

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

442A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 3, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 3 to Zone 21.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2004-226, a Resolution of the County of Riverside initiating proceedings for the annexation of Location 3 to Zone 21 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 3.

Resolution No. 2004-227, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 3 to Zone 21 of 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 equestrian trails; giving notice of and setting the time and place of the public hearing on the annexation of Location 3, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

FORM APPROVED
COUNTY COUNSEL
MAY 03 2004

George A. Johnson
George A. Johnson
Director of Transportation

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
Jennifer S. Bryant

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

300PHVA -2 VMI: 30
 RECEIVED MAY 10 2004
 COUNTY OF RIVERSIDE

Prev. Agn. Ref.: | **District: 2** | **Agenda Number:**

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

3.40

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Location 3 to Zone 21.

May 3, 2004
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2004-226 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 3 to Zone 21 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2004-227 declares the Board's intention of ordering the annexation of Location 3 to Zone 21 of L&LM District No. 89-1-C. Annexation of Location 3 to Zone 21 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and equestrian trail improvements within public rights of way located southerly of Galena Street and easterly of Riverside County Flood Control District-San Sevaine Channel in the Mira Loma area and includes 6 single-family residential parcels.

The proposed budget of fiscal year 2004-05 for Location 3 is \$835.00 that will result in an assessment for fiscal year 2004-05 within Location 3 of \$139.16 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.

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 29, 2004 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 3 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2004-227 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, Location 3 will be annexed to Zone 21 of L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Location 3 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 29, 2004.

RESOLUTION NO. 2004-226

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF LOCATION 3 TO ZONE 21 OF 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 an application from the owner (the “Applicant”) of all of the property within the unincorporated area of the County (hereinafter “Location 3”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to be annexed to Zone 21 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter, respectively, “Zone 21” and “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 Location 3 to Zone 21 of L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 29500) of Division 15 of Streets and Highways Code (hereinafter, respectively, the “Act” and the “Street and Highways Code”); and

WHEREAS, such proceedings shall comply with the requirements of Article XIIIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Location 3 of Zone 21; and

WHEREAS, the Applicant has executed a “Waiver and Consent Regarding Date of Assessment Ballot Election” allowing for the election to be held on June 29, 2004; and

WHEREAS, the Director of the Transportation Department, or his designee, is a licensed and 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

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of
2 Location 3 to Zone 21 of L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
4 Board of Supervisors of the County of Riverside assembled in regular session on May 11, 2004 as
5 follows:

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

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Location 3 to
9 Zone 21 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act
10 for the purpose of levying an annual assessment on all parcels within Location 3 to pay the costs of
11 the following services:

- 12 (a) The maintenance and servicing of landscaping and equestrian trails within the
13 public right-of-way, including the trimming, fertilizing, weeding and replanting of
14 trees, shrubs, grass, and other ornamental vegetation; and
15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation.

18 **Section 3. Boundaries and Designation.** The boundaries of Location 3 that
19 is proposed to be annexed to Zone 21 of L&LMD No. 89-1-C shall include all of the property as shown
20 and described in Exhibit "A".

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

26 **Section 5. Effective Date.** This Resolution shall take effect from and after its

1 | date of adoption.

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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

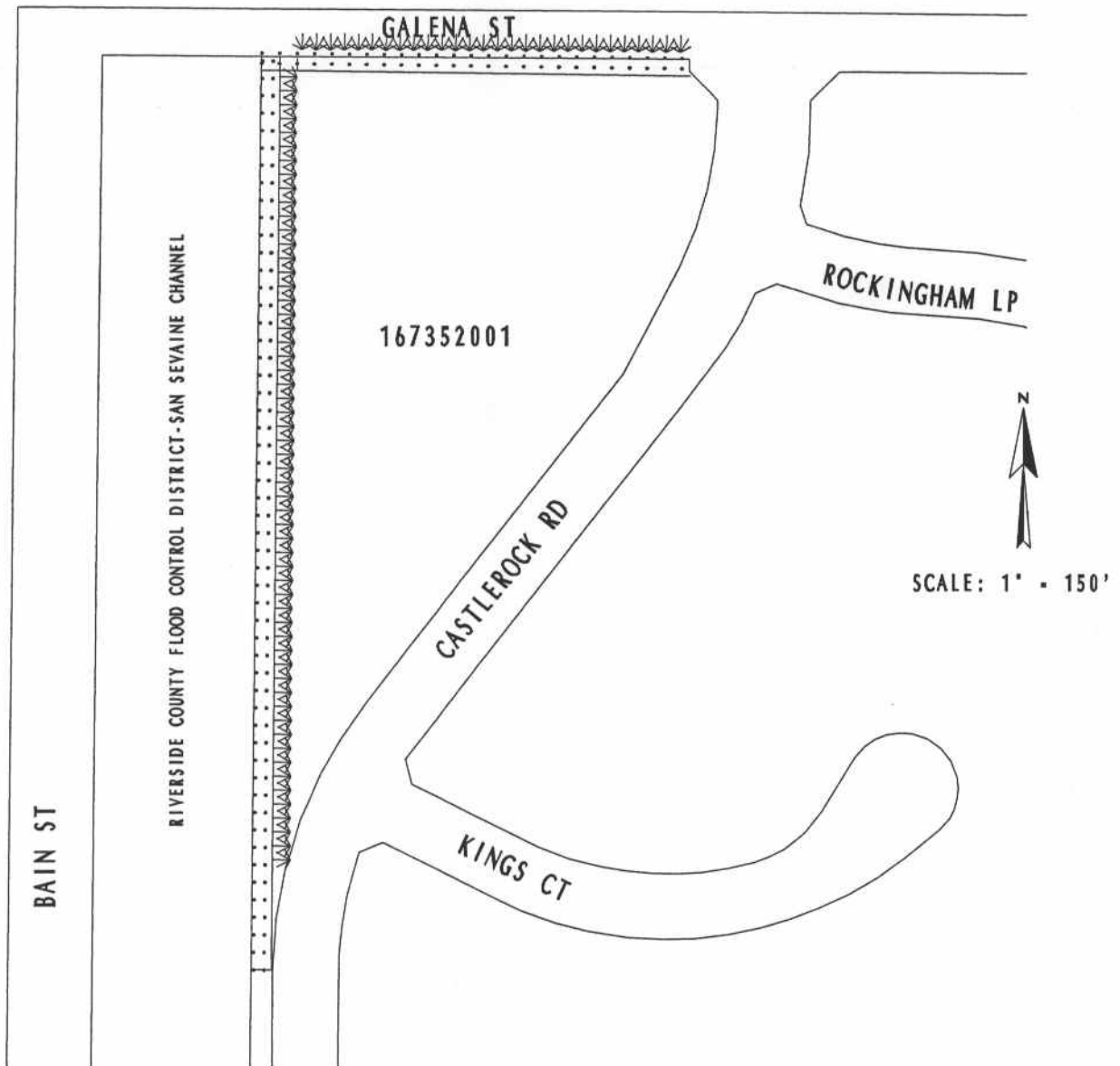
The boundaries of Location 3 proposed to be annexed to Zone 21 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 6 as shown on Tract Map No. 28808 in the County of Riverside, State of California.

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

LOCATION 3, ZONE 21

PORTION OF SECTION 15, T.2S., R.6W.
TRACT MAP NO. 28808
6 PARCELS



 DENOTES LANDSCAPED AND MAINTAINED PARKWAY
 DENOTES MAINTAINED EQUESTRIAN TRAIL

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.

APRIL 27, 2004