

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

251A



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
October 17, 2005

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 49 to Zone 3.

**RECOMMENDED MOTION:** That the Board:

1. Adopt Resolution No. 2005-448, Resolution of the County of Riverside confirming the diagram and assessment for Location 49 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 2005-06.

FORM APPROVED  
COUNTY COUNSEL

OCT 17 2005

BY 

  
George A. Johnson  
Director of Transportation

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	NA
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2005-2006
<b>SOURCE OF FUNDS:</b> 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



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

Prev. Agn. Ref.:

District: 1

Agenda Number:

3.47

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 49 to Zone 3.

October 17, 2005  
Page 2 of 2

**BACKGROUND:**

On August 30, 2005, a public hearing was held to receive all testimony regarding the annexation of Location 49 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 August 31, 2005 at 10:00 a.m. in Conference Room B on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that votes representing 65 parcels out of a possible 131 parcels were cast, and that 46 votes ( or 71%) were cast in favor of the annexation of Location 49 to Zone 3 of L&LM Dist. No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2005-06 for Location 49 of Zone 3 is \$10,176.00 that will result in an assessment for fiscal year 2005-06 within Location 49 of Zone 3 of \$77.68 per parcel. Location 49 of Zone 3 includes 131 single family residential parcels.

Adoption of Resolution No. 2005-448 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2005-06 for Location 49 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 2005-06.

RESOLUTION NO. 2005-448

**RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING THE ANNEXATION OF  
LOCATION 49 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 49 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 2005-06**

WHEREAS, on July 12, 2005, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County"), adopted Resolution No. 2005-332, 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 49 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 August 30, 2005 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 49 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. 2005-332, 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 49 of Zone 3 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on August 30, 2005, as set forth in Resolution No. 2005-332, 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 49 to Zone 3

1 of L&LM Dist. No. 89-1-C as required by Section 53753(e) of the Government Code to tally the  
2 assessment ballots 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 65 parcels out of a possible 131 parcels and that 46 parcels (71 percent of  
5 the assessment ballots received) voted in favor of annexation of Location 49 to Zone 3 of L&LM Dist.  
6 No. 89-1-C and the levy of an annual assessment in said Location 49 beginning fiscal year 2005-06;  
7 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 49 of Zone 3 of L&LM Dist.  
12 No. 89-1-C beginning fiscal year 2005-06.

13 NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board  
14 of Supervisors of the County in regular session on October 25, 2005 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 49 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 71 percent voted in favor of the  
23 annexation of Location 49 to Zone 3 of L&LM Dist. No. 89-1-C and the levy of an annual  
24 assessment beginning fiscal year 2005-06, and 29 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the annexation  
26 of Location 49 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 49 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 49 of Zone 3 of L&LM Dist. No. 89-1-C for the installation, maintenance and servicing of  
6 landscaping improvements in said Location 49 during the fiscal year 2005-06 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 49, 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. 28516 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 49 of Zone 3 of L&LM  
16 Dist. No. 89-1-C are:

17 (a) The maintenance and servicing of landscaping within the public right-of-way, including  
18 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
19 ornamental vegetation; and

20 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
21 landscaping, including but not limited to electricity for operation of the irrigation system  
22 and water for irrigation.

23 Section 4. Confirmation of Report. The Report and the assessment diagram and the  
24 assessment of estimated costs for the installation, maintenance and servicing of landscaping  
25 improvements in Location 49 of Zone 3 of L&LM Dist. No. 89-1-C for fiscal year 2005-06 as contained  
26 in the Report are confirmed.

1           Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways  
2 Code, the adoption of this resolution constitutes the levy of the assessment for the installation, and  
3 maintenance or servicing of landscaping improvements in Location 49 of Zone 3 of L&LM Dist. No. 89-  
4 1-C during fiscal year 2005-06, as contained in the Report, and such assessment is levied. The Clerk of  
5 the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram  
6 and assessment contained in the Report with the Auditor-Controller of the County of Riverside, who,  
7 pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll  
8 opposite each lot or parcel of land the amount assesses thereupon, as shown in said assessment.

