

ORDINANCE NO. 9165 (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. 9B – HARRIS ANNEX

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 9B – Harris Annex, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 9B – Harris Annex is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 9B – Harris Annex. 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. 5453 approved by the Board on March 20, 1979, that provided the procedure for County Service Area No. 9B – Harris Annex.

Section 2. Fixing of Charges. For the miscellaneous extended services relating to street lighting there is hereby fixed an annual charge of \$3 for each "unit" determined under Section 3 of this ordinance. For the miscellaneous extended services relating to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$30 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) Each parcel of land shall be assigned one (1) unit of benefit.
- (b) Each parcel of land having direct access to the roads to be maintained by this County Service Area shall be assigned one (1) additional unit of benefit.
- (c) Each improved parcel according to assessor's records shall be assigned one (1) 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 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.

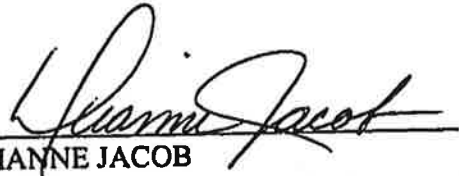
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the San Diego Commerce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

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William J. Smith
SENIOR DEPUTY

5/25/00

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

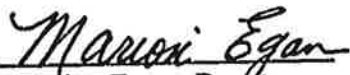

DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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. 9165 (New Series)
6/21/00 (18)

No. 98

Re the Establishment of County Service Area }
No. 9 - Santa Fe }

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

WHEREAS, on November 21, 1967, this Board adopted its
resolution of intention to form County Service Area No. 9 - Santa
Fe, pursuant to the provisions of the County Service Area Law
(Gov. Code § 25210.1 et seq.) 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 December 26, 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. 395880); 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 recommended the establish-
ment of said area (Board of Supervisors Document No. 394178);

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.

Routing used

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:

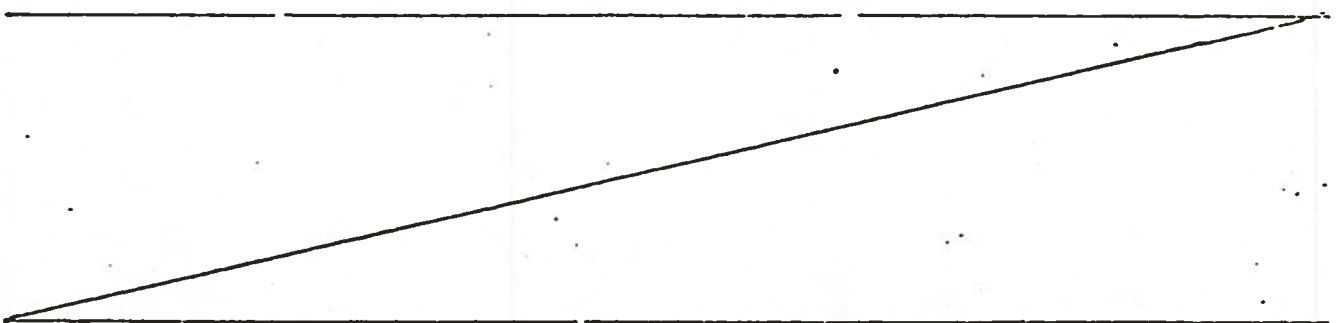
1. The hereinafter described territory is established as a county service area designated County Service Area No. 9 - Santa Fe, pursuant to the provisions of the County Service Area Law.

2. The types of extended county services to be performed within the boundaries of said county service area are **parkway**

activities and services, lake maintenance, street lighting and
sewer services

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 shall be annually levied upon all taxable property within said county service area.

