

233A

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



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
April 25, 2005

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 36.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2005-170, a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 36 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 36.

Resolution No. 2005-171, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 36 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 36, 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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

James L. ...

COUNTY COUNSEL COUNTY COUNSEL

APR 19 2005 APR 19 2005

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

Prev. Agn. Ref.: **ATTACHMENTS FILED WITH THE CLERK OF THE BOARD** | District: 4 | Agenda Number:

3.28

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 36.

April 25, 2005
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2005-170 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 36 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2005-171 declares the Board's intention of ordering the annexation of Street Lighting Zone 36 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 36 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way northeasterly of Varner Road in the Palm Desert area and includes 1 parcel totaling 11.00 acres.

The proposed budget of fiscal year 2005-06 for Street Lighting Zone 36 is \$390.00 that will result in an assessment for fiscal year 2005-06 within Street Lighting Zone 36 of \$35.46 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 June 21, 2005 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 36 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2005-171 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 36 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 36 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 June 21, 2005.

RESOLUTION NO. 2005-170

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 36 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all of the property in the unincorporated area of the County (hereinafter "Street Lighting Zone 36"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Street Lighting Zone 36 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 36; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on June 21, 2005; and

WHEREAS, the Director of the Transportation Department, or his designee, is a licensed and 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 36 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 May 3, 2005 as
4 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 36 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 36
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 36 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.

23
24 FORM APPROVED
COUNTY COUNSEL

25 APR 19 2005

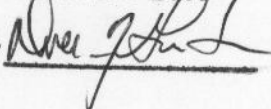
26 BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

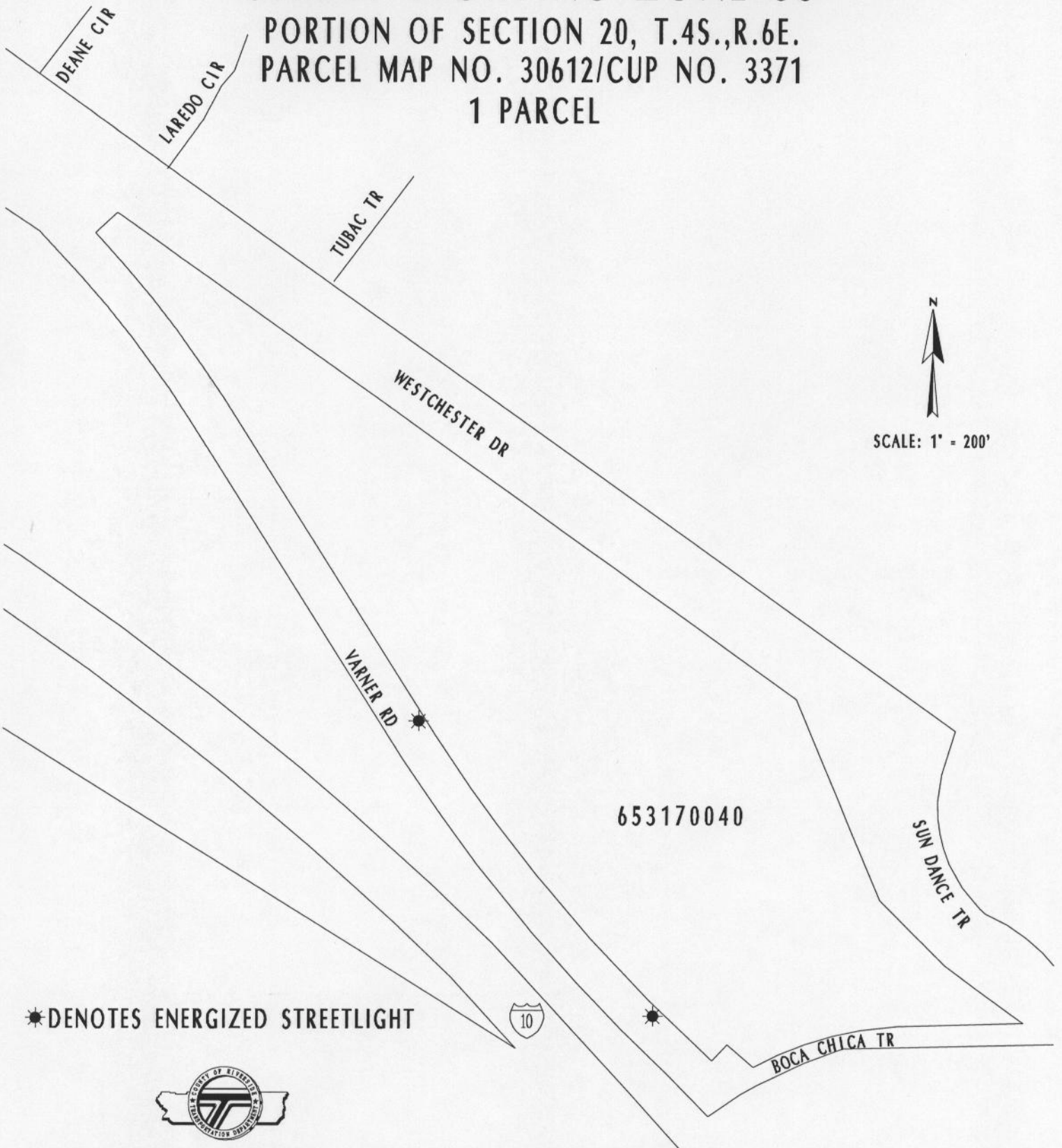
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The boundaries of Street Lighting Zone 36 to be annexed into Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 653170040 as shown on the Assessment Roll in the County of Riverside, State of California for fiscal year 2005-06.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED

STREET LIGHTING ZONE 36

PORTION OF SECTION 20, T.4S., R.6E.
PARCEL MAP NO. 30612/CUP NO. 3371
1 PARCEL



★ 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.

ASSESSMENT DIAGRAM

APRIL 8, 2005