

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

376 A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:

July 2, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 35 to Zone 3.

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2004-338, Resolution of the County of Riverside confirming the diagram and assessment for Location 35 of Zone 3 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 20302 to receive deposits and interest thereon from Location 35 of Zone 3 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

JUN 30 2004

BY *[Signature]*

Juan C. Perez
Deputy Director of Transportation

[Signature] FOR

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]*

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

COUNTY OF RIVERSIDE
 CLERK OF SUPERVISORS
 RECEIVED
 JUNE 29 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 35 to Zone 3.

July 2, 2004

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BACKGROUND:

On June 22, 2004, a public hearing was held to receive all testimony regarding the annexation of Location 35 to Zone 3 of 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 assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on June 23, 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 140 parcels out of a possible 140 parcels were cast, and that 140 votes (or 100%) were cast in favor of the annexation of Location 35 to Zone 3 of L&LM Dist. No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2004-338 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2004-05 for Location 35 of Zone 3 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. 2004-338

RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING THE ANNEXATION OF LOCATION 35 TO ZONE 3 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LOCATION 35 OF ZONE 3 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 May 4, 2004, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County"), adopted Resolution No. 2004-182, 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 Location 35 to Zone 3 of 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 June 22, 2004 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Location 35 of Zone 3 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2004-182, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Location 35 of Zone 3 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on June 22, 2004, as set forth in Resolution No. 2004-182, 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 Location 35 to Zone 3 of L&LM Dist.

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 WHEREAS, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owners of 140 parcels out of a possible 140 parcels and that 140 parcels (100
5 percent of the assessment ballots received) voted in favor of annexation of Location 35 to Zone 3 of
6 L&LM Dist. No. 89-1-C and the levy of an annual assessment in said Location 35 beginning fiscal year
7 2004-05; and

8 WHEREAS, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
9 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
10 proposed, or as changed by the Board, and the adoption of such a resolution shall constitute the levy of
11 an assessment on all assessable lots and parcels of land within Location 35 of Zone 3 of L&LM Dist.
12 No. 89-1-C beginning fiscal year 2004-05.

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

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

- 16 (a) the proceeding recitals are correct;
- 17 (b) compliance has been had with all the requirements of the Landscaping and Lighting Act
18 of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and
19 Highways Code, and Sections 53753 and 54954.6 of the Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Location 35 of Zone 3
21 of L&LM Dist. No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in favor of the
23 annexation of Location 35 to Zone 3 of L&LM Dist. No. 8-1-C and the levy of an annual
24 assessment beginning fiscal year 2004-05, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the annexation
26 of Location 35 to Zone 3 of L&LM Dist. No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the diagram and
2 assessment for Location 35 of Zone 3 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 Location
5 35 of Zone 3 of L&LM Dist. No. 89-1C for the installation, maintenance and servicing of
6 landscaping improvements in said Location 35 during the fiscal year 2004-05 as
7 contained in the report of the Director of Transportation which is on file with the Clerk of
8 the Board of Supervisors (hereinafter the "Report") are based on benefits derived by
9 such lots and parcels from the availability of such landscaping improvements, and are
10 not based upon the ownership of such lots and parcels.

11 Section 2. Annexation. Location 35, as proposed to be annexed to Zone 3 of L&LM Dist.
12 No. 89-1-C, includes all the property subject to Tract Map No. 29607 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 Location 35 of Zone 3 of L&LM
16 Dist. No. 89-1-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 Location 35 of Zone 3 of L&LM Dist. No. 89-1-C for fiscal year 2004-05 as contained
24 in the Report 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 Location 35 of Zone 3 of L&LM Dist. No. 89-
2 1-C during fiscal year 2004-05, as contained in the Report, and such assessment is levied. The Clerk of
3 the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram
4 and assessment contained in the Report with the County Auditor-Controller of the County of Riverside,
5 who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll
6 opposite each 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.

