

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

219A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
April 25, 2005

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 47.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2005-180, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 47 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 47.

Resolution No. 2005-181, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 47 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 landscaping; giving notice of and setting the time and place of the public hearing on the annexation of Zone 47, ordering an assessment ballot proceeding; and directing notice of the public hearing and assessment ballot be mailed pursuant to Article XIID of the California Constitution and Section 4000 of the Elections Code.

FORM APPROVED
COUNTY COUNSEL

APR 19 2005
[Signature]

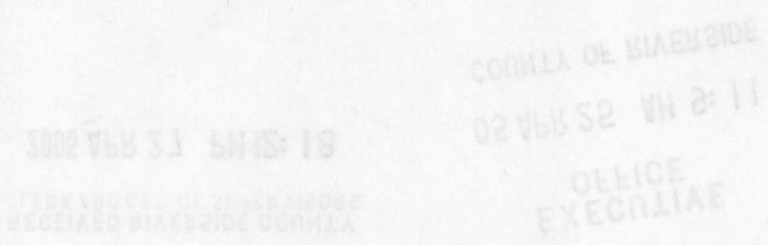
[Signature]
George A. Johnson
Director of Transportation

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

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

3 . 32

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 47.

April 25, 2005
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2005-180 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 47 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2005-181 declares the Board's intention of ordering the annexation of Zone 47 to L&LM District No. 89-1-C. Annexation of Zone 47 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public rights of way located northerly of Newport Rd. in the Menifee area and includes 226 single-family residential lots.

The proposed budget of fiscal year 2005-06 for Zone 47 is \$10,500.00 that will result in an assessment for fiscal year 2005-06 within Zone 47 of \$46.46 per parcel. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U, 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 Zone 47 will receive a notice of the public hearing and assessment ballot, an impartial analysis, a copy of Resolution No. 2005-181 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, Zone 47 will be annexed to L&LMD No. 89-1-C.

RESOLUTION NO. 2005-180

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 47 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 a request from the owner (the “Applicant”) of all of the property in the unincorporated area of the County (hereinafter “Zone 47”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to be annexed to 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 Zone 47 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 Zone 47; 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 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 annexation of

1 Zone 47 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 Zone 47 to
8 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
9 purpose of levying an annual assessment on all parcels within Zone 47 to pay the costs of the
10 following services:

- 11 (a) The maintenance and servicing of landscaping within the public right-of-way,
12 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
13 and other ornamental vegetation; and
14 (b) The maintenance and servicing of irrigation and electrical facilities associated with
15 the landscaping, including but not limited to electricity for operation of the irrigation
16 system and water for irrigation.

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 47 that is
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
19 described in Exhibit "A".

20 **Section 4. Report.** The Director of the Department, or his designee, is hereby
21 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of
22 Supervisors in accordance with Section 22565 et. seq. of the Streets and Highways Code and Section
23 4 of Article XIID of the California Constitution.

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

FORM APPROVED
COUNTY COUNSEL

APR 19 2005

BY 

EXHIBIT "A"

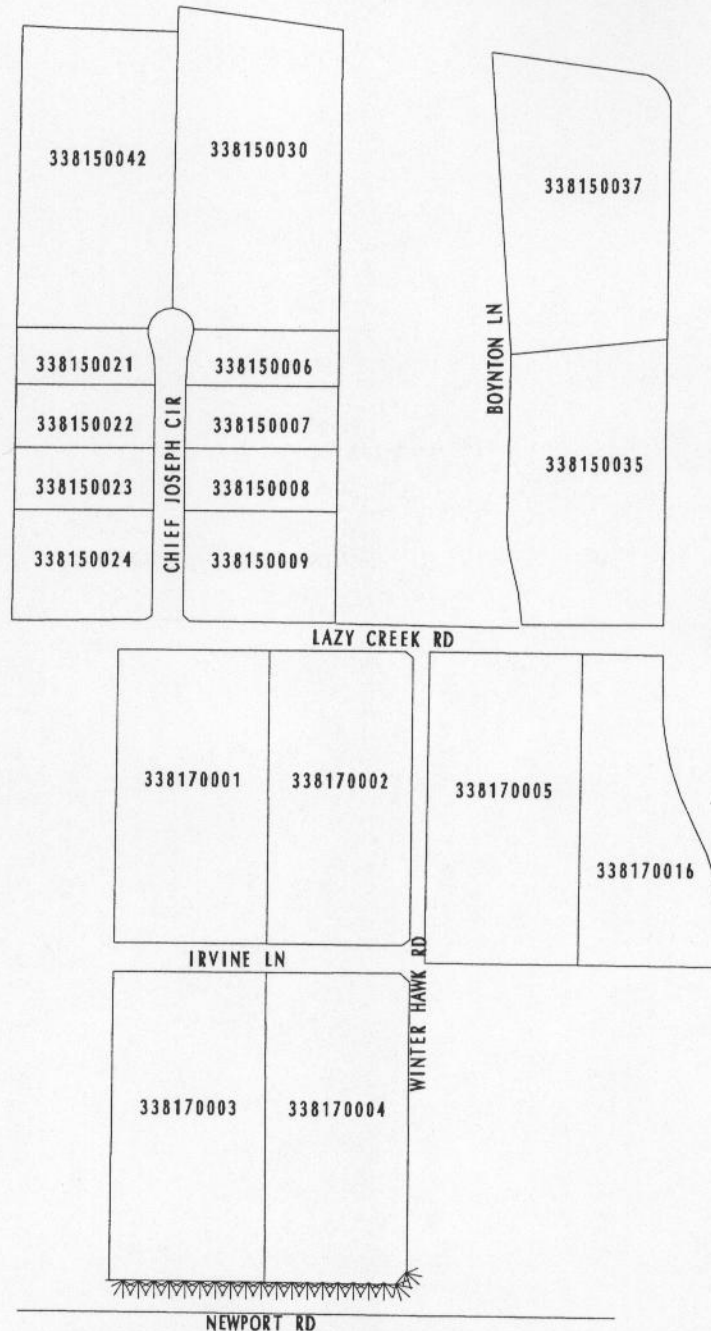
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 47 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 78 as shown on Tract Map No. 30040-1; Lots 1 through 35 as shown on Tract Map No. 30040-2; Lots 1 through 30 as shown on Tract Map No. 30040-3; Lots 1 through 39 as shown on Tract Map No. 30040-4; Lots 1 through 42 as shown on Tract Map No. 30040-5; in the County of Riverside, State of California.

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LANDSCAPING & LIGHTING MAINTENANCE DISTRICT
 NO. 89-1-CONSOLIDATED
ZONE 47

TRACT MAP NOS. 30040, 30040-1, 30040-2, 30040-3, 30040-4 & 30040-5
 226 PARCELS



SCALE: 1" = 400'

~~~~~ DENOTES LANDSCAPED & 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 11, 2005