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



That portion of the Rancho Las Encinitas, according to Map thereof No. 848, filed in the office of the County Recorder, June 27, 1898, and of the Colony Olivenhain, according to Map thereof No. 326, filed in the office of the County Recorder July 8, 1885, all being in the County of San Diego, State of California, described as a whole as follows:

Beginning at a point on the Westerly boundary of the Rancho Santa Fe, said point being South $43^{\circ} 30'$ West 2186.3 feet from Corner No. 4 of said Rancho, according to Map thereof No. 1742, filed in the office of the County Recorder of San Diego County, being the center line of Road Survey No. 448 as described in deed to the County of San Diego, recorded August 21, 1929 in Book 1680, page 75 of Deeds in the office of the County Recorder of San Diego County; North $66^{\circ} 33'$ West 245.21 feet to the beginning of a curve to the left having a radius of 150 feet; thence Westerly along said curve through an angle of $21^{\circ} 40'$ for a distance of 75.05 feet; thence South $84^{\circ} 47'$ West 32.05 feet to the beginning of a curve to the right having a radius of 225 feet; thence Westerly along said curve through an angle of $23^{\circ} 40'$ for a distance of 92.94 feet to the Westerly terminus of said curve; thence North $71^{\circ} 33'$ West a distance of 121.63 feet to the beginning of a curve to the right having a radius of 500 feet; thence Westerly along said curve through an angle of $7^{\circ} 40'$ for a distance of 66.91 feet; thence North $63^{\circ} 53'$ West 425.79 feet to the beginning of a curve to the left having a radius of 500 feet; thence Westerly along said curve through an angle of $9^{\circ} 30'$ for a distance of 82.90 feet; thence North $73^{\circ} 23'$ West 57.95 feet to an intersection with the center line of 10th Street, as shown on map of Olivenhain Colony No. 326 filed in the Office of the County Recorder, said point also being the intersection of the center line of said 10th Street and "M" Street, being the true point of beginning; thence retracing Easterly to said Westerly boundary of Rancho Santa Fe; thence North $43^{\circ} 40'$ East 2186.30 feet to corner No. 4; thence Northerly along the Easterly line of Lot or Tract 25 of Rancho Las Encinitas to the Northeast corner of Lot or Tract 25 in the Subdivision of said Rancho Las Encinitas, according to said Map No. 848; thence Westerly along the Northerly line of said Lot or Tract 25 to its intersection with the center line of "O" Street, in the Colony Olivenhain, according to Map thereof No. 326, filed in the office of the County Recorder of said County July 8, 1885, (the said "O" Street being the Street bounding Block 91 of said Colony Olivenhain on the East); thence Southerly along the center line of said "O" Street to its intersection with the center line of 13th Street in said Colony Olivenhain; thence Westerly along the center line of said 13th Street to its intersection with the center line of "L" Street; thence Southerly along the center line of said "L" Street to its intersection with the center line of 12th Street; thence Westerly along the center line of 12th Street; to its intersection with the Northerly prolongation of the East line of Lot 76 of said Colony Olivenhain; thence South along said prolongation to the Northeast corner of said Block 76; thence North $73^{\circ} 43'$ West along said North line 83.64 feet to the Northwest corner of that parcel of land described in deed to Ransom Henshaw, et ux, recorded September 25, 1950 in Book 3791, page 84 of Official Records; thence along the Westerly boundary of said Henshaw land as follows: South $11^{\circ} 21'$ West 294.70 feet to an angle point therein South $18^{\circ} 53'$ West 304.48 feet to an angle point therein; and South $6^{\circ} 35'$ West 200.15 feet to the Southwest corner thereof being a point on the Southerly line of said Lot 76; thence Easterly along the Southerly line of said Lot 76, 60.87 feet to the Southeast corner thereof; thence Southerly along the Southerly extension of the East line of said Lot 76, to its point of intersection with the center line of 11th Street; thence Easterly along the center line of 11th Street to its intersection with the center line of "K" Street; thence Southerly along the center line of "K" Street to its intersection with the center line of 10th Street; thence Easterly along said centerline to the true 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 file certified copies of this resolution together with a map or plat showing the boundaries of said county service area with the State Board of Equalization and the County Assessor.

RMP:ST

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 26th day of December, 1967, by the following vote:

AYES: Supervisors Gibson, Boney, Dent, Austin, and Cozens

NOES: Supervisors None

ABSENT: Supervisors None

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 26th day of December, 1967.

PORTER D. CREMANS
Clerk of the Board of Supervisors.

By Florinda Clark Deputy.

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