

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

947A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:

May 15, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 48.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-148, a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 48 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 48.

Resolution No. 2006-144, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 48 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 48, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

FORM APPROVED
COUNTY COUNSEL

MAY 4 2006

[Handwritten signature]

[Handwritten signature: George A. Johnson]
George A. Johnson
Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2005-06

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**

[Handwritten signature]

County Executive Office Signature

Consent
 Policy

 Consent
 Policy

 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 5

Agenda Number:

3 . 35

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 48.

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BACKGROUND: Adoption of Resolution No. 2006-148 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 48 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-144 declares the Board's intention of ordering the annexation of Street Lighting Zone 48 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 48 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located westerly of Emperor Rd.; and southerly of State Highway 74 in the Romoland area and includes 3 commercial parcel totaling 17.77 acres.

The proposed budget for fiscal year 2006-07 for Street Lighting Zone 48 is 634.00 that will result in an assessment for fiscal year 2006-07 within Street Lighting Zone 48 of \$35.68 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 2006.

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 July 11, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 48 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-144 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 48 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 48 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 July 11, 2006.

RESOLUTION NO. 2006-148

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 48 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 48”), 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 48 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 48; and

WHEREAS, the Applicant has executed a “Waiver and Consent Regarding Date of Assessment Ballot Election” allowing for the election to be held on July 11, 2006; 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

1 able to serve as the engineer (hereinafter the "Engineer") for the County with regard to the
2 annexation of Street Lighting Zone 48 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
4 Board of Supervisors of the County of Riverside assembled in regular session on May 23, 2006 as
5 follows:

6 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
7 the above recitals are true and correct.

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street
9 Lighting Zone 48 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 48
11 to pay the costs of the following service:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting Zone
15 48 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown
16 and described in Exhibit "A".

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

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

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FORM APPROVED
COUNTY COUNSEL

MAY 4 2006

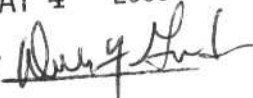
BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Street Lighting Zone 48 to be annexed to Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APNs 459020062; 459020063; and 459020064 as shown on the Assessment Roll in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 48
PORTION OF SECTION 18, T.5S.,R.2W.



SCALE: 1" = 200'



 DENOTES ENERGIZED STREETLIGHT

CUP NO. 3363
1 PARCEL

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.

MAY 2, 2006

ASSESSMENT DIAGRAM