

ORDINANCE NO. e205 (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. 99 – VIA ALLONDRA/VIA DEL CORVO

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 99 – Via Allondra/Via Del Corvo, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 99 – Via Allondra/Via Del Corvo is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 99 – Via Allondra/Via Del Corvo. 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. 6358 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 99 – Via Allondra/Via Del Corvo.

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 \$140 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.

(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 three (3) units of benefit.
- (c) Each parcel which, according to assessor's records, is improved shall be assigned one (1) additional benefit unit.

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.

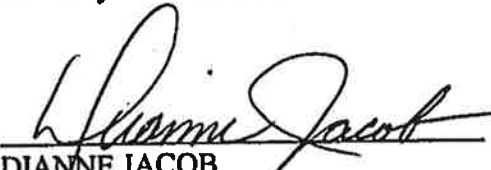
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the ~~San Diego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

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith
SENIOR 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. 9205 (New Series)
6/21/00 (18)

No. 17

WEDNESDAY, APRIL 30, 1980

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 99 - Via Allondra/ Via del
Corvo - WITHOUT AN ELECTION

On motion of Supervisor Eckert, seconded by
Supervisor Moore, the following resolution is
adopted:

WHEREAS, on March 25, 1980, this Board adopted
its resolution of intention to form County Service Area
No. 99 - Via Allondra/Via del Corvo
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 3 of the Government Code to provide
the type or types of extended county services herein des-
cribed 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 April 30, 1980
at 10:00 a.m.; and

WHEREAS, notice of said hearing was given, as required
by law, as shown by the affidavit of publication on file here-
in (Document No. 602704); 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; and

WHEREAS, in the judgment of this Board it is advisable to
establish the proposed county service area without an election
in order to expedite the formation process and permit the pro-
vision of the extended services herein proposed at the earliest
possible date; and NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

APR 30 1980 17:00

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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.

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 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 improvement and maintenance

5. The Board certifies, in accordance with Section 15054 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (Div. 6, Title 14, Cal.Admin. Code, commencing at § 15000), that it has reviewed and considered the information contained in the Negative Declaration prepared by the Local Agency Formation Commission.

6. 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.

7. The following described territory is declared established without an election as a county service area and shall be designated County Service Area No. 99 - Via Allondra/ Via del Corvo pursuant to Government Code Section 25210.18:

All that portion of the North Half of the southwest quarter and the southwest quarter of the northwest quarter of Section 20, Township 12 South, Range 3 West, San Bernardino Base and Meridian in the County of San Diego, State of California, according to United States Government Survey, lying within the following described boundaries:

Beginning at the center of said Section 20;

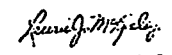
1. Thence South 0°22'52" East 1316.95 feet to the southeast corner of the northeast quarter of the southwest quarter thereof;
2. Thence North 89°28'13" West 1675.94 feet along the southerly line of the North Half of the southwest quarter thereof;
3. Thence North 0°30'11" West 208.00 feet;

- 4. Thence North 56°40'42" West 606.06 feet;
- 5. Thence North 44°23'20" West 255.00 feet;
- 6. Thence North 38°43'50" East 449.00 feet;
- 7. Thence North 53°28'30" West 315.00 feet;
- 8. Thence North 54°41'41" East 80.24 feet;
- 9. Thence North 38°10'17" West 30.69 feet;
- 10. Thence North 43°37'48" East 303.45 feet to the southwesterly line of that 60.00 foot road easement (known as Via Allondra) as shown on Record of Survey Map No. 4009 filed in the County Recorder's office of said County;
- 11. Thence North 30°39'43" East 30.00 feet to the center line of said easement road;
- 12. Thence North 59°20'17" West 30.78 feet along said center line thereof;
- 13. Thence South 30°39'43" West 30.00 feet to the southwesterly line of said road easement;
- 14. Thence South 43°37'48" West 292.22 feet;
- 15. Thence North 38°10'17" West 243.70 feet to the center line of Road Survey No. 454 (Rancho Santa Fe Road) map on file in the County Engineer's office of said County;
- 16. Thence along said center North 51°58'20" East 558.76 feet;
- 17. Thence South 38°01'40" East 50.00 feet;
- 18. Thence South 59°25'36" East 748.52 feet to the easterly line of the southwest quarter of the northwest quarter of said Section 20;
- 19. Thence South 0°31'20" East 150.00 feet to the southeast corner thereof;
- 20. Thence South 89°09'31" East 1328.32 feet to the center of said Section 20 and the Point of Beginning.

dg:rs
3/6/80

Approved by the Local Agency Formation
Commission of San Diego

MAR 11 1980



(Acting) Executive Officer of said Commission

APR 30 1980 17-20

MAY 6 1980 8,0

IT IS FURTHER ORDERED that the Clerk of this Board immediately transmit a certified copy of this resolution along with a remittance to cover the fees required by Government Code Section 54902.5 to the Executive Officer of the Local Agency Formation Commission of San Diego County, so that the Executive Officer may make the filings required by Government Code Section 54797.2 and by Chapter 8 (commencing with § 54900), 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 30th day of April, 1980, by the following vote:

AYES: Supervisors Hamilton, Moore, Hedgecock, Bates and Eckert
NOES: Supervisors None
ABSENT: Supervisors None

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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 30th day of April, 1980.

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell
Deputy

(SEAL)

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY William Mitchell
DEPUTY
3/17/80