

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

532A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:

October 18, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 37.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2004-470, a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 37 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 37.

Resolution No. 2004-471, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 37 to 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 street lights; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 37, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

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:	2004-05

SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated

Positions To Be Deleted Per A-30

Requires 4/5 Vote

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

Jennifer Bayart

FORM APPROVED
COUNTY COUNSEL

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

Prev. Agn. Ref.: District: 3 Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.45

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 37.

October 18, 2004
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BACKGROUND: Adoption of Resolution No. 2004-470 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 37 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2004-471 declares the Board's intention of ordering the annexation of Street Lighting Zone 37 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 37 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-ways westerly of Van Gaale Lane and southerly of Benton Road in the Murrieta area and includes 1 parcel totaling 9.21 acres.

The proposed budget of fiscal year 2005-06 for Street Lighting Zone 37 is \$518.00 that will result in an assessment for fiscal year 2005-06 within Street Lighting Zone 37 of \$56.24 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2005.

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 December 14, 2004 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 37 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2004-471 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, Street Lighting Zone 37 will be annexed to L&LM District No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 37 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 December 14, 2004.

2 RESOLUTION NO. 2004-470

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4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 37 TO LANDSCAPING**
6 **AND LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF**
7 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER’S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the Board of Supervisors”) of the County of
10 Riverside (hereinafter the “County”) has been advised by the Transportation Department (hereinafter
11 “Department”) of the County that said Department has received an application from the owner (the
12 “Applicant”) of all of the property in the unincorporated area of the County (hereinafter “Street Lighting
13 Zone 37”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to
14 be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
15 “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of Supervisors has
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Street
17 Lighting Zone 37 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2
18 (commencing with Section 22500) of Division 15 of Streets and Highways Code (hereinafter,
19 respectively, the “Act” and the “Street and Highways Code”); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 37; and

23 **WHEREAS**, the Applicant has executed a “Waiver and Consent Regarding Date of
24 Assessment Ballot Election” allowing for the election to be held on December 14, 2004; and

25 **WHEREAS**, the Director of the Transportation Department, or his designee, is a licensed and
26 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

1 annexation of Street Lighting Zone 37 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 October 26,
4 2004 as 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 Street
8 Lighting Zone 37 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
9 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 37
10 to pay the costs of the following service:

11 (a) Providing electricity to all streetlights within the public right-of-way, including
12 incidental costs and expenses.

13 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting Zone
14 37 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown
15 and described in Exhibit "A".

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

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

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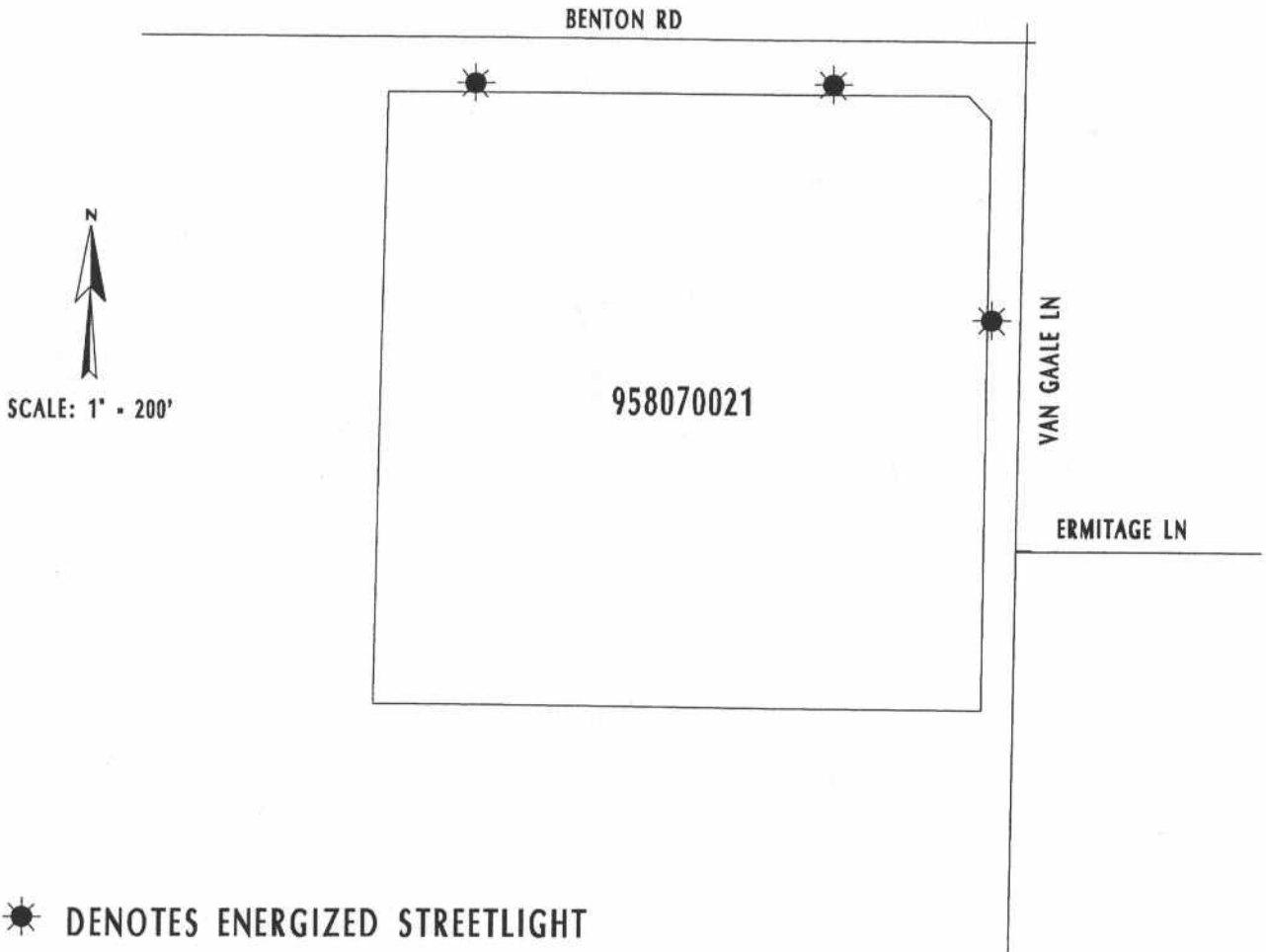
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 37 to be annexed into Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 958070021 as shown on the Assessment Roll in the County of Riverside, State of California for fiscal year 2004-2005.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 37
PORTION OF SECTION 5, T.7S.,R.2W.
PLOT PLAN NO. 16117
1 PARCEL



ASSESSMENT DIAGRAM

☀ DENOTES ENERGIZED STREETLIGHT



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.

OCTOBER 5, 2004