

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

658A



FROM: TLMA – Transportation Dept. **SUBMITTAL DATE:** July 7, 2003

SUBJECT: Landscaping & Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 4

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2003-272 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 4 into Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 4.

Resolution No. 2003-273, a Resolution of the County of Riverside declaring the intention to order the annexation of Street Lighting Zone 4 into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and setting the time and place of the public hearing on annexation of Street Lighting Zone 4 to be consistent with the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution.

George A. Johnson
George A. Johnson
Director of Transportation

FORM APPROVED
COUNTY COUNSEL

MAY 29 2003

FINANCIAL DATA:

CURRENT YEAR COST	\$0	ANNUAL COST:	\$ 368.32
NET COUNTY COST	\$0	IN CURRENT YEAR BUDGET:	Yes/ No/ X
		BUDGET ADJUSTMENT	Yes/ No/ X
		FY:2003-2004	

SOURCE OF FUNDS: Landscaping & Lighting Maintenance District No. 89-1-Consolidated

C.E.O. RECOMMENDATION: **APPROVE**

James J. [Signature]
County Executive Officer Signature

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

Prev. Agn. Ref.

Dist. 4

AGENDA NO.

3.54

The Honorable Board of Supervisors
RE: L&LMD No. 89-1-Consolidated
July 7, 2003

Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2003-272 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 4 into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LM Dist. No. 89-1-C).

Resolution No. 2003 -273 declares the Board's intention of ordering the annexation of Street Lighting Zone 4 into L&LM Dist. No. 89-1-C. Annexation of Street Lighting Zone 4 into L&LM Dist. No. 89-1-C will fund the energizing of streetlights within the public right-of-way located easterly of Berkey Dr. and southerly of Wildcat Dr. in the Palm Desert area and includes 3 commercial parcels.

The proposed budget of fiscal year 2003-2004 for Street Lighting Zone 4 is \$ 368.32 that will result in an assessment for fiscal year 2003-2004 within Street Lighting Zone 4 of \$ 48.52 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2003.

Consistent with the Board's direction regarding compliance with Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, the attached resolutions have been prepared and a public hearing scheduled for 10:00 a.m. on September 9, 2003 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 4 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2003-273 and an information sheet.

All ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the ballots, the ballots submitted in favor of the annexation and levy of the assessment exceed the ballots submitted in opposition of the annexation and levy of the assessment of Street Lighting Zone 4, Street Lighting Zone 4 will be annexed into L&LM Dist No. 89-1-C.

RESOLUTION NO. 2003-272

**RESOLUTION OF THE BOARD OF SUPERVISORS INITIATING PROCEEDINGS
FOR THE ANNEXATION OF STREET LIGHTING ZONE 4 INTO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
AND ORDERING PREPARATION OF
ENGINEER'S REPORT REGARDING SAID ANNEXATION**

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received a request from the owners of property in the unincorporated area of the County (hereinafter "Street Lighting Zone 4"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed into Landscaping and Lighting Maintenance District No.89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Street Lighting Zone 4 into L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Articles XIID of the California Constitution, requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 4; and

WHEREAS, the Director of the Transportation Department, or his designee, is a licensed and registered civil engineer and has expertise with respect to the annexation of territory to landscaping and lighting maintenance districts and the levying of assessments for said purposes, and, therefore is able to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street Lighting Zone 4 into

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1 L&LMD No. 89-1-C.

2 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED
3 by the Board of Supervisors of the County of Riverside assembled in regular session on
4 July 15, 2003 as follows:

5 Section 1. Recitals. The Board of Supervisors hereby finds and determines that
6 all of the above recitals are true and correct.

7 Section 2. Annexation. The Board of Supervisors proposes to annex Street
8 Lighting Zone 4 into L&LMD No. 89-1-C and to initiate and conduct proceedings therefore
9 pursuant to the Act for the purpose of levying an annual assessment on all parcels within
10 Street Lighting Zone 4 to pay the costs of the following services:

11 (a) The energizing of streetlights within the public right-of-way, including
12 incidental costs and expenses;

13 Section 3. Boundaries and Designation. The boundaries of Street Lighting Zone
14 4 that is proposed to be annexed into L&LMD No.89-1-C shall include all of the property
15 shown and described in Exhibit "A".

