

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

138A



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE**  
May 26, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation Zone 60.

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

Resolution No. 2006-093, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 60 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 60.

Resolution No. 2006-094, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 60 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of catch basin filtration system; giving notice of and setting the time and place of the public hearing on the annexation of Zone 60, ordering a mailed ballot election; and directing notice the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

FORM APPROVED  
COUNTY COUNSEL

MAY 16 2006

BY: *[Signature]*

*[Signature]*  
George A. Johnson  
Director of Transportation

**FINANCIAL DATA**

Current F.Y. Total Cost: \$ 0  
Current F.Y. Net County Cost: \$ 0  
Annual Net County Cost: \$ 0

In Current Year Budget: No  
Budget Adjustment: No  
For Fiscal Year: 2005-2006

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30

Requires 4/5 Vote

**C.E.O. RECOMMENDATION:**

**APPROVE**

County Executive Office Signature

*[Signature]*

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

3 57

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 60.

May 26, 2006  
Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-093 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 60 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-094 declares the Board's intention of ordering the annexation of Zone 60 to L&LM District No. 89-1-C. Annexation of Zone 60 to L&LMD No. 89-1-C will fund the maintenance and servicing of catch basin filtration system improvements within public rights of way located southerly of McLaughlin Rd.; easterly of Goetz Rd.; westerly of Byers Rd.; and northerly of Chambers Ave. in the Menifee area and includes 742 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 60 is \$82,400.00 that will result in an assessment for fiscal year 2006-07 within Zone 60 of \$111.04 per parcel. 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 25, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 60 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-094 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 60 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 60 have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on July 25, 2006.

2 RESOLUTION NO. 2006-093

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
4 PROCEEDINGS FOR THE ANNEXATION OF ZONE 60 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 AND ORDERING  
7 PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

8 WHEREAS, the Board of Supervisors (hereinafter the Board of Supervisors") of the County of  
9 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
10 "Department") of the County that said Department has received an application from the owner (the  
11 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 60"), as  
12 shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed  
13 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-  
14 1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that  
15 it is necessary and desirable to initiate proceedings for the annexation of Zone 60 to L&LMD No. 89-1-  
16 C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of  
17 Division 15 of Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and  
18 Highways Code"); and

19 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
21 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 60; and

22 WHEREAS, the Applicants have executed a "Waiver and Consent Regarding Date of  
23 Assessment Ballot Election" allowing for the election to be held on July 25, 2006; and

24 WHEREAS, the Director of the Transportation Department, or his designee, is a licensed and  
25 registered civil engineer, has expertise with respect to the annexation of territory to landscaping and  
26 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able  
to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of

1 Zone 60 to L&LMD No. 89-1-C.

2 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
3 Board of Supervisors of the County of Riverside assembled in regular session on June 6, 2006 as  
4 follows:

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

7 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 60 to  
8 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the  
9 purpose of levying an annual assessment on all parcels within Zone 60 to pay the costs of the  
10 following services:

- 11 (a) The maintenance and servicing of catch basin filtration systems within the public  
12 right-of-way including the removal of petroleum hydrocarbons and other  
13 pollutants from water runoff; and

14 **Section 3. Boundaries and Designation.** The boundaries of Zone 60 that is  
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
16 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  
23 date of adoption.

