

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

943A



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
May 15, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 51.

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2006-153, a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 51 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 51.

Resolution No. 2006-154, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 51 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 51, 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**

**County Executive Office Signature**

*[Handwritten signature]*

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

3 . 38

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 51.

May 15, 2006  
Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-153 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 51 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-154 declares the Board's intention of ordering the annexation of Street Lighting Zone 51 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 51 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located southerly of Newport Rd.; and easterly of Murrieta Rd. in the Menifee area and includes 1 commercial parcel totaling 4.0 acres.

The proposed budget for fiscal year 2006-07 for Street Lighting Zone 51 is \$422.00 that will result in an assessment for fiscal year 2006-07 within Street Lighting Zone 51 of \$105.50 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 51 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-154 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 51 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 51 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. 2006-154

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 51 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 51; 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. 2006-153 initiating proceedings for the  
14 annexation of Street Lighting Zone 51 (hereinafter "Street Lighting Zone 51"), 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 51 and the assessment to be  
21 levied within Street Lighting Zone 51 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 51; and

27 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-153 ordered the Director of the  
28 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
29 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the

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 51 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 51, and the assessments to be levied on parcels within  
12 Street Lighting Zone 51 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 51 proposed to be annexed to L&LMD No. 89-1-C will be \$105.50 per acre.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
23 annexation of Street Lighting Zone 51 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 51 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 51 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 51 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 51 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 51 of L&LMD No. 89-1-C will be \$105.50 per acre  
13 for fiscal year 2006-07. As stated in the Report, the total budget for Street Lighting Zone 51 for the  
14 fiscal year 2006-07 is \$422.00; there is 1 parcel that is to be assessed that aggregates to 4.0 acres.  
15 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 51. 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 51 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 51. The boundaries of Street Lighting Zone 51 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 51,  
7 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone  
8 51 proposed to be annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 51 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, 1<sup>st</sup>  
13 Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting Zone  
15 51 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 51 if there is a majority protest with regard to the annexation of Street Lighting Zone 51.  
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 51 exceeds the  
21 ballots in favor of the annexation and assessment of Street Lighting Zone 51.


22           **Section 10. Information.** Any property owner desiring additional information regarding  
23 Street Lighting Zone 51 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 51 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 51 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.

15  
16 FORM APPROVED  
COUNTY COUNSEL

17 MAY 4 2006

18 BY   
19  
20  
21  
22  
23  
24  
25  
26

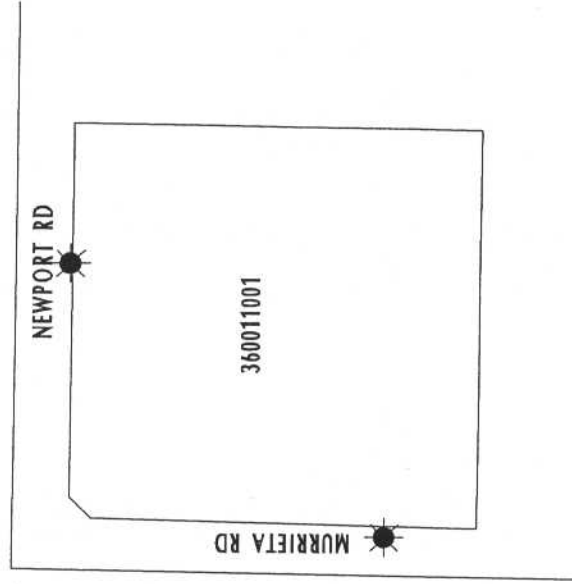
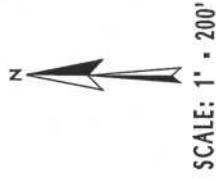
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The boundaries of Street Lighting Zone 51 to be annexed to Landscaping and Lighting Maintenance District No 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 360011001 as shown on the Assessment Roll in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**STREET LIGHTING ZONE 51**  
PORTION OF SECTION 4, T.6S., R.3W.  
PARCEL MAP NO. 31021/CUP NO. 3267  
1 PARCEL



 DENOTES ENERGIZED STREETLIGHT



# 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