

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

328



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
February 25, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 31.

RECOMMENDED MOTION: That the Board adopt the following Resolution No. 2004-109, a Resolution of the County of Riverside rescinding Resolution No. 2004-15 and declaring its intent to order the annexation of Zone 31 to 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; giving notice of and setting the time and place of the public hearing on the annexation of Zone 31, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

George A. Johnson
George A. Johnson
Director of Transportation

FORM APPROVED
COUNTY COUNSEL

FEB 25 2004

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	N/A	Budget Adjustment:
	Annual Net County Cost:	N/A	For Fiscal Year:

SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature *James L. Buford*

Dep't Recomm.: Consent
Per Exec. Ofc.: Consent
Policy: Policy

300 FEB 52 6N 1:00
COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

Prev. Agn. Ref.: | District: 3 | Agenda Number:

3.24

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 31.

February 25, 2004

Page 2 of 2

BACKGROUND: The Board initiated the annexation of Zone 31 into Landscaping and Lighting Maintenance District No. 89-1-C ("L&LM Dist. No. 89-1-C") by the adoption of Resolution Nos. 2004-14 and 2004-15 on January 13, 2004. Resolution No. 2004-15 set the date for the public hearing and mailed ballot election for March 2, 2004. The California Legislature has enacted AB No. 1521 (Chapter 824, Statutes 2003) that amended Section 1500 of the California Elections Code to provide that all mailed ballot elections held pursuant to Article XIID must be held on one of the following dates: (a) the first Tuesday after the first Monday in May of each year; (b) the first Tuesday after the first Monday in June of each even-numbered year; and (c) the last Tuesday in August of each year; consequently Resolution No. 2004-15 must be rescinded and the date for the public hearing and mailed ballot election must be set for May 4, 2004.

Zone 31 will fund the maintenance and servicing of landscaping improvements within public rights-of-way located northerly of Acacia Avenue in the Hemet area and includes 20 single-family residential units. The proposed budget for fiscal year 2004-05 for Zone 31 is \$5,000.00 and will result in an assessment for fiscal year 2004-05 of \$250.00 per parcel. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U, if any, as it stands as of March of each year over the base index for March of 2004.

Each property owner within proposed Zone 31 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution 2004-109 and an information sheet.

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 weighted ballots submitted in opposition of said annexation and levy, Zone 31 will be annexed into L&LM Dist. No. 89-1-C.

2
3 **RESOLUTION NO. 2004-109**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE**
5 **RESCINDING RESOLUTION NO. 2004-015 AND DECLARING ITS INTENT TO ORDER THE**
6 **ANNEXATION OF ZONE 31 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
7 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE**
8 **LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING**
9 **OF LANDSCAPING; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE**
10 **PUBLIC HEARING ON THE ANNEXATION OF ZONE 31; ORDERING A MAILED BALLOT**
11 **ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND BALLOT BE**
12 **MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION**

13 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the
14 County of Riverside (hereinafter the "County") has adopted Resolution No. 2004-014 on
15 January 13, 2004 initiating proceedings for the annexation of Zone 31 (hereinafter "Zone 31") as
16 shown and described in Exhibit A, which is attached hereto and incorporated herein, to
17 Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of
18 Riverside, State of California (hereinafter "L&LMD 89-1-C") pursuant to the Landscaping and
19 Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of
20 Division 15 of the California Streets and Highways Code (hereinafter the "Streets and Highways
21 Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the
22 proposed annexation of Zone 31 and the assessments to be levied within Zone 31 each fiscal
23 year beginning fiscal year 2004-05 for the maintenance of landscaping and irrigation facilities;
24 and

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

27 **WHEREAS**, the Board of Supervisors by Resolution No. 2004-14 directed the Director of
28 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 22608 and
22585 et. seq. of the Streets and Highways Code and Section 4 of Article XIID; and

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

WHEREAS, the Board of Supervisors on January 13, 2004, also adopted Resolution No.

1 2004-15 declaring its intent to annex Zone 31 to L&LMD 89-1-C and calling a mailed ballot
2 election and public hearing for March 2, 2004; and

3 **WHEREAS**, the California Legislature has enacted AB No. 1521 (Chapter 824, Statutes
4 2003) that amended Section 1500 of the California Elections Code to provide that all mailed
5 ballot elections held pursuant to Article XIID must be held on one of the following dates: (a) the
6 first Tuesday after the first Monday in May of each year; (b) the first Tuesday after the first
7 Monday in June of each even-numbered year; and (c) the last Tuesday in August of each year;
8 and

9 **WHEREAS**, the mailed ballot election date of March 2, 2004 specified in Resolution No.
10 2004-15 must be changed to May 4, 2004 to comply with Section 1500 of the California
11 Elections Code; and

12 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
13 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice,
14 pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public
15 hearing on said Report, the annexation of Zone 31, and the assessments to be levied on parcels
16 within Zone 31 beginning in fiscal year 2004-05;

17 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by
18 the Board of Supervisors in regular session assembled on March 2nd, 2004 as follows:

19 **Section 1. Rescission.** Resolution No. 2004-15 adopted on January 13, 2004 is
20 hereby rescinded.

