

**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

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**

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.

May 15, 2006
Page 2 of 2

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.

2 RESOLUTION NO. 2006-144

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 48 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; GIVING NOTICE OF AND SETTING THE
8 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING
9 ZONE 48; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF
10 THE PUBLIC HEARING AND BALLOT TO BE MAILED PURSUANT
11 TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

12 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
13 Riverside (hereinafter the County) has adopted Resolution No. 2006-148 initiating proceedings for the
14 annexation of Street Lighting Zone 48 (hereinafter "Street Lighting Zone 48"), as described and shown
15 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
16 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter
17 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
18 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
19 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
20 "Report") regarding the proposed annexation of Street Lighting Zone 48 and the assessment to be
21 levied within Street Lighting Zone 48 each fiscal year beginning fiscal year 2006-07 for providing
22 electricity for streetlights within the public right-of way within said Zone; and

23 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
24 California Constitution (hereinafter "Article XIID:") and Section 4000 of the Election Code requiring
25 voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone
26 48; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-148 ordered the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report
with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the

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1 Street and Highways Code and Section 4 of Article XIID; and

2 **WHEREAS**, the Engineer has filed the Report with the Clerk of the Board of Supervisors and
3 the Report has been presented to and considered by the Board of Supervisors; and

4 **WHEREAS**, the sole owner of property within the proposed boundaries of Street Lighting Zone
5 48 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent
6 Regarding the Date of the Assessment Ballot Election" allowing for the election to be held on July 11,
7 2006; and

8 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
9 pursuant to Section 22623 of the Streets and Highways Code, which fixes and gives notice, pursuant to
10 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
11 Report, the annexation of Street Lighting Zone 48, and the assessments to be levied on parcels within
12 Street Lighting Zone 48 beginning in fiscal year 2006-07;

13 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
14 Board of Supervisors in regular session assembled on May 23, 2006 as follows:

15 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report finds that:

16 (a) The foregoing recitals are true and correct;

17 (b) The Report contains all matters required by Sections 22565 through 22574 of the
18 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the
19 Board of Supervisors;

20 (c) The annual assessment for fiscal year 2006-07 on all parcels within Street
21 Lighting Zone 48 proposed to be annexed to L&LMD No. 89-1-C will be \$35.68 per acre.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
23 annexation of Street Lighting Zone 48 as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
24 and to levy and collect an annual assessment on all assessable lots and parcels of property within
25 Street Lighting Zone 48 commencing with the fiscal year 2006-07 as set forth in the Report. The
26 Report expressly states that there are no parcels or lots within Street Lighting Zone 48 that are owned

1 | by a federal, state or other local governmental agency that will benefit from the services to be financed
2 | by the annual assessments. The annual assessments will be collected at the same time and in the
3 | same manner as property taxes are collected, and all laws providing for the collection and enforcement
4 | of property taxes shall apply to the collection and enforcement of said assessments.

5 | **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 48 is
6 | proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
7 | area of the County as described and shown in Exhibit "A".

8 | **Section 4. Description of Services to be Provided.** The service authorized for Street
9 | Lighting Zone 48 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
10 | right-of-way, including incidental costs and expenses.

11 | **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 | benefits from the annexation of Street Lighting Zone 48 of L&LMD No. 89-1-C will be \$35.68 per acre
13 | for fiscal year 2006-07. As stated in the Report, the total budget for Street Lighting Zone 48 for the
14 | fiscal year 2006-07 is \$634.00; there are 3 parcels that are to be assessed that aggregate to 17.77
15 | acres. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative
16 | percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for
17 | "electricity" for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
18 | area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
19 | The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands
20 | on March of each year over the base Index for March of 2006. Any increase larger than the greater of
21 | 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within
22 | Street Lighting Zone 48. The Board of Supervisors will levy the assessment in each subsequent fiscal
23 | year until the Board undertakes proceedings for the dissolution of Street Lighting Zone 48 of L&LMD
24 | No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution.
25 | For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the
26 | Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-
2 C is Street Lighting Zone 48. The boundaries of Street Lighting Zone 48 are located within the
3 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the service, the boundaries of Street Lighting Zone 48,
7 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone
8 48 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 48 shall be
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on July 11, 2006, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st
13 Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone
15 48 is to receive by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The ballots are to be returned prior to the Public
17 Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of Street
18 Lighting Zone 48 if there is a majority protest with regard to the annexation of Street Lighting Zone 48.
19 A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the ballots
20 submitted in opposition to the annexation and assessment of Street Lighting Zone 48 exceeds the
21 ballots in favor of the annexation and assessment of Street Lighting Zone 48.

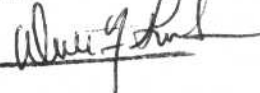
22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Street Lighting Zone 48 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
24 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
25 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
26 (951) 955-6829.