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

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FORM APPROVED  
COUNTY COUNSEL  
OCT 7 2005  
BY 

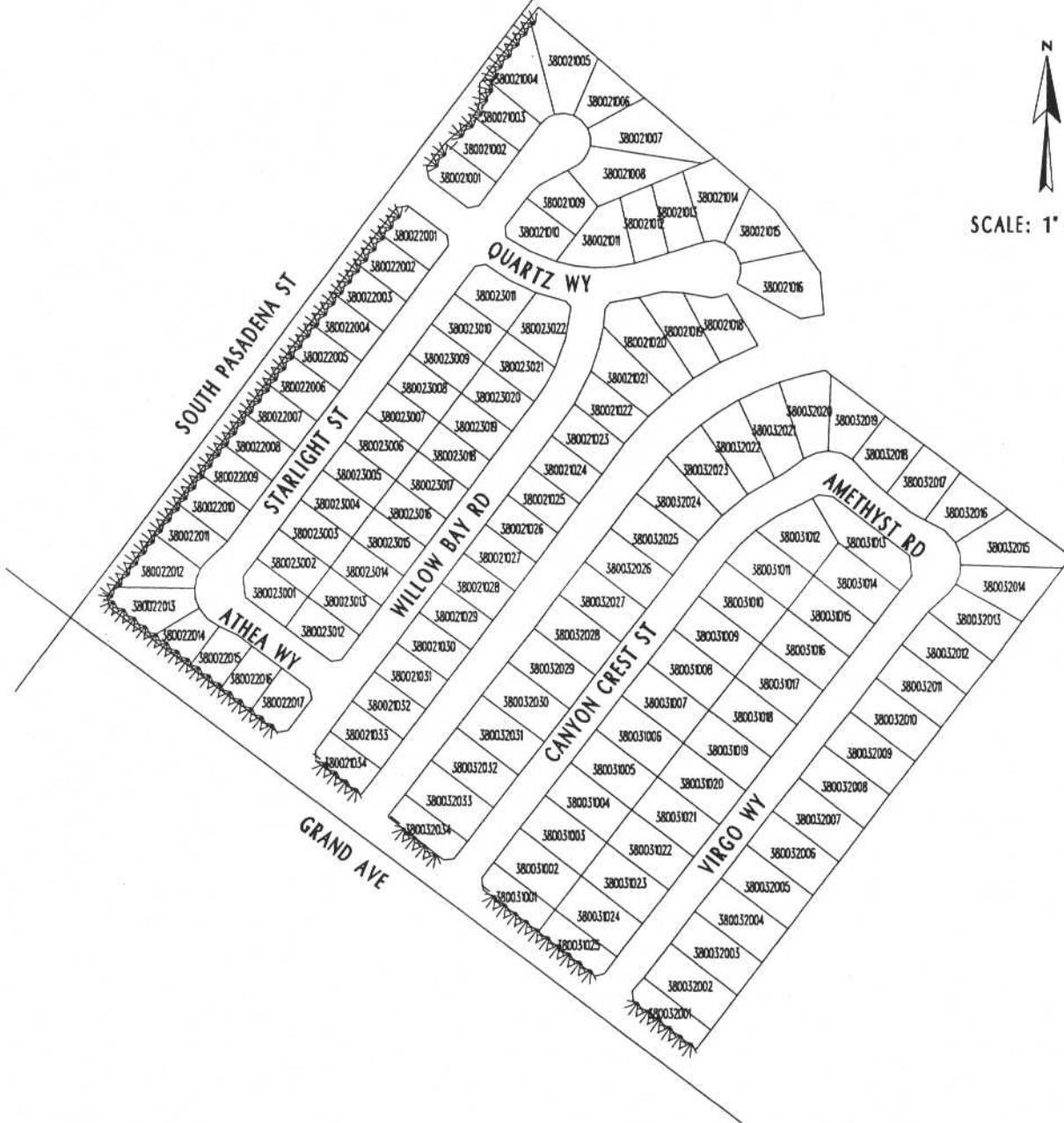
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Location 49 of Zone 3 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 131 as shown Tract Map No. 28516 in the County of Riverside, State of California for fiscal year 2005-06.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
 NO. 89-1-CONSOLIDATED  
**ZONE 3, LOCATION 49**  
 PORTION OF SECTION 2, T.7S., R.4W.  
 TRACT MAP NO. 28516  
**131 PARCELS**



SCALE: 1" = 300'

 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.

JUNE 20, 2005