21 **Section 2. Findings.** The Board of Supervisors, after reviewing the Report, finds that:
22 (a) The foregoing recitals are true and correct;
23 (b) The Report regarding the annexation of Zone 31 to L&LMD No. 89-1-C
24 contains all matters required by Section 22565 through 22574 of the Streets and Highways
25 Code and Section 4 of Article XIID and may, therefore, be approved by the Board of
26 Supervisors;

27 (c) The annual assessment to be levied in fiscal year 2004-05 on all parcels
28 within for Zone 31 proposed to be annexed into L&LMD No. 89-1-C will be \$250 per parcel.

Section 3. Intent. The Board of Supervisors hereby declares its intention to order the

1 annexation of Zone 31, as described in Exhibit A, to L&LMD No. 89-1-C, and to levy and collect
2 annual assessment on assessable lots and parcels of property within Zone 31 commencing with
3 the fiscal year 2004-05 as set forth in the Report. The Report expressly states that there are no
4 parcels or lots within Zone 31 that are owned by a federal, state or other local governmental
5 agency that will benefit from the services to be financed by the annual assessments. The
6 assessments will be collected at the same time and in the same manner as property taxes are
7 collected, and all laws providing for the collection and enforcement of property taxes shall apply
8 to the collection and enforcement of the assessments.

9 **Section 4. Boundaries.** All property within the boundaries of Zone 31 is proposed to
10 be annexed to L&LMD 89-1-C and shall include that property in the unincorporated territory of
11 the County as shown and described in Exhibit A.

12 **Section 5. Description of Services and Improvements to be Provided.** The
13 landscape maintenance service and improvements authorized for Zone 31 of L&LMD No. 89-1-
14 C are:

15 (a) The maintenance and servicing of landscaping within the public right-of
16 way, including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass and other
17 ornamental vegetation; and,

18 (b) The maintenance and servicing of irrigation and electrical facilities
19 associated with the landscaping, including but not limited to electricity for operation of the
20 irrigation system and water for irrigation.

21 **Section 6. Amount to be Levied.** The assessment to be levied upon each parcel that
22 benefits from the annexation in Zone 31 to L&LMD No. 89-1-C will be \$250.00 per parcel for
23 fiscal year 2004-05. As stated in the Report, the total budget for Zone 31 for fiscal year 2004-05
24 is \$5,000.00; there are 20 parcels that are to be assessed. The annual assessment will be
25 increased by the greater of two percent (2%) or the cumulative percentage increase, if any, in
26 the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-
27 Orange County California Standard Metropolitan Statistical area ("Index") published by the
28 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U
adjustment will be based on the cumulative increase, if any, in the Index as it stands on March

1 of each year over the base Index for March of 2004. Any increase larger than the greater of 2%
2 or the CPI-U annual adjustments requires a majority approval of all the property owners within
3 Zone 31. The Board of Supervisors will levy the assessment in each subsequent fiscal year
4 until the Board of Supervisors undertakes proceedings for the dissolution of Zone 31 of L&LMD
5 No. 89-1-C. The annual assessment will fund the services described in Section 5 of this
6 Resolution. For further particulars, reference is to be made to the Report on file in the Office of
7 the Clerk of the Board of Supervisors.

8 **Section 7. The Property to be Annexed.** The property to be annexed to L&LMD No.
9 89-1-C is Zone 31. The boundaries of Zone 31 are located within the unincorporated area of the
10 County and are described and shown in the Report and Exhibit A.

11 **Section 8. Report.** The Report, which is on file with the Clerk of the Board of
12 Supervisors and which has been presented to the Board of Supervisors, is hereby approved.
13 Reference is made to the Report for a full and detailed description of the services, the
14 boundaries of Zone 31, and the annual assessments to be levied upon assessable lots and
15 parcels within Zone 31 proposed to be annexed into L&LMD No. 89-1-C.

16 **Section 9. Public Hearing.** The question of whether Zone 31 shall be annexed to
17 L&LMD 89-1-C and an annual assessment levied beginning fiscal year 2004-05 shall be
18 considered at a public hearing (the "Public Hearing") to be held on May 4, 2004, at 9:30 a.m. at
19 the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
20 Riverside, California.

