

RECEIVED
COUNTY SAN DIEGO

ORDINANCE NO. 9164 (NEW SERIES)

00 JUL -7 AM 8:00

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. 8 – MAGEE 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. 8 – Magee Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 8 – Magee Road is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 8 – Magee 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. 6305 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 8 – Magee 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 \$400.00 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.

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.

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 of land shall be assigned one unit of benefit.
- (c) Each parcel, which, according to assessor's records, has been improved shall be assigned one additional unit of benefit.

d) should contain Ord. from 1982
 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.

X:\Romero\Final Rep Ord for 8.doc

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William J. Fuell
SENIOR DEPUTY

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. 9164 (New Series)
6/21/00 (18)

File

Re the Establishment of
County Service Area No. 3 -
Magee Road, Pala.

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

WHEREAS, on May 9, 1967 (Item 68) this Board adopted
its resolution of intention to form County Service Area No. 8 -
Magee Road, Pala, pursuant to the provisions of the County Service
Area Law (Government Code Section 25210.1 and following) 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 June 13,
1967, at 11:00 a.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. 388697); 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 FOUND, DETERMINED AND DECLARED as follows:

1. The services described in said resolution of intention
and 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 said

territory, 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. 8 - Magee Road, Pala, pursuant to the provisions of the County Service Area Law, Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, commencing with Section 25210.1.

2. The type of extended county service to be performed within the boundaries of said county service area is road maintenance and construction.

3. The boundaries of said county service area are described as follows:

Those portions of Sections 13, 24 and 25, Township 9 South, Range 2 West, and Sections 18 and 19, Township 9 South, Range 1 West, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government Survey, described as follows:

PARCEL ONE:

Beginning at the Northeast corner of said Section 13;

- (1) thence Westerly along the North line thereof to the West line of the Northeast Quarter of the Northwest Quarter of said Section 13;
- (2) thence Southerly along said West line to the North line of the Southwest Quarter of the Northwest Quarter of said Section 13;
- (3) thence Westerly along said North line to the West line of said Section 13;
- (4) thence Southerly along said West line to the South line of the Northwest Quarter of said Section 13;
- (5) thence Easterly along said South line to the West line of the Southeast Quarter of said Section 13;
- (6) thence Southerly along said West line to the North line of the East Half of the Southeast Quarter of the Southwest Quarter of said Section 13;
- (7) thence Westerly along said North line to the West line of said East Half of Southeast Quarter of Southwest Quarter;
- (8) thence Southerly along said West line to the line common to said Sections 13 and 24;
- (9) thence Westerly along said common line to the West line of the Northeast Quarter of the Northwest Quarter of said Section 24;
- (10) thence Southerly along said West line to the North line of the Southwest Quarter of the Northwest Quarter of said Section 24;
- (11) thence Westerly along said North line to the West line of said Section 24;
- (12) thence Southerly along said West line to the East and West center line of said Section 24;

- (13) thence Easterly along said center line to the East line of the Southwest Quarter of the Northeast Quarter of said Section 24;
- (14) thence Northerly along said East line to the North line of said Southwest Quarter of Northeast Quarter;
- (15) thence Westerly along said North line to the North and South center line of said Section 24;
- (16) thence Northerly along said center line to the line common to Sections 13 and 24;
- (17) thence Easterly along said common line and the South line of said Section 13 to the East line of the Southwest Quarter of the Southeast Quarter of said Section 18;
- (18) thence Northerly along said East line to the Northeast corner of said Southwest Quarter of Southeast Quarter;
- (19) thence South 58°36' West along the Northwesterly line of that tract of land described in deed to Adelaide Gillis McCormack, recorded September 20, 1954 in Book 5358, page 236 of Official Records, to the most Easterly corner of that tract of land shown and delineated on Record of Survey No. 6247, filed in the office of the Recorder of said San Diego County, June 25, 1963, said corner being North 58°36' East 180.00 feet from the West line of said Quarter-Quarter;
- (19a) thence along the boundary of said Record of Survey No. 6247 as follows:
 - (20) North 33°59'20" West 254.24 feet;
 - (21) South 2°10'00" East 2.80 feet; and
 - (22) North 36°32'30" West 2133.73 feet to the East and West center line of said Section 18;
 - (23) thence Westerly along said center line to the East line of the West Half of the Northwest Quarter of said Section 18;
 - (24) thence Northerly along said East line to the North line of said Section 18;
 - (25) thence Westerly along said North line to the Northwest corner of said Section 18 and the Northeast corner of said Section 13, being the point of beginning.

PARCEL TWO:

Beginning at the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 19;

- (1) thence Easterly along the South line of said Southwest Quarter of Southeast Quarter to the East line thereof;
- (2) thence Northerly along said East line to the North line of said Southwest Quarter of Southeast Quarter;
- (3) thence Westerly along said North line to the West line of said Southwest Quarter of Southeast Quarter;
- (4) thence Southerly along said West line to the point of beginning.

PARCEL THREE:

Beginning at a point which bears South $22^{\circ}00'00''$ West 720.46 feet from the North Quarter corner of said Section 25;

- (1) thence South $40^{\circ}02'00''$ East 600 feet;
- (2) thence North $49^{\circ}58'00''$ East 1500 feet;
- (3) thence North $40^{\circ}02'00''$ West 600 feet;
- (4) thence South $49^{\circ}58'00''$ West 1500 feet to the point of beginning.

IT IS FURTHER ORDERED that the Clerk of this Board record a certified copy of this resolution with the County Recorder and pursuant to Government Code Section 54902 file certified copies of this resolution together with a map or plat showing the boundaries of said county service area with the County Assessor and the State Board of Equalization.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 11th day of July, 1967, by the following vote:

AYES: Supervisors Gibson, Boney, Dent, Austin, and Cozens
NOES: Supervisors None
ABSENT: Supervisors None

7-11-67 (37)

1 File (w/map)
1 Foto
1 Recorder
1 State Board of Equal.
Box 1799, Sacramento
59808 (w/map)
1 Assessor (w/map)
1 Auditor
1 County Engr. (road purposes)
1 Hilmer G. Lodge, Box 86,
Pala 92059

Mailed 7-11-67 jm

1 Post Audit 10-6-67
none needed for Public Agencies per Mr. Lee - this is County function.
Not under 1965 Reorganization law. jm

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 11th day of July, 1967.

PORTER D. CREMANS
Clerk of the Board of Supervisors

Florinda Clark

By Florinda Clark Deputy

(SEAL)