

939A

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



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
May 15, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 58.

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

Resolution No. 2006-166, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 58 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 58.

Resolution No. 2006-167, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 58 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 and streetlights; giving notice of and setting the time and place of the public hearing on the annexation of Zone 58, 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

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b> 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]*

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

Prev. Agn. Ref.:

District: 1

Agenda Number:

3 . 43

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 58.

May 15, 2006  
Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-166 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 58 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-167 declares the Board's intention of ordering the annexation of Zone 58 to L&LM District No. 89-1-C. Annexation of Zone 58 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and provide electricity for streetlights within public rights of way located northerly of Van Buren Blvd.; easterly of Albarian St.; northerly and southterly of Graceful Ct.; and easterly and westerly of Graceful Wy. in the El Sobrante area and includes 9 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 58 is \$5,776.00 that will result in an assessment for fiscal year 2006-07 within Zone 58 of \$641.78 per lot. 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 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 58 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-167 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 58 will be annexed to L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Zone 58 have 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. 2006-167

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 58 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 AND  
7 SERVICING OF LANDSCAPING AND STREETLIGHTS; GIVING NOTICE OF AND SETTING THE  
8 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 58; ORDERING A  
9 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND BALLOT  
10 TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

11 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
12 Riverside (hereinafter the County) has adopted Resolution No. 2006-166 on May 15, 2006 initiating  
13 proceedings for the annexation of Zone 58 (hereinafter "Zone 58"), as described and shown in Exhibit  
14 "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance  
15 District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter, "L&LMD No.  
16 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2  
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the  
18 "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report")  
19 regarding the proposed annexation of Zone 58 and the assessments to be levied within Zone 58 each  
20 fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping, irrigation facilities and  
21 streetlights within the public right-of-way within said Zone; and

22 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
23 California Constitution (hereinafter "Article XIID:") and Section 4000 of the Elections Code requiring  
24 voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 58; and

25 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-166 directed the Director of the  
26 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

**WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and

1 | the Report has been presented to and considered by the Board of Supervisors; and

2 |       **WHEREAS**, the sole owners of property within the proposed boundaries of Zone 58 as the  
3 | applicant (the "Applicants") for these proceedings has executed a "Waiver and Consent Regarding the  
4 | Date of the Assessment Ballot Election" allowing for the election to be held on July 11, 2006; and

5 |       **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
6 | pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
7 | Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
8 | Report, the annexation of Zone 58, and the assessments to be levied on parcels within Zone 58  
9 | beginning in fiscal year 2006-07;

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

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

13 |               (a) The foregoing recitals are true and correct;

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

17 |               (c) The annual assessment for fiscal year 2006-07 on all parcels within Zone 58  
18 | proposed to be annexed to L&LMD No. 89-1-C will be \$641.78 per lot.

19 |       **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
20 | annexation of Zone 58, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
21 | collect an annual assessment on all assessable lots and parcels of property within Zone 58  
22 | commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that  
23 | there are no parcels or lots within Zone 58 that are owned by a federal, state or other local  
24 | governmental agency that will benefit from the services to be financed by the annual assessments.  
25 | The annual assessments will be collected at the same time and in the same manner as property taxes  
26 | are collected, and all laws providing for the collection and enforcement of property taxes shall apply to

1 the collection and enforcement of said assessments.

2       **Section 3.     Boundaries.** All the property within the boundaries of Zone 58 is proposed to  
3 be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
4 County as described and shown in Exhibit "A".

5       **Section 4.     Description of Services to be Provided.** The landscape maintenance service  
6 and improvements and the provision of electricity to all streetlights authorized for Zone 58 of L&LMD  
7 No. 89-1-C are:

8               (a)     The maintenance and servicing of landscaping within the public rights-of-way,  
9 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass and other ornamental  
10 vegetation; and,

11              (b)     The maintenance and servicing of irrigation and electrical facilities associated with  
12 the landscaping, including but not limited to electricity for operation of the irrigation system and water  
13 for irrigation.

14              (c)     Providing electricity to all streetlights within the public right-of-ways, including  
15 incidental costs and expenses.

