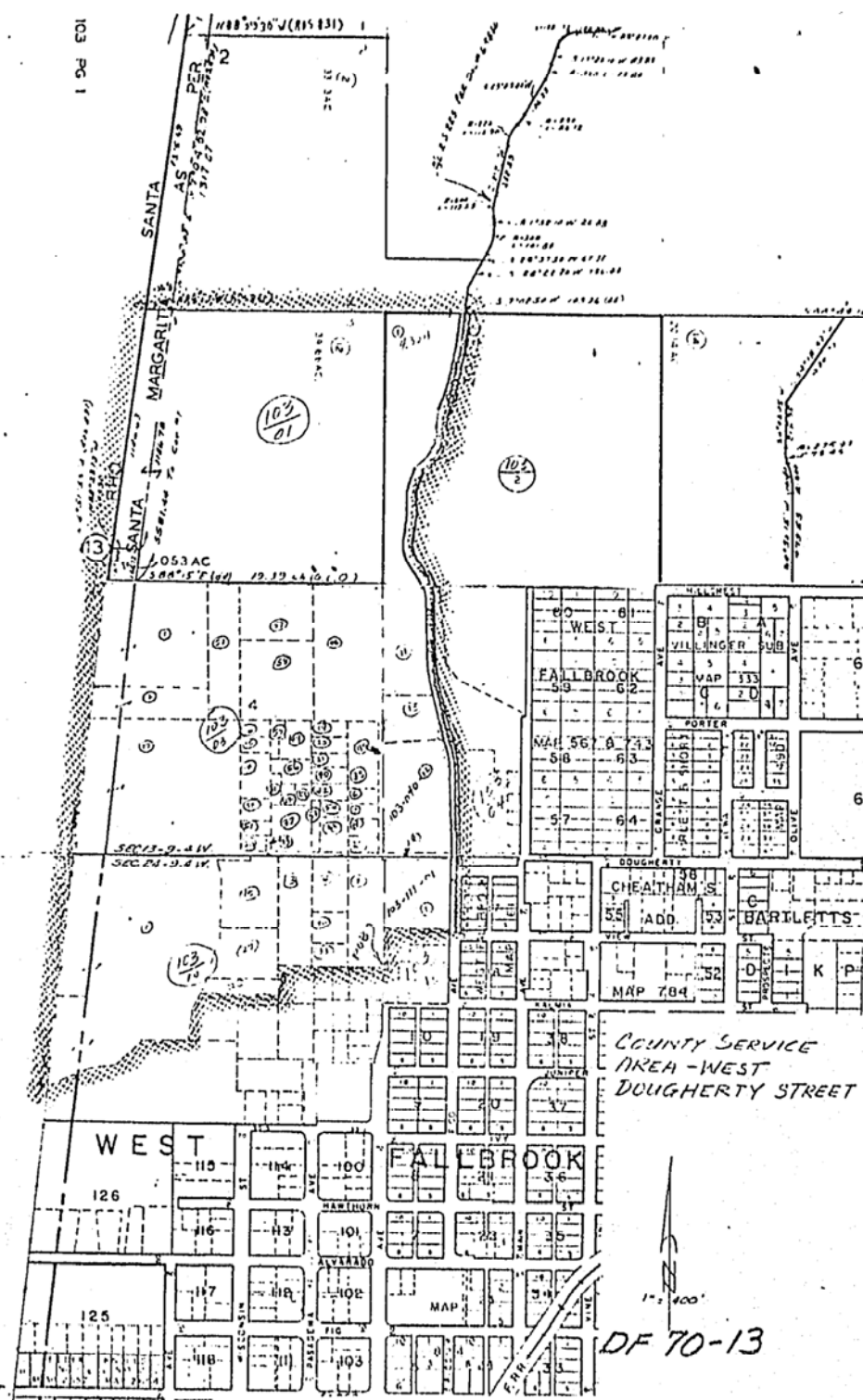
PORTER D. CREMANS
Clerk of the Board of Supervisors.

By Sara Drew *Sara Drew*
Deputy.

AUG 11 1970

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