16 Section 4. Report. The Director of the Transportation Department of the County,
17 or his designee, is hereby designated Engineer and is ordered to prepare and file a report
18 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585
19 et. seq. of the Streets and Highways Code and Section 4 of Article XIID of the California
20 Constitution regarding said annexation and the levy.

21 Section 5. Effective Date. This Resolution shall take effect from and after its date
22 of adoption.

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EXHIBIT "A"

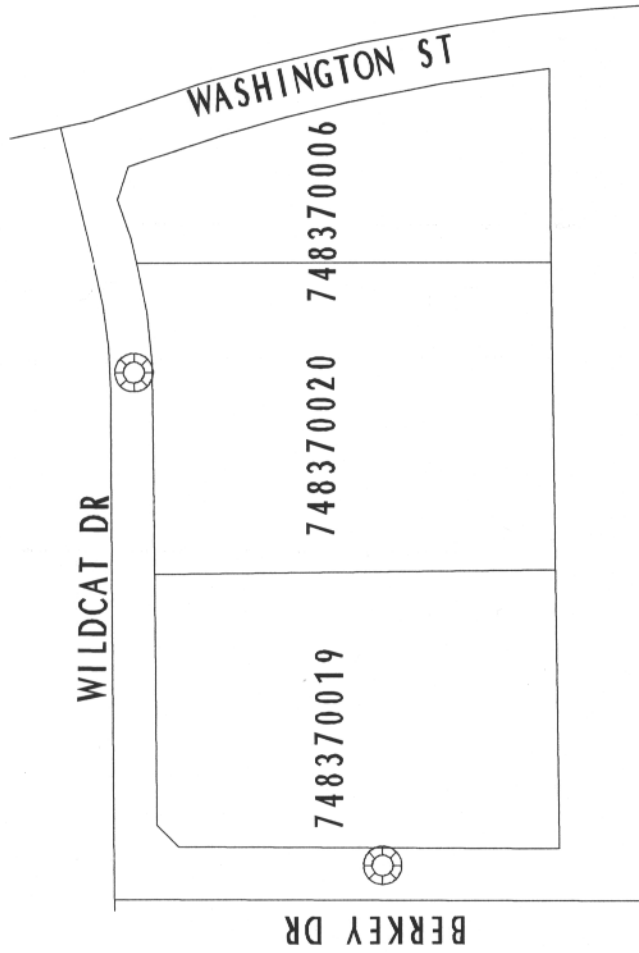
DESCRIPTION OF BOUNDARIES

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The boundaries of Street Lighting Zone 4 to be annexed into Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APNs 748370006, 748370019 and 748370020 as shown on the Assessment Roll in the County of Riverside, State of California for fiscal year 2002-2003.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 4
 PORTION OF SECTION 6, T.5S., R.7E.

PP 17611
 3 PARCELS



SCALE: 1" = 200'



⊗ DENOTES ENERGIZED STREETLIGHT

This map was made by the Riverside County Geographic Information System. The map elements were produced by the Assessor and the Transportation and Land Management Agency which is comprised of the Transportation, Building & Safety, and Planning departments.

MAY 27, 2003

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RESOLUTION NO. 2003-273

RESOLUTION OF THE BOARD OF SUPERVISORS DECLARING INTENTION TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 4 INTO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING; AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING ZONE 4 AND ORDERING A MAILED BALLOT ELECTION AND NOTICE OF THE PUBLIC HEARING TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No.2003-272 initiating proceedings for the annexation of Street Lighting Zone 4 (hereinafter "Street Lighting Zone 4"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, into Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 4 and the assessment to be levied within Street Lighting Zone 4 each fiscal year for the energizing of streetlights; and

WHEREAS, the voters of California on November 5, 1996, approved Proposition No. 218 which added Article XIID to the California Constitution (hereinafter "Article XIID") effective November 6, 1996; and

WHEREAS, by said Resolution the Board of Supervisors ordered the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report with the Clerk of the Board of Supervisors in accordance with Sections

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1 22608 and 22585 et. seq. of the Street and Highways Code and Section 4 of Article XIID;
2 and

3 WHEREAS, the Engineer has filed the Report with the Clerk of the Board of
4 Supervisors, and the Report has been presented to and considered by the Board of
5 Supervisors; and