EXHIBIT "A"

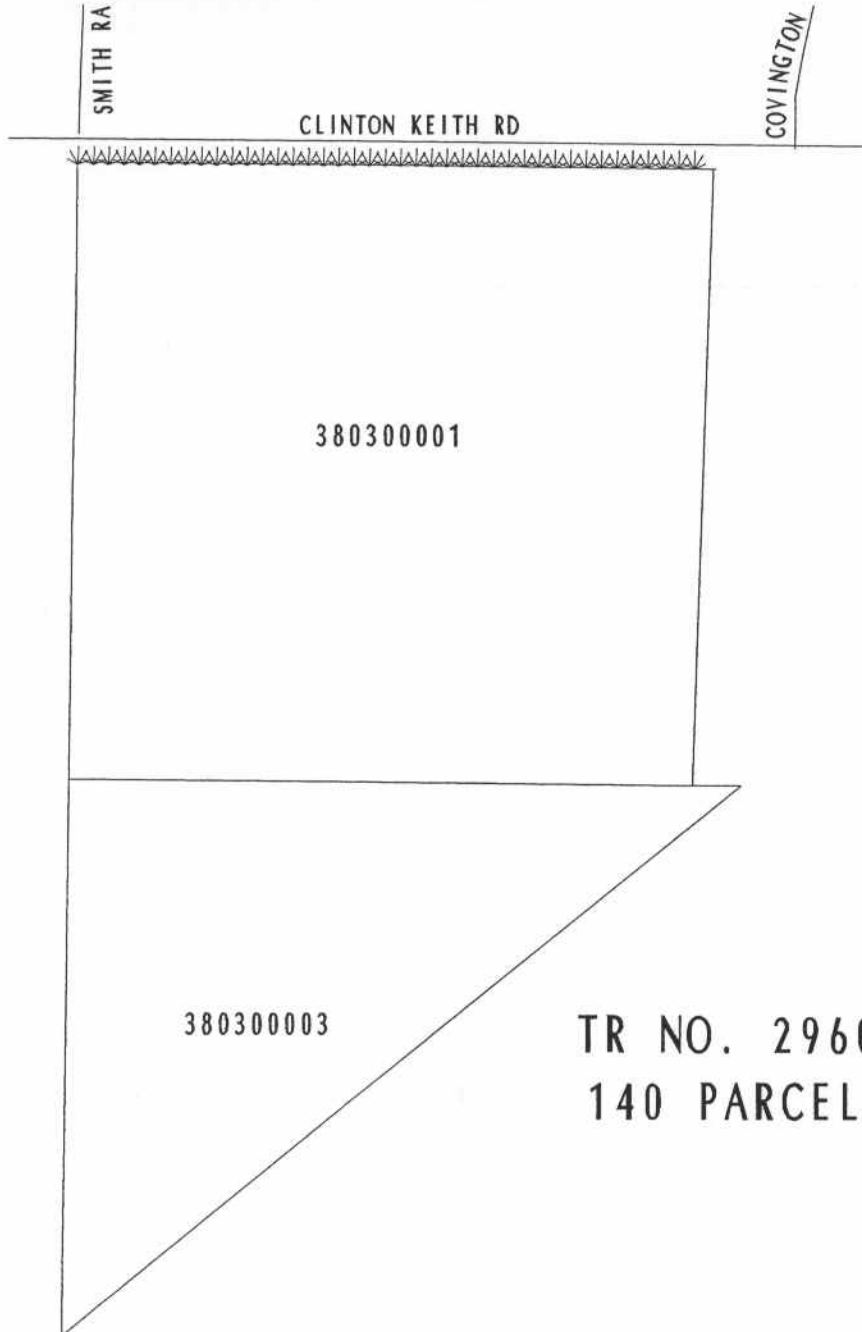
DESCRIPTION OF BOUNDARIES

The boundaries of Location 35 proposed to be annexed to Zone 3 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 140 as shown on Tract Map No. 29607 in the County of Riverside, State of California.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 3

LOCATION 35
PORTION OF SECTION 5, T.7S., R.3W.



SCALE: 1" = 400'

TR NO. 29607
140 PARCELS

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY



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 1, 2004