

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



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 10, 2004

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

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2004-251, Resolution of the County of Riverside confirming the diagram and assessment for Zone 11 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and levying assessments on all assessable lots and parcels of land therein for fiscal year 2004-05.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund of Fund 20300 to receive deposits and interest thereon from Zone 11 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

FORM APPROVED
COUNTY COUNSEL

MAY 09 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 *Janice L. Bryant*

Dept't Recomm.: Consent

Per Exec. Ofc.: Consent

Policy X

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 11.
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Page 2 of 2

BACKGROUND:

On May 4, 2004, a public hearing was held to receive all testimony regarding the annexation of Zone 11 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM Dist. No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the ballots that had been received prior to the close of the hearing. The ballots were to be tabulated on May 5, 2004 at 10:00 a.m. in Conference Room B on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 125 parcels out of a possible 125 parcels were cast, and that 125 votes (or 100%) were cast in favor of the annexation of Zone 11 of L&LM Dist. No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2004-251 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2004-05 for Zone 11 of L&LM Dist. No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2004-05.

RESOLUTION NO. 2004-251

**RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING THE ANNEXATION OF
ZONE 11 INTO LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND
CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 11
OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS
OF LAND THEREIN FOR THE FISCAL YEAR 2004-05**

WHEREAS, on March 16, 2004, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County"), adopted Resolution No. 2004-125, pursuant to Section 22608 and Section 22585 et. seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Zone 11 into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on May 4, 2004 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and ballots be mailed to all owners of property within Zone 11 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2004-125, Section 22608 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and ballots were timely mailed to all owners of property within said Zone 11 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 4, 2004, as set forth in Resolution No. 2004-125, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his/her designee, as an impartial person having no vested interest in the annexation of Zone 11 into L&LM Dist. No. 89-1-C

1 as required by Section 53753(e) of the Government Code to tally the ballots that had been received
2 prior to the close of the public hearing; and

3 WHEREAS, the tally of the ballots show that ballots were timely received from the owners of
4 125 parcels out of a possible 125 parcels and that 125 parcels (100 percent of the ballots received)
5 voted in favor of annexation of Zone 11 into L&LM Dist. No. 89-1-C and the levy of an annual
6 assessment in said Zone 11 beginning fiscal year 2004-05; and

7 WHEREAS, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board, and the adoption of such a resolution shall constitute the levy of
10 an assessment on all assessable lots and parcels of land within Zone 11 of L&LM Dist. No. 89-1-C
11 beginning fiscal year 2004-05.

12 NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board
13 of Supervisors of the County in regular session on May 18, 2004 as follows:

14 Section 1. Findings. The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct.
- 16 (b) compliance has been had with all the requirements of the Landscaping and Lighting Act
17 of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and
18 Highways Code, and Sections 52753 and 54954.6 of the Government Code;
- 19 (c) a majority protest to the annexation of and annual assessment of Zone 11 of L&LM Dist.
20 No. 89-1-C has not been filed.
- 21 (d) the tally of the mailed ballots timely received was 100 percent voted in favor of the
22 annexation of Zone 11 into L&LM Dist. No. 8-1-C and the levy of an annual assessment
23 beginning fiscal year 2004-05, and 0 percent voted no;
- 24 (e) the Board of Supervisors may proceed to adopt a resolution ordering the annexation of
25 Zone 11 into L&LM Dist. No. 89-1-C;
- 26

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the diagram and
2 assessment for Zone 11 of L&LM Dist. No. 89-1-C either as originally proposed or as
3 changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within Zone 11
5 of L&LM Dist. No. 89-1C for the installation, maintenance and servicing of landscaping
6 improvements in said Zone 11 during the fiscal year 2004-05 as contained in the report of
7 the Director of Transportation which is on file with the Clerk of the Board of Supervisors
8 (hereinafter the "Report") are based on benefits derived by such lots and parcels from
9 the availability of such landscaping improvements, and are not based upon the
10 ownership of such lots and parcels.

11 Section 2. Annexation. Zone 11, as proposed to be annexed into L&LM Dist. No. 89-1-C,
12 includes all the property subject to Tract Maps 25012 and 25012-1 in the County of Riverside, State of
13 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LM Dist. No. 89-
14 1-C.

15 Section 3. Improvements. The improvements authorized for Zone 11 of L&LM Dist. No. 89-
16 1-C are:

- 17 (a) installation and planting of landscaping, including trees, shrubs, grass and other
18 ornamental vegetation;
19 (b) installation of irrigation and electrical facilities;
20 (c) maintenance or servicing of any of the foregoing.

21 Section 4. Confirmation of Report. The Report and the assessment diagram and the
22 assessment of estimated costs for the installation, maintenance and servicing of landscaping
23 improvements in Zone 11 of L&LM Dist. No. 89-1-C for fiscal year 2004-05 as contained in the Report
24 are confirmed.

