

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

042 A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 15, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 59.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-164, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 59 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 59.

Resolution No. 2006-165, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 59 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 and catch basin filtration system; giving notice of and setting the time and place of the public hearing on the annexation of Zone 59, 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

BY *[Signature]*

[Signature]
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

[Signature]

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

Prev. Agn. Ref.: | District: 1 | Agenda Number:

3 . 42

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 59.

May 15, 2006

Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-164 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 59 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-165 declares the Board's intention of ordering the annexation of Zone 59 to L&LM District No. 89-1-C. Annexation of Zone 59 to L&LMD No. 89-1-C will fund providing electricity for streetlights and maintenance and servicing of catch basin filtration system improvements within public right-of-way located westerly of Kevin Rd.; and southerly of Prielipp Rd. in the Murrieta area and includes 4 commercial parcels totaling 13.38 acres.

The proposed budget for fiscal year 2006-07 for Zone 59 is \$4010.00 that will result in an assessment for fiscal year 2006-07 within Zone 59 of \$299.70 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 Zone 59 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-165 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 59 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 Zone 59 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. 2006-165

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 59 TO LANDSCAPING AND LIGHTING
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE
7 AND SERVICING OF STREETLIGHTS AND CATCH BASIN FILTRATION SYSTEM; GIVING
8 NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 59; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING
10 NOTICE OF 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. 2006-164 initiating proceedings for the
14 annexation of Zone 59 (hereinafter "Zone 59"), as described and shown in Exhibit "A", which is attached
15 hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.89-1-
16 Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C")
17 pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2
18 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the
19 "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report")
20 regarding the proposed annexation of Zone 59 and the assessment to be levied within Zone 59 each
21 fiscal year beginning fiscal year 2006-07 for providing electricity for streetlights within the public right-of
22 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 Zone 59; and

26 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-164 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
Street and Highways Code and Section 4 of Article XIID; and

b

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

3 **WHEREAS**, the sole owner of property within the proposed boundaries of Zone 59 as the
4 applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent Regarding the
5 Date of the Assessment Ballot Election" allowing for the election to be held on July 11, 2006; and

6 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
7 pursuant to Section 22623 of the Streets and Highways Code, which fixes and gives notice, pursuant to
8 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
9 Report, the annexation of Zone 59, and the assessments to be levied on parcels within Zone 59
10 beginning in fiscal year 2006-07;

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

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

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

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

18 (c) The annual assessment for fiscal year 2006-07 on all parcels within Zone 59
19 proposed to be annexed to L&LMD No. 89-1-C will be \$299.70 per acre.

20 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
21 annexation of Zone 59 as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
22 collect an annual assessment on all assessable lots and parcels of property within Zone 59
23 commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that
24 there are no parcels or lots within Zone 59 that are owned by a federal, state or other local
25 governmental agency that will benefit from the services to be financed by the annual assessments.
26 The annual assessments will be collected at the same time and in the same manner as property taxes

1 are collected, and all laws providing for the collection and enforcement of property taxes shall apply to
2 the collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Zone 59 is proposed to be
4 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
5 County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The service authorized for Zone 59 of
7 L&LMD No. 89-1-C is:

- 8 (a) the provision of electricity to all streetlights; and
9 (b) the maintenance and servicing of catch basin filtration system improvements
10 within the public right-of-way, the removal of petroleum hydrocarbons and other pollutants from water
11 runoff including incidental costs and expenses.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
13 benefits from the annexation of Zone 59 of L&LMD No. 89-1-C will be \$299.70 per acre for fiscal year
14 2006-07. As stated in the Report, the total budget for Zone 59 for the fiscal year 2006-07 is \$4010.00;
15 there are 4 parcels that are to be assessed that aggregate to 13.38 acres. The annual assessment will
16 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
17 Consumer Price Index for all Urban Consumers ("CPI-U") for "electricity" for the Los Angeles-Riverside-
18 Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of
19 Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based
20 on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index
21 for March of 2006. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment
22 requires a majority approval of all the property owners within Zone 59. The Board of Supervisors will
23 levy the assessment in each subsequent fiscal year until the Board undertakes proceedings for the
24 dissolution of Zone 59 of L&LMD No. 89-1-C. The annual assessment will fund the services described
25 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in
26 the Office of the Clerk of the 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 Zone 59. The boundaries of Zone 59 are located within the unincorporated area of the County and
3 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 Zone 59, and the annual
7 assessment to be levied upon assessable lots and parcels within Zone 59 proposed to be annexed to
8 L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 59 shall be annexed to L&LMD
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at
11 a public hearing (hereinafter the "Public Hearing") to be held on July 11, 2006, at 9:30 a.m. at the
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
13 California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 59 is to receive
15 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of
16 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.
17 89-1-C shall not impose assessments on property within the boundaries of Zone 59 if there is a majority
18 protest with regard to the annexation of Zone 59. A majority protest exists if, upon the conclusion of the
19 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment
20 of Zone 59 exceeds the ballots in favor of the annexation and assessment of Zone 59.

