

ORDINANCE NO. 9184 (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. 45 – RINCON SPRINGS ROAD

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 45– Rincon Springs Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 45 – Rincon Springs Road is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 45 – Rincon Springs Road. 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. 6331 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 45 – Rincon Springs Road.

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 \$50.00 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 2 acres of land shall be assigned one unit of benefit.
- (c) Each parcel containing at least 2 acres but less than 8 acres of land shall be assigned 2 units of benefit.
- (d) Each parcel which contains 8 acres or more but less than 32 acres shall be assigned 3 units of benefit.
- (e) Each parcel which contains 32 or more acres of land shall be assigned four units of benefit.
- (f) 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 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.

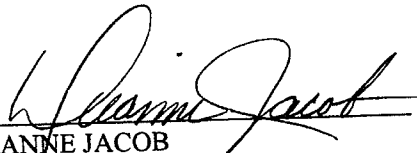
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the same newspaper of general circulation published in the County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William J. Smith
AUDITOR DEPUTY 5/25/00

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

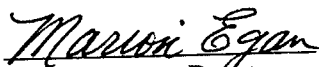

DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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. 9184 (New Series)
6/21/00 (18)

COLLECTED

Nc. 88

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WEDNESDAY, NOVEMBER 8, 1972

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 45 - RINCON SPRINGS ROAD

FILE/PAGE NO. 328338

BOOK 1972
RECORDED REQUEST OF
County Board of Supervisors
Dec 8 11 39 AM '72

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

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

NO FEE

WHEREAS, on October 3, 1972, this Board adopted its resolution of intention to form County Service Area No. 45 - Rincon Springs 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 to provide the type or types of extended county services herein described 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 November 8, 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. 462486); 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 San Diego County pursuant to Government Code Section 54773 et seq. has reviewed and approved the establishment of the county service area to include the territory herein described for the purpose of providing the extended services herein proposed; 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, as described in Government Code Section 25210.17a.

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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. 45 - Rincon Springs Road, 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 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 portion of the Pauma Rancho according to Map thereof recorded in Patent Book 1, page 67, in the Recorder's Office in the County of San Diego, State of California, lying within the following described boundary:

1. Beginning at a point in the Southerly boundary of said Rancho distant thereon 800.45 feet Westerly from the Northwest corner of fractional Section 23, Township 10 South, Range 1 West San Bernardino Base and Meridian;
2. thence North 32°26'06" East 840.58 feet;
3. thence North 24° 58'04" East 1538.92 feet;
4. thence South 57°33'54" East 200.00 feet;
5. thence North 32°26'06" East 694.47 feet;
6. thence South 59°22'40" East 2616.10 feet;
7. thence South 7°13'20" West 358.79 feet;
8. thence South 50°11' West 502.00 feet;
9. thence South 71°06'20" West 138.33 feet;
10. thence South 28°07'40" West 187.91 feet;
11. thence South 33°52'10" West 139.87 feet;
12. thence North 77°37'50" West 130.35 feet;
13. thence South 63°05'30" West 121.50 feet;
14. thence North 70°44' West 111.63 feet;
15. thence South 57°37'40" West 903.10 feet;
16. thence South 51°21' West 244.49 feet;
17. thence South 66°26' West to the Southerly boundary of said Rancho;
18. thence North 72°19' West along said Southerly boundary to the point of beginning.

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Excepting therefrom the following described property:

1. Beginning at the most Southerly corner of Record of Survey No. 3726 filed in the Office of the County Recorder of said County;
2. Thence North 54°13' West 18.83 feet to the beginning of a tangent 470 foot radius curve concave Southwesterly;
3. Thence Northwesterly along said curve 91.40 feet to the True Point of Beginning;
4. Thence continuing Northwesterly along said curve 69.65 feet;
5. Thence North 73°51' West 69.32 feet to the beginning of a tangent 210 foot radius curve concave Northeasterly;
6. Thence Northwesterly along said curve 168.05 feet;
7. Thence North 28°00' West, 288.26 feet to the beginning of a tangent 110 foot radius curve concave Southerly;
8. Thence Westerly along said curve 172.53 feet;
9. Thence South 62°08' West 237.82 feet to the Northerly prolongation of a line drawn parallel with and 20 feet Easterly from the Westerly line of Section 23, Township 10 South, Range 1 West, San Bernardino Base and Meridian;
10. Thence Southerly along said prolongation and said parallel line to the Southerly boundary of said Pauma Rancho;
11. Thence Southeasterly along said boundary to a line which bears South 24°38'27" West from the True Point of Beginning;
12. Thence North 24°38'27" East to the True 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 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 8th day of November, 1972, by the following vote:

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

COUNTY SERVICE AREAS

- cc: 1 File -Temp.
- 1 Foto
- 1 Recorder (Orig.)
- 1 Assessor w/map
- 2 Auditor ((M. Jordan; Jim Graves)
- 2 Co. Engr. (1 Pete Vivoli #0340 & 1 #0332)
- 1 St. Bd. of Equaliz., Box 1799, Sacramento 95808 w/map
- 1-Petitioner-
- 1 PWA - Ed Swanson

12-7-72 BM

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 8th day of November, 1972.



PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell
Deputy

SEAL

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