25 Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways
26 Code, the adoption of this resolution constitutes the levy of the assessment for the installation, and

1 maintenance or servicing of landscaping improvements in Zone 11 of L&LM Dist. No. 89-1-C during
2 fiscal year 2004-05, as contained in the Report, and such assessment is levied. The Clerk of the Board
3 of Supervisors is directed to file a certified copy of this resolution, together with the diagram and
4 assessment contained in the Report with the County Auditor of the County of Riverside, who, pursuant
5 to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each
6 lot or parcel of land the amount assesses thereupon, as shown in said assessment.

7 Section 6. Effective Date. This Resolution shall take effect from and after its date of
8 adoption.

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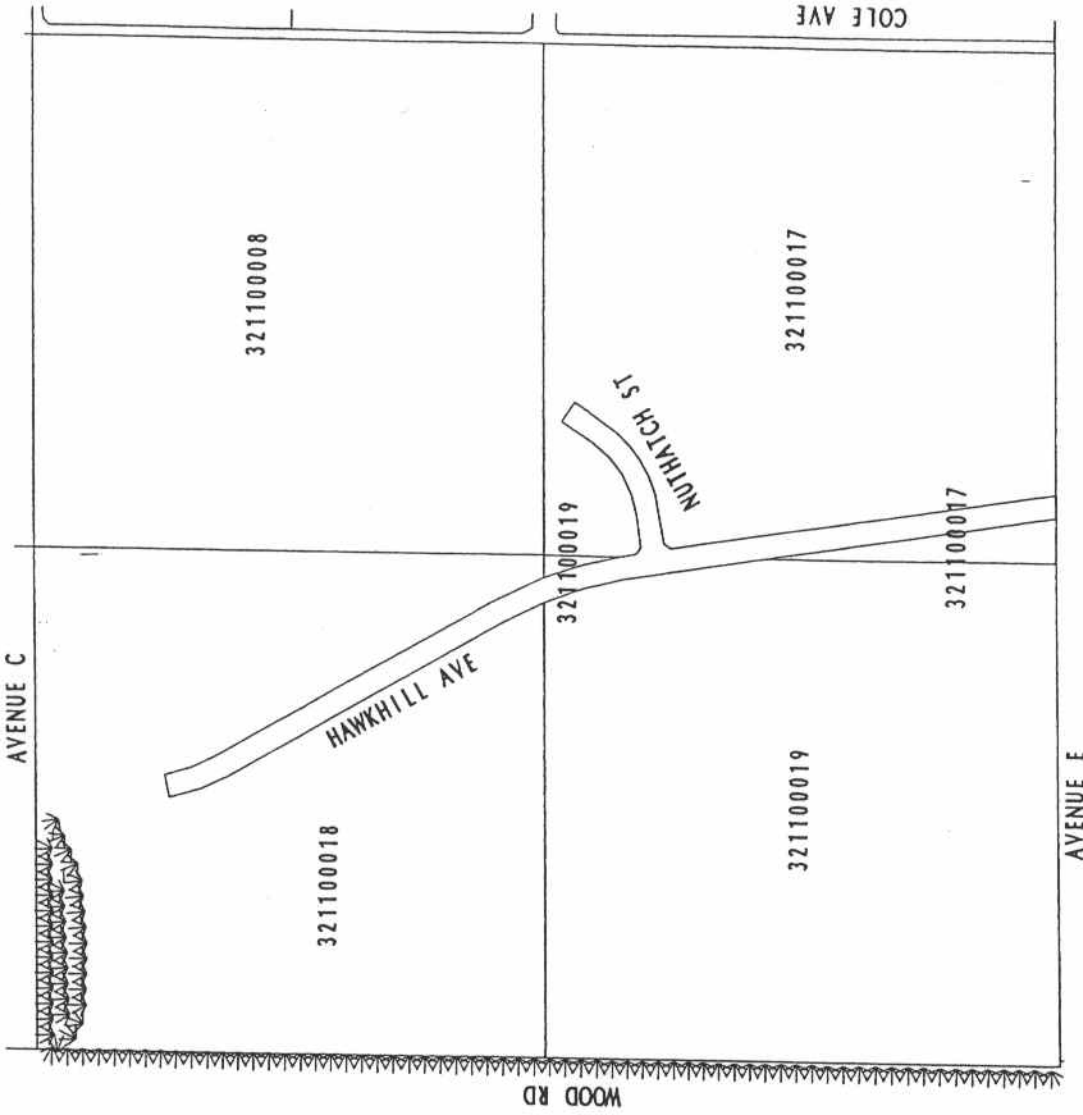
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 11 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 through 91 as shown on Tract Map No. 25012 and Lots 1 through 34 as shown on Tract Map No. 25012-1 in the County of Riverside, State of California.

ZONE 11 ASSESSMENT DIAGRAM



SCALE: 1" = 500'



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.

MARCH 4, 2004

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

TRACT NOS. 25012-1 & 25012
125 PARCELS
PORTION OF SECTION 5, T.4S., R.4W.