21 **Section 10. Information.** Any property owner desiring additional information regarding Zone
22 59 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
23 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
24 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-
25 6829.

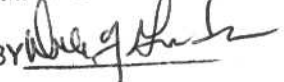
26 **Section 23. Notice of the Public Hearing.** Notice of Public Hearing with regard to the

1 annexation of Zone 59 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
2 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
3 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
4 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 11, 2006.
5 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
6 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
7 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the
8 California Elections Code to all owners of record of property within Zone 59 as shown on the last
9 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
10 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 11, 2006.

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

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21 FORM APPROVED
COUNTY COUNSEL

MAY 4 2006

BY 

DESCRIPTION OF BOUNDARIES

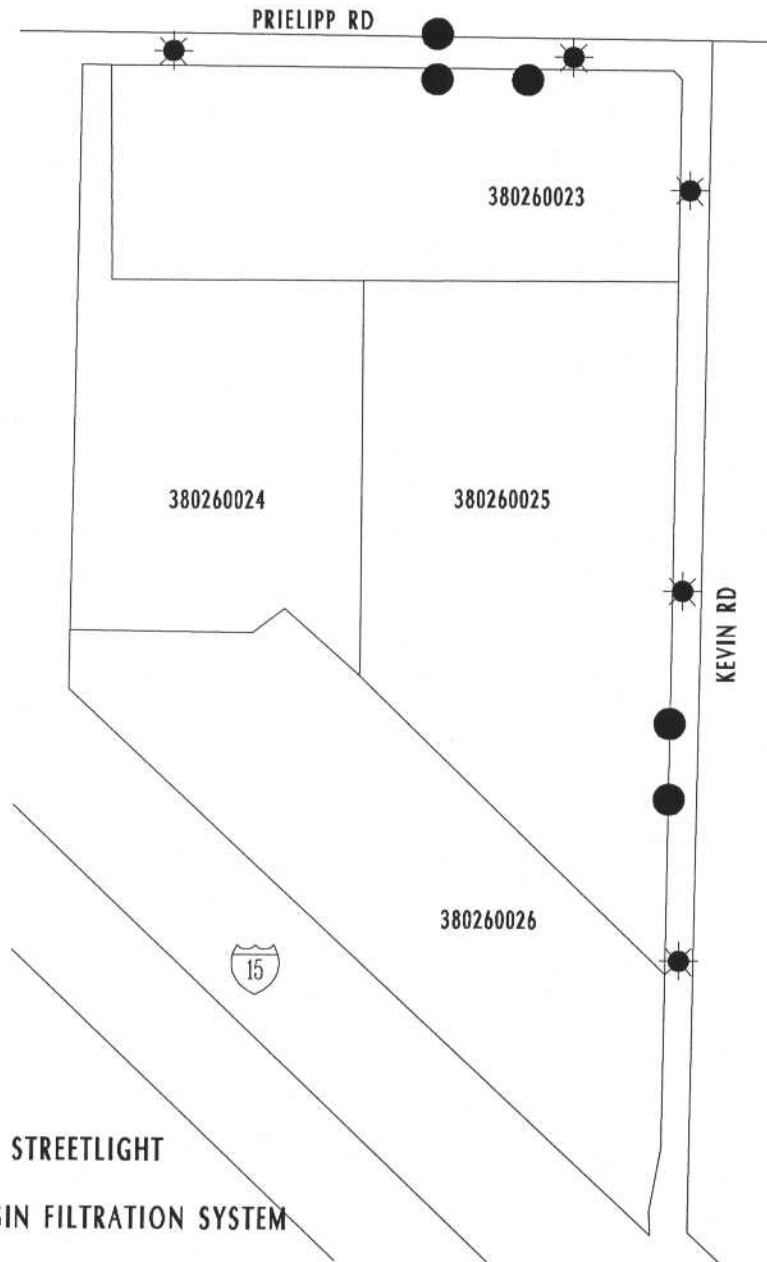
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The boundaries of Zone 59 to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the Boundaries of APNs 380260023; 380260024; and 38026026 as shown on the Assessment Roll in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
 DISTRICT NO. 89-1-CONSOLIDATED
ZONE 59
 PORTION OF SECTION 6, T.7S., R3W.
 PP NO. 19099
 4 PARCELS



SCALE: 1" = 200'



- ☀ DENOTES ENERGIZED STREETLIGHT
- DENOTES CATCH BASIN FILTRATION SYSTEM



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