24  
25 FORM APPROVED  
COUNTY COUNSEL

26 MAY 16 2006

BY *Debi G. Sanchez*

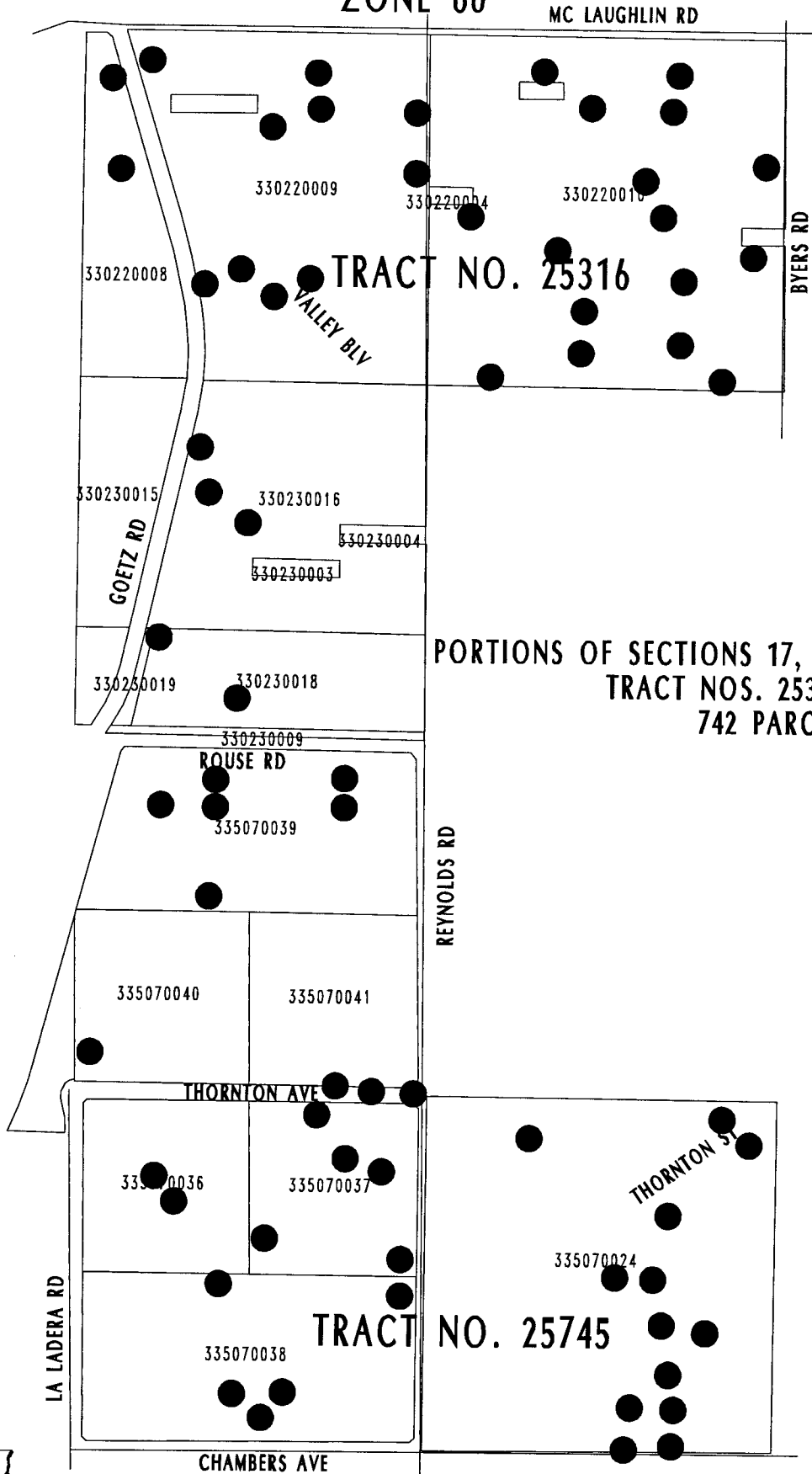
**EXHIBIT "A"**

**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 Zone 60 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 313 as shown on Tract Map No. 25316 and Lots 1 through 429 as shown on Tract Map No. 25745 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE  
 DISTRICT NO. 89-1-CONSOLIDATED  
 ZONE 60



PORTIONS OF SECTIONS 17, 19 & 20, T.5S., R.3W  
 TRACT NOS. 25316 & 25745  
 742 PARCELS



SCALE: 1" = 600'



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 14, 2006

● DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM

ASSESSMENT DIAGRAM

2 RESOLUTION NO. 2006-094

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 60 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 CATCH BASIN FILTRATION SYSTEM;  
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE  
9 ANNEXATION OF ZONE 60; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING  
10 NOTICE OF THE PUBLIC HEARING AND BALLOT TO BE MAILED PURSUANT TO  
11 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. 2006-093 on June 6, 2006 initiating  
14 proceedings for the annexation of Zone 60 (hereinafter "Zone 60"), as described and shown in Exhibit  
15 "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance  
16 District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No.  
17 89-1-C") 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 60 and the assessments to be levied within Zone 60 each  
21 fiscal year beginning fiscal year 2006-07 for the maintenance of catch basin filtration system  
22 improvements 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 Elections Code requiring  
25 voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 60; and