6 WHEREAS, it is necessary that the Board of Supervisors adopt a resolution of
7 intention pursuant to Section 22624 of the Streets and Highways Code, which fixes and
8 gives notice, pursuant to Section 22626 of the Streets and Highways Code, of the time and
9 place of a public hearing on said Report and the annexation of Street Lighting Zone 4 of
10 L&LMD No. 89-1-C and the assessments to be levied on properties within Street Lighting
11 Zone 4;

12 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED
13 by the Board of Supervisors in regular session assembled on July 15, 2003, as follows:

14 Section 1. Findings. The Board of Supervisors finds after reviewing the Report
15 that:

- 16 (a) The foregoing recitals are true and correct;
- 17 (b) The Report for the annexation of Street Lighting Zone 4 into L&LMD
18 No. 89-1-C contains all matters required by Sections 22565 through 22574 of the Streets
19 and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the
20 Board of Supervisors; and

21 (c) The annual assessment to be levied in fiscal year 2003-2004 on all
22 parcels within Street Lighting Zone 4 proposed to be annexed into L&LMD No. 89-1-C will
23 be \$ 48.52 per acre.

24 Section 2. Intent. The Board of Supervisors hereby declares its intention to
25 order the annexation of Street Lighting Zone 4 as described and shown in Exhibit "A" into
26 L&LMD No. 89-1-C, and to levy and collect an annual assessment on all assessable lots
27 and parcels of property within Street Lighting Zone 4 commencing with the fiscal year
28 2003-2004 as set forth in the Report. The Report expressly states that there are no

1 parcels or lots within Street Lighting Zone 4 that are owned by a federal, state or other local
2 governmental agency that will benefit from the services to be financed by the annual
3 assessments. The annual assessments will be collected at the same time and in the same
4 manner as property taxes are collected, and all laws providing for the collection and
5 enforcement of property taxes shall apply to the collection and enforcement of
6 assessments.

7 Section 3. Boundaries. All the property within boundaries of Street Lighting Zone
8 4 is proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the
9 unincorporated area of the County as described and shown in Exhibit "A".

10 Section 4. Description of Services to be Provided. The services authorized for
11 Street Lighting Zone 4 of L&LMD No. 89-1-C are:

12 (a) The energizing of streetlights within the public right-of-way, including
13 incidental costs and expenses.

14 Section 5. Amount to be Levied. The assessment to be levied upon each parcel
15 to benefit from the annexation of Street Lighting Zone 4 of L&LMD No. 89-1-C will be
16 \$ 48.52 per acre for fiscal year 2003-2004. As stated in the Report, the total budget
17 for Street Lighting Zone 4 for the fiscal year 2003-2004 is \$ 368.32; there are 3 parcels
18 that are to be assessed. The annual assessment will be increased by the greater of two
19 percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index
20 for all Urban Consumers ("CPI-U") for "electricity" for the Los Angeles-Riverside-Orange
21 County California Standard Metropolitan Statistical area ("Index") published by the Bureau
22 of Labor Statistics of the United States Department of Labor. The annual "CPI-U"
23 adjustment will be based on the cumulative increase, if any, in the Index as it stands on
24 March of each year over the base Index for March of 2003. The base index for "electricity"
25 as of March 2003 was 231.3. Any increase larger than the greater of 2.0% or the CPI-U
26 annual adjustment requires a majority approval of all the property owners within Street
27 Lighting Zone 4. The Board of Supervisors will levy the assessment in each subsequent
28 fiscal year until the Board undertakes proceedings for the dissolution of Street Lighting

1 Zone 4 of L&LMD No. 89-1-C. The annual assessment will fund the services described in
2 Section 4 of this Resolution. For further particulars, reference is to be made to the Report
3 on file in the Office of the Clerk of the Board of Supervisors.

4 Section 6. The Location to be Annexed. The property to be annexed into L&LMD
5 No. 89-1-C is Street Lighting Zone 4. The boundaries of Street Lighting Zone 4 are located
6 within the unincorporated area of the County and are described and shown in the Report
7 and Exhibit "A".

8 Section 7. Report. The Report, which is on file with the Clerk of the Board of
9 Supervisors and which has been presented to the Board of Supervisors, is hereby
10 approved. Reference is made to the Report for a full and detailed description of the
11 services, the boundaries of Street Lighting Zone 4, and the annual assessment to be levied
12 upon assessable lots and parcels within Street Lighting Zone 4 proposed to be annexed
13 into L&LMD No. 89-1-C.

