

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

555A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:

May 10, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 9.

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2004-250, Resolution of the County of Riverside confirming the diagram and assessment for Street Lighting Zone 9 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 Street Lighting Zone 9 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

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. ...

FORM APPROVED
COUNTY COUNSEL

MAY 09 2004

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

3.34

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
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May 10, 2004

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BACKGROUND:

On May 4, 2004, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 9 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 6 parcels out of a possible 9 parcels were cast, and that 6 votes (or 100%) were cast in favor of the annexation of Street Lighting Zone 9 of L&LM Dist. No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2004-250 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2004-05 for Street Lighting Zone 9 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. 2004-250

RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 9 INTO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 9 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 2004-2005

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. 2004-131, 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 Street Lighting Zone 9 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 Street Lighting Zone 9 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2004-131, 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 Street Lighting Zone 9 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 4, 2004, as set forth in Resolution No. 2004-131, 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 Street Lighting Zone 9 into L&LM

1 Dist. No. 89-1-C as required by Section 53753(e) of the Government Code to tally the ballots that had
2 been received 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 6
4 parcels out of a possible 9 parcels and that 6 parcels (100% percent of the ballots received) voted in
5 favor of annexation of Street Lighting Zone 9 into L&LM Dist. No. 89-1-C and the levy of an annual
6 assessment in said Street Lighting Zone 9 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 Street Lighting Zone 9 of L&LM Dist.
11 No. 89-1-C 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 Street Lighting Zone 9
20 of L&LM Dist. 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 Street Lighting Zone 9 into L&LM Dist. No. 8-1-C and the levy of an annual
23 assessment 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 Street Lighting Zone 9 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 Street Lighting Zone 9 of L&LM Dist. No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within Street
5 Lighting Zone 9 of L&LM Dist. No. 89-1C for the provision of electricity to all streetlights
6 in said Street Lighting Zone 9 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 streetlights, and are not based upon the ownership of such lots
10 and parcels.

11 Section 2. Annexation. Street Lighting Zone 9, as proposed to be annexed into L&LM Dist.
12 No. 89-1-C, includes all the property subject to Parcel Map No. 29954 in the County of Riverside, State
13 of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LM Dist. No.
14 89-1-C.

15 Section 3. Improvements. The improvements authorized for Street Lighting Zone 9 of L&LM
16 Dist. No. 89-1-C are:

17 (a) provision of electricity to all streetlights within the public right-of way including incidental
18 costs and expenses.

19 Section 4. Confirmation of Report. The Report and the assessment diagram and the
20 assessment of estimated costs for the provision of electricity to all streetlights in Street Lighting Zone 9
21 of L&LM Dist. No. 89-1-C for fiscal year 2004-05 as contained in the Report are confirmed.

22 Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways
23 Code, the adoption of this resolution constitutes the levy of the assessment for the provision of
24 electricity to all streetlights in Street Lighting Zone 9 of L&LM Dist. No. 89-1-C during fiscal year 2004-
25 05, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is
26 directed to file a certified copy of this resolution, together with the diagram and assessment contained

1 in the Report with the County Auditor of the County of Riverside, who, pursuant to Section 22645 of the
2 Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the
3 amount assesses thereupon, as shown in said assessment.

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

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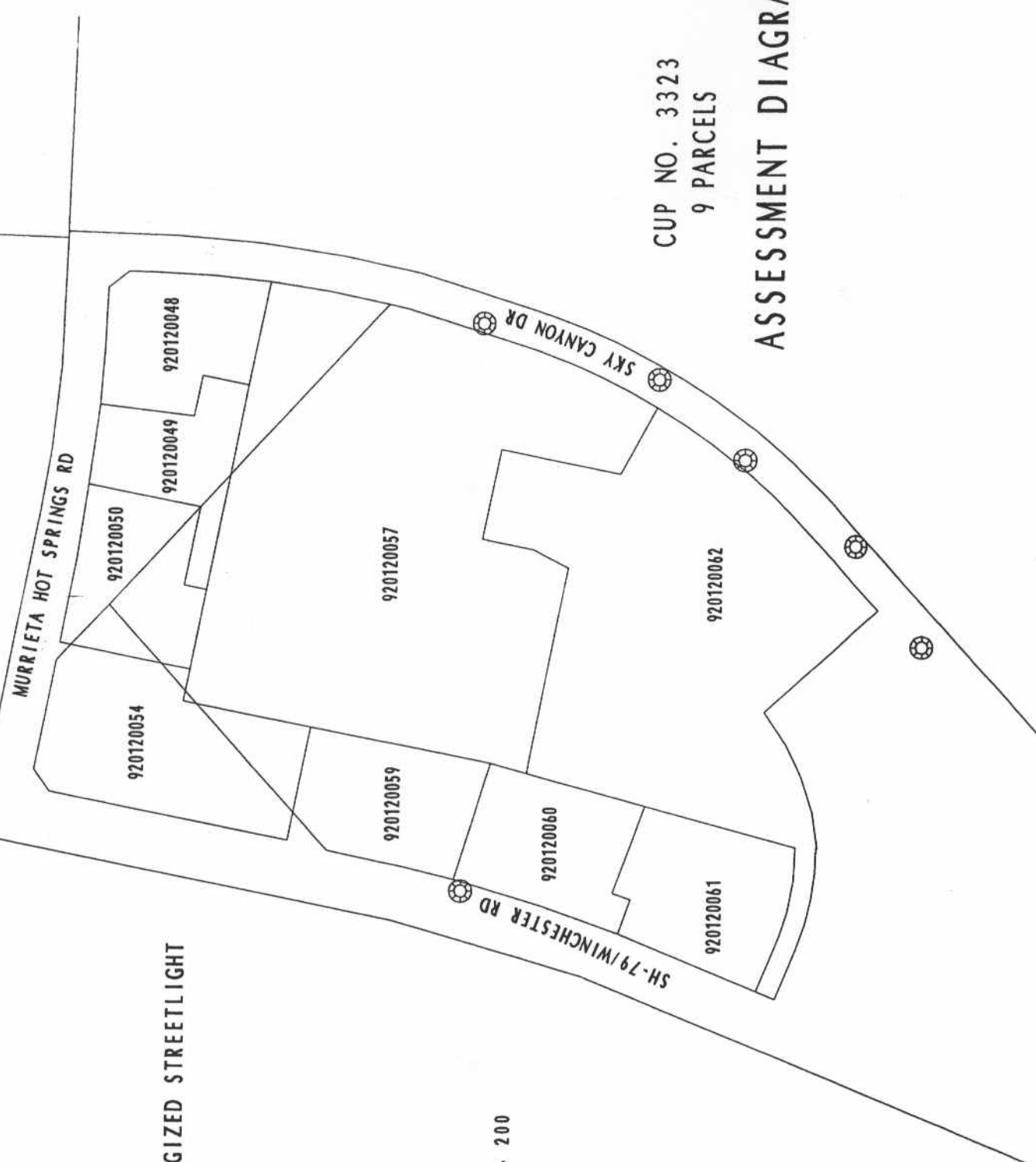
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Street Lighting Zone 9 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 9 as shown on Parcel Map No. 29954 on file in Book 203, Pages 59 through 62 of Parcel Maps in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 9
PORTION OF SECTION 24, T.7S., R.3W.



⊗ DENOTES ENERGIZED STREETLIGHT



SCALE: 1" = 200'

CUP NO. 3323
9 PARCELS

ASSESSMENT DIAGRAM