

ORDINANCE NO. 9179 (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. 23 – ROCK TERRACE

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 23 – Rock Terrace do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 23 – Rock Terrace is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 23 – Rock Terrace. 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. 6322 approved by the Board on June 1, 1982 (117) that provided the procedure for County Service Area No. 23 – Rock Terrace.

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 \$62.00 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 improved parcel shall be assigned one 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 XIII D of the California Constitution shall be submitted to property owners for approval in accordance with Article XIII D 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

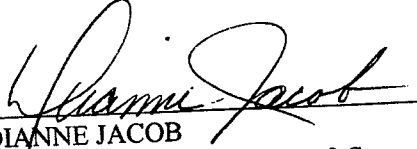
relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the charge confirmed pursuant to this section 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 newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William G. Smith
SENIOR DEPUTY 8/24/00

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

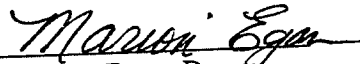

DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

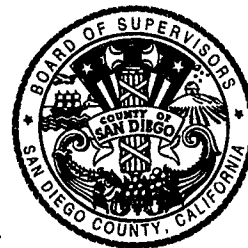
The above Ordinance was adopted by the following vote:

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. 9179 (New Series)
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No. 111

Resolution Establishing County Service)
Area No. 23 - Rock Terrace Road)
_____)

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

WHEREAS, on July 21, 1970, this Board adopted its resolution of intention to form County Service Area No. 23 - Rock Terrace 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 August 25, 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. 430769); 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. 429527); 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

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. 23 - Rock Terrace 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:

ROCK TERRACE ROAD CSA

All those portions of Sections 26 and 27 of Township 15 South, Range 2 East, San Bernardino Base and Meridian, according to United States Government Survey approved December 12, 1881, in the County of San Diego, State of California, lying within the following described boundary:

1. Beginning at a point on the West line of said Section 26 distant thereon 182.49 feet Northerly from the Northwest corner of the Southwest quarter of the Southwest quarter of said Section being also a point on the center line of that 100 foot wide State Highway according to plats thereof numbered V11-SD-12D approved October 3, 1932 on file in the State Division of Highways Office in said County;
2. thence North $85^{\circ}14'$ East along said center line to the East line of the Westerly 150 feet of said Section 26;
3. thence South $0^{\circ}07'$ East along said East line to a line which bears Easterly parallel with the South line of said Section 26, from a point on the West line of said Section distant thereon 350 feet, Southerly from the Southerly line of said State Highway;
4. thence Easterly 100 feet parallel with said South line of said Section 26 to the East line of the Westerly 250 feet of said Section 26;
5. thence South $0^{\circ}07'$ East 300 feet along said East line to a line which bears Easterly parallel with the South line of said Section 26, from a point on the West line of said Section distant thereon 650 feet Southerly from the Southerly line of said State Highway;
6. thence Westerly 225 feet along said parallel line to the East line of the West 25 feet of said Section 26;
7. thence South $0^{\circ}07'$ East 275 feet along said East line to a line which bears Easterly parallel with the South line of said Section 26, from a point on the West line of said Section distant thereon 925 feet Southerly from the Southerly line of said State Highway;
- 7A. thence Westerly 25 feet along said parallel line to said point on the Section's West line;
8. thence South $88^{\circ}40'$ West 35 feet along the Easterly prolongation of the South line of land conveyed to Oran C. Touchstone and wife by deed dated June 6, 1951 and recorded in Book 4144, page 213, of Official Records in said County Recorder's Office to the Southeast corner of said land;
9. thence Northwesterly 170 feet more or less to the Northeast corner of said Touchstone's land;
10. thence South $88^{\circ}40'$ West 10 feet more or less along the Northerly line of said Touchstone's land to the Southeast corner of land conveyed to Domenico Criscenti and wife by deed dated June 5, 1951 and recorded in Book 4160, page 439, of Official Records in said County Recorder's Office;

11. thence Northwesterly in a straight line to a point in the South line of land conveyed to E. L. Farrin and wife, recorded August 6, 1953, in Book 4946, page 554, of Official Records in said Recorder's Office, distant 27 feet Westerly along said South line from the Southeast corner of said Farrin's land;
12. thence North $88^{\circ}40'$ East 27 feet along said South line to said Southeast corner;
13. thence Northwesterly along the Easterly line of said Farrin's land to the Northerly line of said Criscenti's land;
14. thence South $88^{\circ}40'$ West 155 feet more or less to the Easterly line of land described in deed to Nelson T. Anderson and wife recorded October 20, 1952, as document No. 130302 in Book 4628, page 520, of Official Records in said County Recorder's Office;
15. thence North $0^{\circ}04'50''$ East 210 feet along said East line to a line which bears South $88^{\circ}40'$ West from a point on the East line of said Section 27, distant thereon 400 feet Southerly from the Southerly line of aforesaid State Highway;
16. thence North $88^{\circ}40'$ East 100 feet along said line;
17. thence North $0^{\circ}07'$ West parallel with said East line of said Section 27 to the center line of said State Highway;
18. thence Easterly along said center line to the West line of said Section 26 and 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 25th day of August, 1970, by the following vote:

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

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 there-
of, 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 1st day of
September, 1970
DLC:DBL

PORTER D. CREMANS
Clerk of the Board of Supervisors.

SEAL

By Dona Trumble
Deputy.