1 **Section 23. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Street Lighting Zone 48 to L&LMD No. 89-1-C shall be given consistent with Section
3 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
4 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
5 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing
6 that is July 11, 2006. Publication of this Resolution is to be effected by the Clerk of the Board of
7 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, ballot and information sheets as required by Section 4 of Article XIID and
9 Section 4000 of the California Elections Code to all owners of record of property within Street Lighting
10 Zone 48 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
11 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
12 Hearing on July 11, 2006.

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

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16
17 FORM APPROVED
 COUNTY COUNSEL

18 MAY 4 2006

19 BY 

DESCRIPTION OF BOUNDARIES

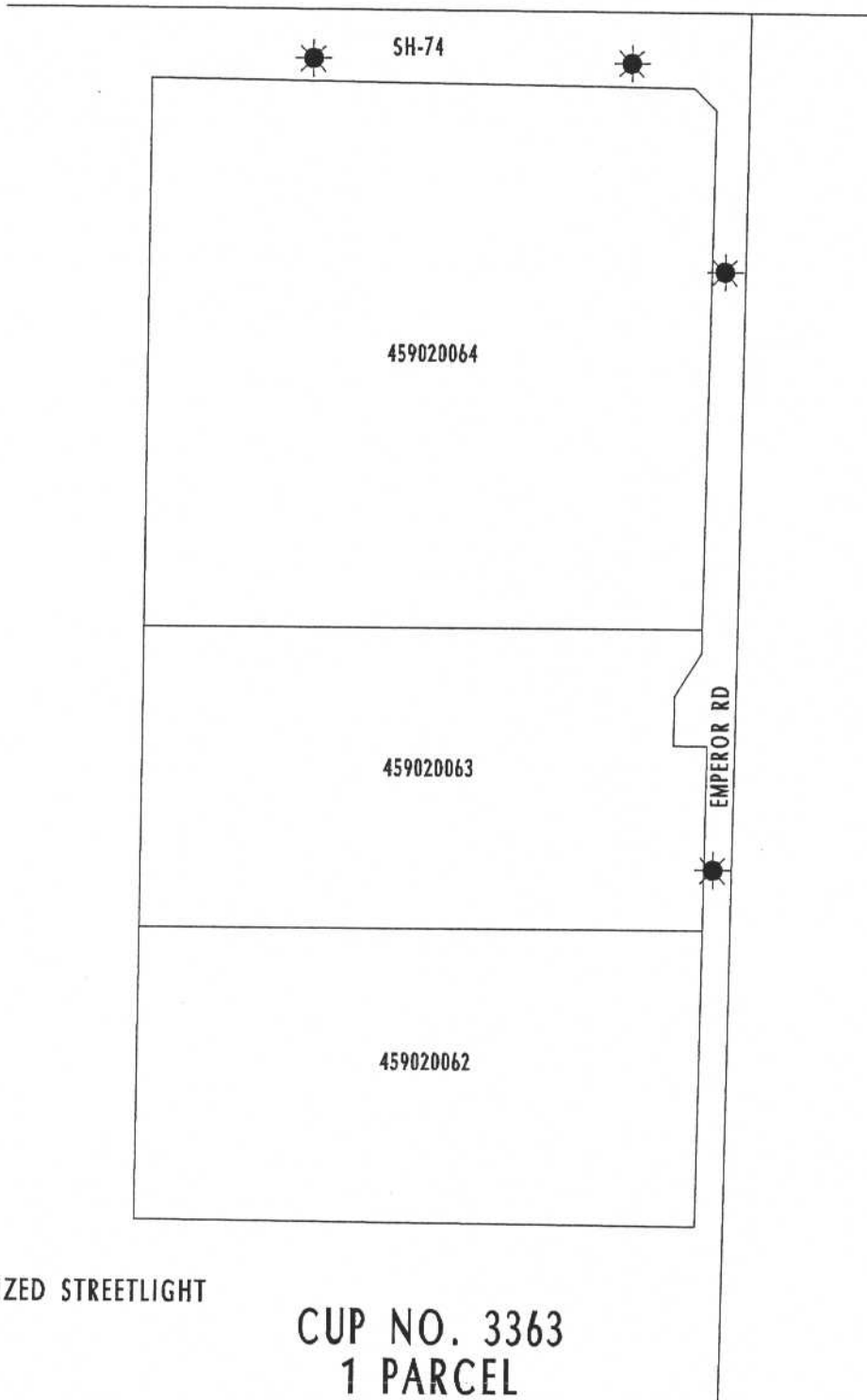
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The boundaries of Street Lighting Zone 48 to be annexed to Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APNs 459020062; 459020063; and 459020064 as shown on the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

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.

MAY 2, 2006