

ORDINANCE NO. 9182 (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. 38 – GAY RIO TERRACE

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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. 38 – Gay Rio Terrace do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 38 – Gay Rio Terrace is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 38 – Gay Rio 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. 6327 approved by the Board on June 1, 1982 (122) that provided the procedure for County Service Area No. 38 – Gay Rio 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 \$60.00 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 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

5/25/86

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
Marion Egan, Deputy



Ordinance No. 9182 (New Series)
6/21/00 (18)

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TUESDAY, MARCH 7, 1972

No. 94

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 38 - GAY RIO TERRACE

FILE/PAGE NO. 59415
BOOK 1972
RECORD REQUEST OF
County Board of Supervisors
MAR 13 10 32 AM '72

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

NO FEE

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

WHEREAS, on January 18, 1972, this Board adopted its resolution of intention to form County Service Area No. 38 - Gay Rio Terrace 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 March 7, 1972, 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. 452373); 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; 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 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 the aforementioned County Service Area Law.

5. The hereinafter described territory is established as a county service area designated County Service Area No. 38 - Gay Rio Terrace, pursuant to the provisions of the County Service Area Law.

6. 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.

7. 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.

8. The boundaries of said County Service Area are described as follows:

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All that area within the County of San Diego, State of California lying within the following described boundary line:

1. Beginning at the Southeast corner of lot 125 of Riverview Farms according to Map No. 1683 filed in the Recorder's Office of said County;
2. thence due South 149.92 feet along the East line of lot 126 of said Riverview Farms to the center line of Gay Rio Drive as shown on Record of Survey Map No. 3559 filed in the Recorder's Office of said County;
3. thence due West 146 feet along said center line;
4. thence due North 149.92 feet to the South line of said lot 125;
5. thence due West 127.34 feet to a point on said South line distant thereon 273.34 feet Westerly from the Southeast corner of said lot 125;
6. thence North $0^{\circ}03'$ West 179.75 feet to the center line of the Road easement as shown on Record of Survey Map No. 4018 filed in said Recorder's Office;
7. thence along said center line the following courses and distances:
 - a. East 53.36 feet to a tangent 120 foot radius curve concave Northwesterly;
 - b. Northeasterly 188.50 feet along said curve;
 - c. North 123.53 feet to a tangent 150 foot radius curve concave Southwesterly;
 - d. Northwesterly 104.12 feet;

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8. thence North $50^{\circ}13'40''$ East 20 feet;
9. thence due East 134.46 feet to a line running parallel with and 17 feet Easterly measured at right angles from the East lines of lots 124 and 123 of said Riverview Farms;
10. thence due North 370 feet along said parallel line to the Easterly prolongation of the North line of said lot 123;
11. thence Easterly 137 feet along said prolongation to the East line of the Westerly 154 feet of that unnumbered lot of El Cajon Company's Lands according to Map No. 289 filed in the Recorder's Office of said County;
12. thence Northerly 204 feet more or less along said East line to the Southwesterly line of land deeded to Louis G. Schneider and wife by deed No. 180458 recorded on December 21, 1956;
13. thence South $88^{\circ}28'$ West 31 feet more or less along said Southwesterly line to a tangent 60 foot radius curve therein;
14. thence Northwesterly along said Southwesterly boundary and along said curve to the Northwesterly terminous thereof;
15. thence North $10^{\circ}05'$ West 234 feet more or less to a point which is distant South $10^{\circ}05'$ East 95 feet from the Westerly prolongation of the South line of lot 12 of Lakeside Heights, Map No. 751 filed in said County Recorder's Office;
16. thence North $81^{\circ}04'09''$ East to the West line of land conveyed to Fred N. Minter and wife by deed recorded on April 29, 1960 as document No. 89289 in said County Recorder's Office;

- 17. thence due North 102 feet along said West line to the South line of said lot 12;
- 18. thence North 81°04'09" East along said South line to the East line of the Westerly 914.67 feet of said unnumbered lot of El Cajon Valley Company's Lands Map;
- 19. thence due South along said East line to the Easterly prolongation of the South line of lot 125 of said Riverview Farms;
- 20. thence Westerly 914.67 feet along said prolongation 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 Sec. 54900) of Part 1, Division 2, Title 5 of the Government Code.

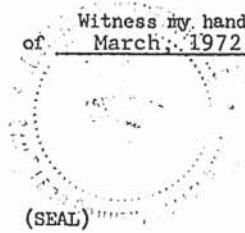
PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 7th day of March, 1972, by the following vote:

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

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 9th day of March, 1972.



PORTER D. CREMANS
 Clerk of the Board of Supervisors
 By Sara Drew *Sara Drew*
 Deputy