

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

366A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
April 26, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 11.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2004-211, a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 11 to 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 11.

Resolution No. 2004-212, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 11 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 street lights; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 11; 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**

APR 21 2004

BY [Signature]

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2004-2005

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

[Signature]

Consent Policy
 Dept't Recomm. Policy
 Per Exec. Ofc. Consent

300 V66 SB VHT-1P
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: **District: 5** **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.40

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 11.

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BACKGROUND: Adoption of Resolution No. 2004-211 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 11 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2004-212 declares the Board's intention of ordering the annexation of Street Lighting Zone 11 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 11 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located northerly of State Highway 74 in the Homeland area and includes 1 commercial parcel totaling 4.56 acres.

The proposed budget of fiscal year 2004-05 for Street Lighting Zone 11 is \$205.00 that will result in an assessment for fiscal year 2004-05 within Street Lighting Zone 11 of \$44.96 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 2004.

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 9:30 a.m. on June 22, 2004 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 11 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2004-212 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 ballots submitted in opposition of said annexation and levy, Street Lighting Zone 11 will be annexed to L&LM District No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 11 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on June 22, 2004.

2 RESOLUTION NO. 2004-211

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4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 11 TO LANDSCAPING**
6 **AND LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF**
7 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER’S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the Board of Supervisors”) of the County of
10 Riverside (hereinafter the “County”) has been advised by the Transportation Department (hereinafter
11 “Department”) of the County that said Department has received an application from the owner (the
12 “Applicant”) of all of the property in the unincorporated area of the County (hereinafter “Street Lighting
13 Zone 11”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to
14 be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
15 “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of Supervisors has
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Street
17 Lighting Zone 11 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2
18 (commencing with Section 22500) of Division 15 of Streets and Highways Code (hereinafter,
19 respectively, the “Act” and the “Street and Highways Code”); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 11; and

23 **WHEREAS**, the Applicant has executed a “Waiver and Consent Regarding Date of
24 Assessment Ballot Election” allowing for the election to be held on June 22, 2004; and

25 **WHEREAS**, the Director of the Transportation Department, or his designee, is a licensed and
26 registered civil engineer, 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

1 annexation of Street Lighting Zone 11 to L&LMD No. 89-1-C.

2 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
3 Board of Supervisors of the County of Riverside assembled in regular session on May 4, 2004 as
4 follows:

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

7 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street
8 Lighting Zone 11 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
9 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 11
10 to pay the costs of the following service:

11 (a) Providing electricity to all 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 11 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown
15 and described in Exhibit "A".

16 **Section 4. Report.** The Director of the Transportation Department of the County, or
17 his designee, is hereby designated Engineer and is ordered to prepare and file a report with the Clerk
18 of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and
19 Highways Code and Section 4 of Article XIID of the California Constitution regarding said annexation
20 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 11 to be annexed into Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 457350002 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 11

PORTION OF SECTION 7, T.5S., R.2W.

PP NO. 16103

1 PARCEL

EL TECOLOTE RD

SULTANAS RD



SCALE: 1" = 100'

457350002



SH-74



 DENOTES ENERGIZED STREETLIGHT



ASSESSMENT DIAGRAM

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.

FEBRUARY 11, 2004