21 **Section 10. Majority Protest.** Each owner of record of property within Zone 31 is to
22 receive by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and
23 Section 4000 of the California Elections Code. The ballots are to be returned prior to the Public
24 Hearing. L&LMD 89-1-C shall not impose assessments on property within the boundaries of
25 Zone 31 if there is a majority protest with regard to the annexation of Zone 31. A majority
26 protest exists if, upon the conclusion of the Public Hearing, the tabulation of the ballots
27 submitted in opposition to the annexation and assessment of Zone 31 exceeds the ballots in
28 favor of the annexation and assessment of Zone 31.

Section 11. Information. Any property owner desiring additional information regarding

1 Zone 31 of L&LMD No. 89-1-C, the Report, or the proposed assessment shall contact Ms. Judy
2 A. Watterlond, Principal Engineering Technician, Transportation Department of the County of
3 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California 92501 or by telephone at (909)
4 955-6829

5 **Section 12. Notice of Public Hearing.** Notice of Public Hearing with regard to the
6 annexation of Zone 31 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
7 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
8 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution
9 to be published once in *The Press Enterprise* at least ten (10) days prior to the date of the
10 Public Hearing that is May 4, 2004. Publication of this Resolution is to be effected by the Clerk
11 of the Board of Supervisors of the County. Notice shall also be given by mailing, first-class,
12 postage prepaid, the notice, as prepared by County Counsel, ballot and information sheets as
13 required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all
14 owners of record of property within Zone 31 as shown on the last equalized assessment roll of
15 the County. Mailing is to be made by the Engineer and deposited with the U.S. Post Office at
16 least forty-five (45) days prior to the Public Hearing on May 4, 2004.

17 **Section 13. Effective Date.** This Resolution shall take effect from and after its date of
18 adoption.
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 31 proposed to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1-20 of Tract Map No. 26327, in the County of Riverside, State of California as shown on Map recorded in Map Book 340, Pages 81-82, inclusive, all Records of the Recorder, Riverside County, California.

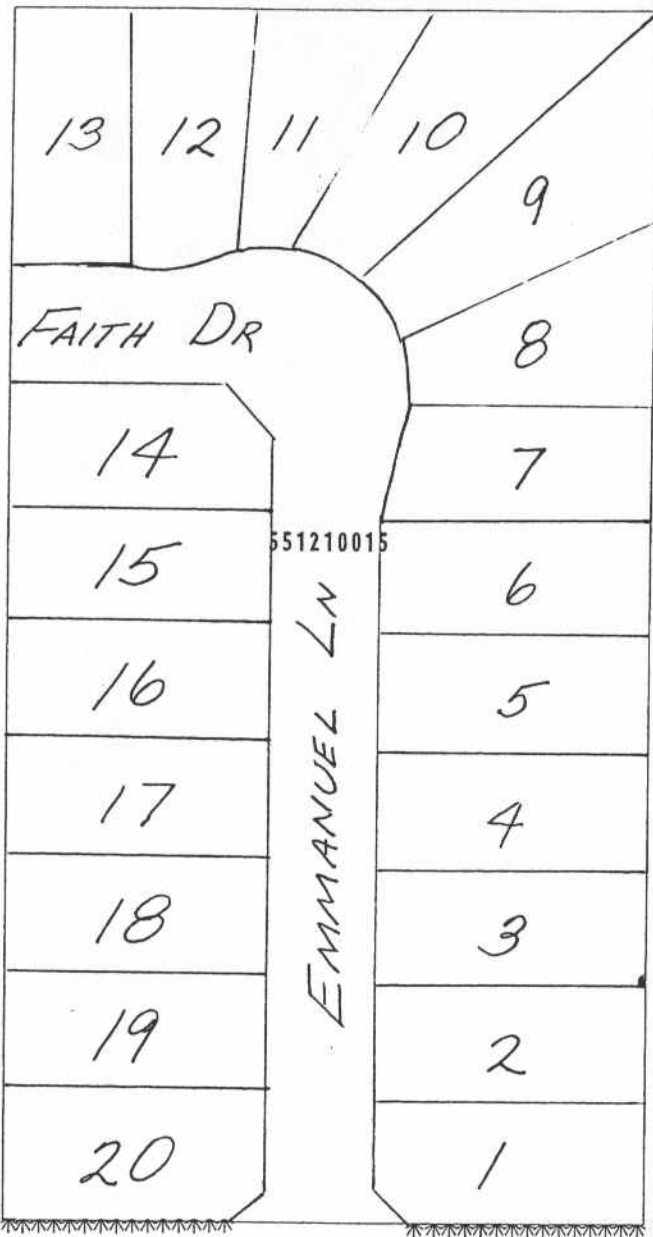
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED

ZONE 31

TRACT NO. 26327

20 PARCELS

PORTION OF SECTION 7, T.5S., R.1E.



SCALE: 1" = 100'

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY



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.

NOVEMBER 4, 2003