

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

443 A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 3, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 38.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2004-228, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 38 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 38.

Resolution No. 2004-229, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 38 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 Zone 38, 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 13 2004

BY *[Signature]*

[Signature]
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
[Signature]

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

3007 MAY -2 - 11:30
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: ATTACHMENTS FILED WITH THE CLERK OF THE BOARD | **District:** 3 | **Agenda Number:**

3.41

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 38.

May 3, 2004
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2004-228 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 38 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2004-229 declares the Board's intention of ordering the annexation of Zone 38 of L&LM District No. 89-1-C. Annexation of Zone 38 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 Rouse Rd.; westerly of Murrieta Rd.; northerly of Thornton Ave.; northeasterly of Valley Blvd.; easterly and westerly of Geary St.; easterly and westerly of Skyward Tr.; westerly of Amber Rock; and northerly and southerly of Turfwood St. in the Sun City area and includes 241 single-family residential parcels.

The proposed budget of fiscal year 2004-05 for Zone 38 is \$30,000.00 that will result in an assessment for fiscal year 2004-05 within Zone 38 of \$124.48 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 Zone 38 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2004-229 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, Zone 38 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 38 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. 2004-228

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 38 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 “Zone 38”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to be annexed to 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 Zone 38 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 XIID 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 Zone 38; 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 to serve as the engineer (hereinafter the “Engineer”) for the County with regard to the annexation of

1 Zone 38 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 11, 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 Zone 38 of
8 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
9 purpose of levying an annual assessment on all parcels within Location 3 to pay the costs of the
10 following services:

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

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 38 that is
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
19 described in Exhibit "A".

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

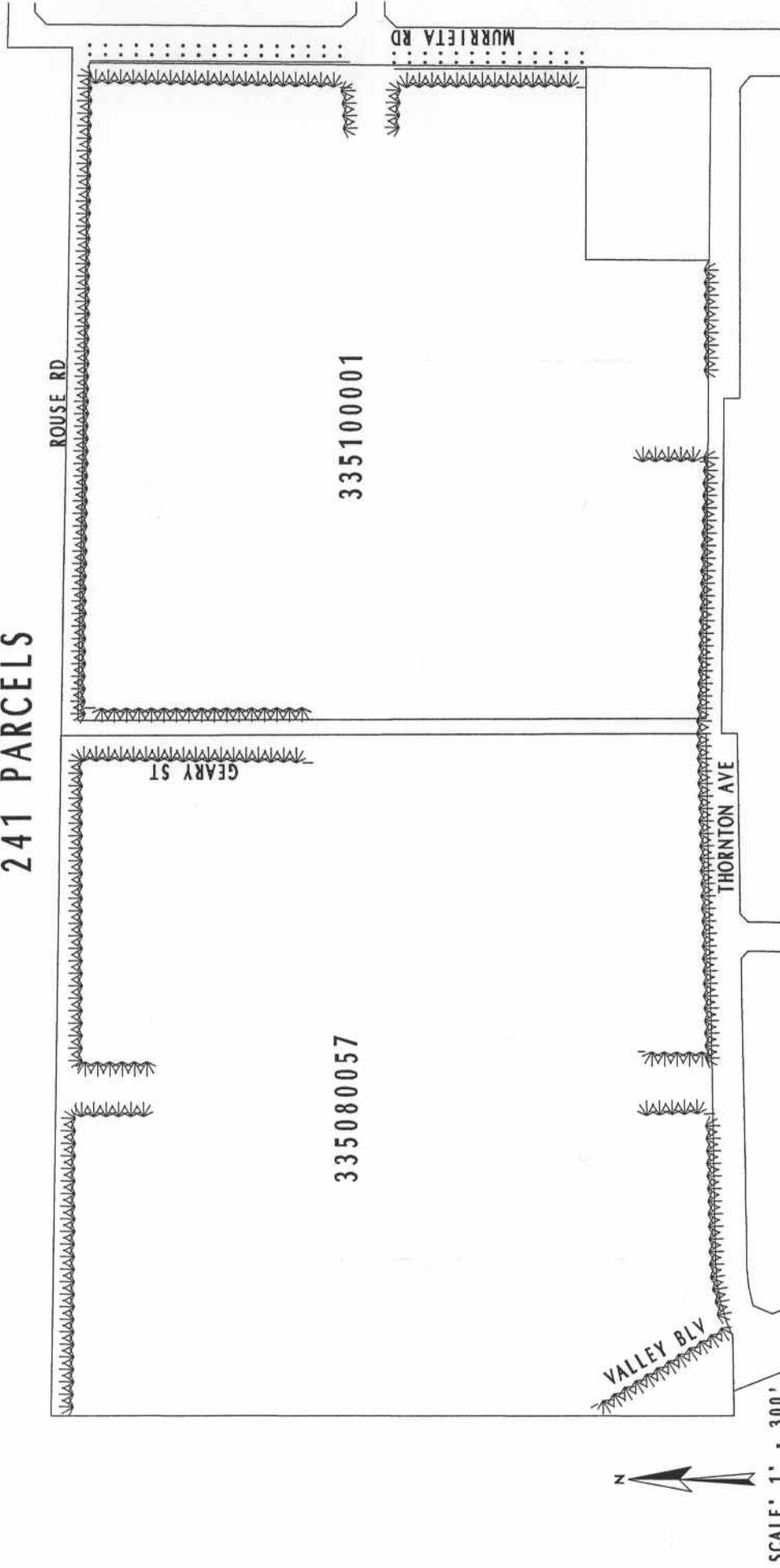
25 **Section 5. Effective Date.** This Resolution shall take effect from and after its
26 date of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 38 proposed to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 51 as shown on Tract Map No. 28504 and Lots 1 through 65 as shown on Tract Map No. 28504-1 and Lots 1 through 62 as shown on Tract Map No. 28504-2 and Lots 1 through 58 as shown on Tract Map No. 28504-3 in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 38
 PORTION OF SECTION 20, T.5S., R.3W.
 TRACT MAP NOS. 28504, 28504-1, 28504-2 & 28504-3
 241 PARCELS



 DENOTES LANDSCAPED AND MAINTAINED PARKWAY
 : : : : : DENOTES MAINTAINED EQUESTRIAN TRAIL

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

ASSESSMENT DIAGRAM