16       **Section 5.     Amount to be Levied.** The assessment to be levied upon each parcel that  
17 benefits from the annexation of Zone 58 to L&LMD No. 89-1-C will be \$641.78 per lot for fiscal year  
18 2006-07. As stated in the Report, the total budget for Zone 58 for the fiscal year 2006-07 is \$5,776.00;  
19 there are 9 lots that are to be assessed. The annual assessment will be increased by the greater of two  
20 percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban  
21 Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
22 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
23 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it  
24 stands on March of each year over the base Index for March of 2006. Any increase larger than the  
25 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners  
26 within Zone 58. The Board of Supervisors will levy the assessment in each subsequent fiscal year until

1 the Board of Supervisors undertakes proceedings for the dissolution of Zone 58 of L&LMD No. 89-1-C.  
2 The annual assessment will fund the services described in Section 4 of this Resolution. For further  
3 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of  
4 Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-  
6 C is Zone 58. The boundaries of Zone 58 are located within the unincorporated area of the County and  
7 are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
10 the Report for a full and detailed description of the services, the boundaries of Zone 58, and the annual  
11 assessment to be levied upon assessable lots and parcels within Zone 58 proposed to be annexed to  
12 L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Zone 58 shall be annexed to L&LMD  
14 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at  
15 a public hearing (hereinafter the "Public Hearing") to be held on July 11, 2006, at 9:30 a.m. at the  
16 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
17 California.

18 **Section 9. Majority Protest.** Each owner of record of property within Zone 58 is to receive  
19 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of  
20 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.  
21 89-1-C shall not impose assessments on property within the boundaries of Zone 58 if there is a majority  
22 protest with regard to the annexation of Zone 58. A majority protest exists if, upon the conclusion of the  
23 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment  
24 of Zone 58 exceeds the ballots in favor of the annexation and assessment of Zone 58.

25 **Section 10. Information.** Any property owner desiring additional information regarding Zone  
26 58 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.


1 | Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
2 | Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-  
3 | 6829.

4 |       **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 | annexation of Zone 58 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
6 | Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
7 | give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
8 | *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 11, 2006.  
9 | Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall  
10 | also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
11 | ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the  
12 | California Elections Code to all owners of record of property within Zone 58 as shown on the last  
13 | equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
14 | U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 11, 2006.

15 |       **Section 12. Effective Date.** This Resolution shall take effect from and after its date of  
16 | adoption.

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21 | FORM APPROVED  
22 | COUNTY COUNSEL

23 | MAY 4 2006

24 | BY 

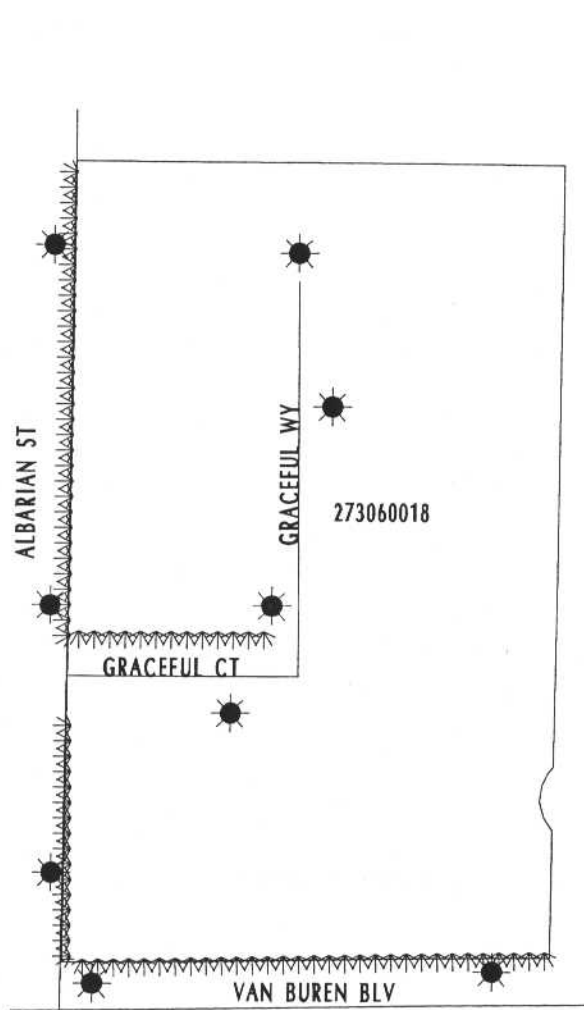
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 58 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 9 as shown on Tract Map No. 31322 in the County of Riverside, State of California for fiscal year 2006-07.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED  
**ZONE 58**  
PORTION OF SECTION 26, T.3S., R.5W.  
TRACT NO. 31322  
9 LOTS



SCALE: 1" = 200'

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

 DENOTES ENERGIZED STREETLIGHT



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 1, 2006