14 Section 8. Public Hearing. The question of whether Street Lighting Zone 4 shall
15 be annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal
16 year 2003-2004 shall be considered at a public hearing (hereinafter the "Public Hearing") to
17 be held on September 9, 2003, at 10:00 a.m. at the meeting room of the Board of
18 Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside, California.

19 Section 9. Majority Protest. Each owner of property of record within Street
20 Lighting Zone 4 is to receive by mail a ballot that shall conform to the requirements of
21 Section 4 of Article XIID. The ballots are to be returned prior to the Public Hearing.
22 L&LMD No. 89-1-C shall not impose an assessment in Street Lighting Zone 4 if there is a
23 majority protest with regard to the annexation of Street Lighting Zone 4. A majority protest
24 exists if, upon the conclusion of the Public Hearing, the tabulation of the ballots submitted
25 in opposition to the annexation and levy of assessment of Street Lighting Zone 4 exceeds
26 the ballots in favor of the annexation and levy of assessment of Street Lighting Zone 4.

27 Section 10. Information. Any property owner desiring additional information
28 regarding Street Lighting Zone 4 of L&LMD No. 89-1-C, the Report, or the proposed

1 assessment shall contact Ms. Judy A. Watterlond, Principal Engineering Technician,
2 Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor,
3 Riverside, California, 92501 or by telephone at (909) 955-6829.

4 Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to
5 the annexation of Street Lighting Zone 4 into L&LMD No. 89-1-C shall be given consistent
6 with Section 22626 of the Streets and Highways Code and Section 4 of Article XIID. The
7 Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a
8 certified copy of this Resolution to be published once in The Press Enterprise at least ten
9 (10) days prior to the date of the Public Hearing on September 9, 2003. Publication of this
10 Resolution is to be effected by the Clerk of the Board of Supervisors of the County. Notice
11 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by
12 County Counsel, ballot and information sheets as required by Section 4 of Article XIID to
13 all owners of record of property within Street Lighting Zone 4 as shown on the last
14 equalized assessment roll of the County. Mailing is to be made by the Engineer and
15 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing
16 on September 9, 2003.

17 Section 12. Effective Date. This Resolution shall take effect from and after its date
18 of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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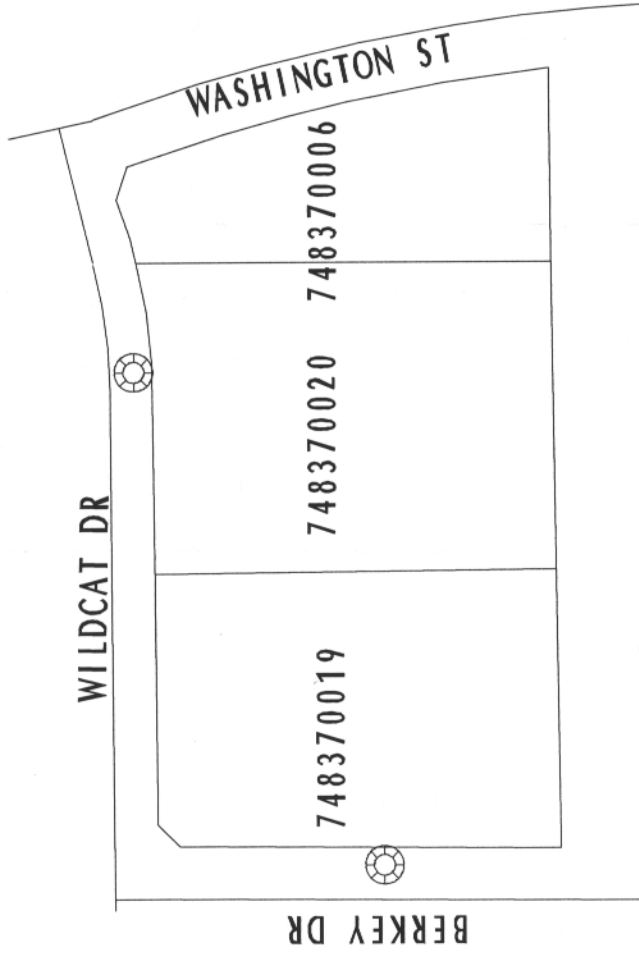
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 4
 PORTION OF SECTION 6, T.5S., R.7E.

PP 17611
 3 PARCELS



SCALE: 1" = 200'



⊗ DENOTES ENERGIZED STREETLIGHT

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MAY 27, 2003