

ORDINANCE NO. 9207 (NEW SERIES)

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COUNTY SAN DIEGO

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SPECIAL DISTRICT

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. 101 – JOHNSON LAKE 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. 101 – Johnson Lake Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 101 – Johnson Lake Road is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 101 – Johnson Lake 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. 5875 approved by the Board on June 1, 1982 (155), that provided the procedure for County Service Area No. 101 – Johnson Lake 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 \$300 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 of land shall be assigned one unit of benefit.
- (c) Each improved parcel according to Assessor's records 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 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. Ferrell
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
Marion Egan, Deputy



Ordinance No. 9207 (New Series)
6/21/00 (18)

No. 26

WEDNESDAY, SEPTEMBER 17, 1980

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 101, JOHNSON LAKE ROAD
WITHOUT AN ELECTION

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

WHEREAS, on September 17, 1980, this Board adopted
its resolution of intention to form County Service Area
No. 101 - Johnson Lake 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 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 September 17, 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. 610385); 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:

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 improvements and continued 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 Johnson Lake Road in County Service Area No. 101 pursuant to Government Code Section 25210.18:

DF80-3

"Formation of Johnson Lake Road County Service Area"

All that territory in the County of San Diego, State of California, lying within the following described boundaries:

Beginning at a point which is North 13°40'00" West 546.05 feet from the southeast corner of Lot 146 of Tract No. 2 San Diego Eucalyptus Company's Lands, Map No. 1492, on file in the office of the County Recorder of said County, 8 November 1912;

1. Thence West 525.42 feet to the southwesterly line of said Lot 146, according to Record of Survey Map No. 2683, on file in the office of the County Recorder of said County, 26 June 1951;
2. Thence South 50°58'00" East along said southwesterly line 308.66 feet;
3. Thence West 698.96 feet to the southwesterly line of Lot 145 of said Tract No. 2;
4. Thence South 30°49'30" East along said southwesterly line 95.17 feet;
5. Thence West 370.52 feet to the southwesterly line of Lot 144 of said Tract No. 2;
6. Thence North 21°12'00" West along said southwesterly line 491.93 feet;
7. Thence West 319.06 feet to the easterly line of Lot 141 of said Tract No. 2;
8. Thence North 08°07'30" West along said easterly line to the northeast corner of said Lot 141;
9. Thence South 84°00'00" West 666.80 feet along the northerly line of said Lot 141 to the northwest corner thereof;
10. Thence South 01°54'10" West 564.40 feet along the westerly line of said Lot 141 to the southwest corner thereof;
11. Thence South 2076.43 feet along the West line of Lots 127, 128, 129, 130 and 131 of said Tract No. 2 to the southwest corner of said Lot 131 and a point on the northeasterly right of way line of Valle Vista Road as said right of way is shown on Map 1288, filed in the County Recorder's Office on 22 September 1910;

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12. Thence South $42^{\circ}56'00''$ East along said northeasterly right of way line to the most westerly corner of Lot 121 of said Tract No. 2 according to said Record of Survey Map No. 2683;
13. Thence continuing South $42^{\circ}56'00''$ East 304.14 feet along the southwesterly line of said Lot 121 to the most westerly corner of land conveyed to Thomas V. Pendergast et ux, by Deed recorded November 15, 1965, Series 6, Book 1965, as File No. 206449 by Official Records;
14. Thence northeasterly along the northwesterly line of said Pendergast land 134.62 feet to an angle point in the North line of said land, distant thereon 149.84 feet West from the northeast corner of said land;
15. Thence East along said North line 149.84 feet to the northeasterly corner of said Pendergast land, also being a point on the West line of Lot 122 of said Tract No. 2;
16. Thence North along said West line 155.05 feet to the northwest corner of the South 3.0 acres of said Lot 122;
17. Thence East along the North line of said South 3.0 acres 341.92 feet to the East line of said Lot 122;
18. Thence North along said East line 147.04 feet;
19. Thence continuing along said East line, North $6^{\circ}01'00''$ West 74.64 feet;
20. Thence leaving said line, North $40^{\circ}30'50''$ East 206.92 feet;
21. Thence North $67^{\circ}12'20''$ East 148.11 feet;
22. Thence North $33^{\circ}59'00''$ East to the South line of Lot 125 of said Tract No. 2;
23. Thence East along said South line to the southeast corner of said Lot 125;
24. Thence North along the West line of Lot 114 of said Tract No. 2 to a point on said West line distant thereon 444.31 feet northerly from the southwest corner of said Lot 114;
25. Thence East 110 feet;
26. Thence northeasterly in a straight line to a point on the

northeasterly line of said Lot 114, distant thereon 224 feet South 55°02'40" East, (record - South 55°03'45" East) from the most northerly corner of said Lot 114;

27. Thence along the northeasterly line of said Lot 114 South 55°02'40" East (record South 55°03'45" East) to a point distant thereon 427.35 feet from the most northerly corner of said Lot 114;
28. Thence North 49°46'25" East, 325.90 feet (record - 325.33 feet) to the southwesterly line of Lot 112 of said Tract No. 2;
29. Thence South 27°45'45" East along said southwesterly line to a line which bears South 76°20'00" West from a designated Point "A" described as follows:
 - a. Commencing at a point in the southwesterly line of said Lot 112, distant thereon North 33°20'00" West 253.67 feet from the southwesterly corner of said Lot;
 - b. Thence North 42°48'00" East 305.18 feet;
 - c. Thence North 12°41'00" West 353.55 feet to said designated Point "A";
30. Thence North 76°20'00" East a distance of 394.90 feet to said Point "A";
31. Thence North 12°41'00" West a distance of 213.78 feet;
32. Thence North 24°24'30" West a distance of 100.00 feet;
33. Thence East 200 feet more or less to the West line of Lot 201 of El Cajon Valley Company's lands Map No. 289 on file in the office of the County Recorder, County of San Diego, State of California, 30 December 1886;
34. Thence South 14°06' East along said West line, to the southwest corner of said lot;
35. Thence along the southerly line of said Lot 201, North 71°01'00" East 776.95 feet;
36. Thence North 13°26'20" West 243.40 feet;
37. Thence South 82°21'00" East 146.50 feet;
38. Thence South 84°55'00" East 65.44 feet;
39. Thence South 87°23'00" East 174.68 feet;

40. Thence South 72°25'00" East 51.35 feet;
41. Thence North 54°47'00" East 40.00 feet to the southwesterly line of State Highway XI-SD-198H (State Highway 67) map on file in the office of the State Division of Highways of said County;
42. Thence North 35°13'00" West along said southwesterly right-of-way line to the northwesterly line of Lot 202 of said El Cajon Valley Company's land;
43. Thence southwesterly along said northwesterly line to the northwest corner of said Lot 202 also being a point on the southwesterly line of said El Cajon Valley Company's lands Map No. 289;
44. Thence North 13°40'00" West along said southwesterly line to the point of beginning.

dg:rs
7/8/80

Approved by the Local Agency Formation
Commission of San Diego

JUL 7 1980

George J. McFadyen
(Acting) Executive Officer of said Commission

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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 17th day of September, 1980, by the following vote:

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

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 17th day of September, 1980 (26).

PORTER D. CREMANS
Clerk of the Board of Supervisors

Maria A. Tiscareno
By Maria A. Tiscareno
Deputy

SEAL

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William D. Smith
7/21/80