26 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-093 directed 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

1       **WHEREAS**, said 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**, it is necessary that the Board of Supervisors adopt a resolution of intention  
4 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
5 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
6 Report, the annexation of Zone 60, and the assessments to be levied on parcels within Zone 60  
7 beginning in fiscal year 2006-07;

8       **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
9 Board of Supervisors in regular session assembled on June 6, 2006 as follows:

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

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

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

15               (c) The annual assessment for fiscal year 2006-07 on all parcels within Zone 60  
16 proposed to be annexed to L&LMD No. 89-1-C will be \$111.04 per parcel.

17       **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
18 annexation of Zone 60, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
19 collect an annual assessment on all assessable lots and parcels of property within Zone 60  
20 commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that  
21 there are no parcels or lots within Zone 60 that are owned by a federal, state or other local  
22 governmental agency that will benefit from the services to be financed by the annual assessments.  
23 The annual assessments will be collected at the same time and in the same manner as property taxes  
24 are collected, and all laws providing for the collection and enforcement of property taxes shall apply to  
25 the collection and enforcement of said assessments.

26       **Section 3. Boundaries.** All the property within boundaries of Zone 60 is proposed to be

1 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
2 County as described and shown in Exhibit "A".

3 **Section 4. Description of Services to be Provided.** The catch basin filtration system  
4 maintenance service and improvements authorized for Zone 60 of L&LMD No. 89-1-C are:

5 (a) The maintenance and servicing of catch basin filtration systems within the public  
6 right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff.

7 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
8 benefits from the annexation of Zone 60 of L&LMD No. 89-1-C will be \$111.04 per parcel for fiscal year  
9 2006-07. As stated in the Report, the total budget for Zone 60 for the fiscal year 2006-07 is  
10 \$82,400.00; there are 742 parcels that are to be assessed. The annual assessment will be increased  
11 by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer  
12 Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California  
13 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the  
14 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative  
15 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2006.  
16 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority  
17 approval of all the property owners within Zone 60. The Board of Supervisors will levy the assessment  
18 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the  
19 dissolution of Zone 60 of L&LMD No. 89-1-C. The annual assessment will fund the services described  
20 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in  
21 the Office of the Clerk of the Board of Supervisors.

22 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-  
23 1-C is Zone 60. The boundaries of Zone 60 are located within the unincorporated area of the County  
24 and are described and shown in the Report and Exhibit "A".

25 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
26 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to

1 the Report for a full and detailed description of the services, the boundaries of Zone 60, and the annual  
2 assessment to be levied upon assessable lots and parcels within Zone 60 proposed to be annexed to  
3 L&LMD No. 89-1-C.

4 **Section 8. Public Hearing.** The question of whether Zone 60 shall be annexed into L&LMD  
5 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at  
6 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006, at 9:30 a.m. at the  
7 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
8 California.

9 **Section 9. Majority Protest.** Each owner of record of property within Zone 60 is to receive  
10 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of  
11 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.  
12 89-1-C shall not impose assessments on property within the boundaries of Zone 60 if there is a majority  
13 protest with regard to the annexation of Zone 60. A majority protest exists if, upon the conclusion of the  
14 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment  
15 of Zone 60 exceeds the ballots in favor of the annexation and assessment of Zone 60.

16 **Section 10. Information.** Any property owner desiring additional information regarding Zone  
17 60 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
18 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
19 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-  
20 6829.

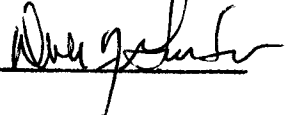
21 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
22 annexation of Zone 60 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
23 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
24 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
25 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 25, 2006.  
26 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall

1 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
2 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the  
3 California Elections Code to all owners of record of property within Zone 60 as shown on the last  
4 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
5 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 25, 2006.

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

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 FORM APPROVED  
COUNTY COUNSEL

25 MAY 16 2006

26 BY 

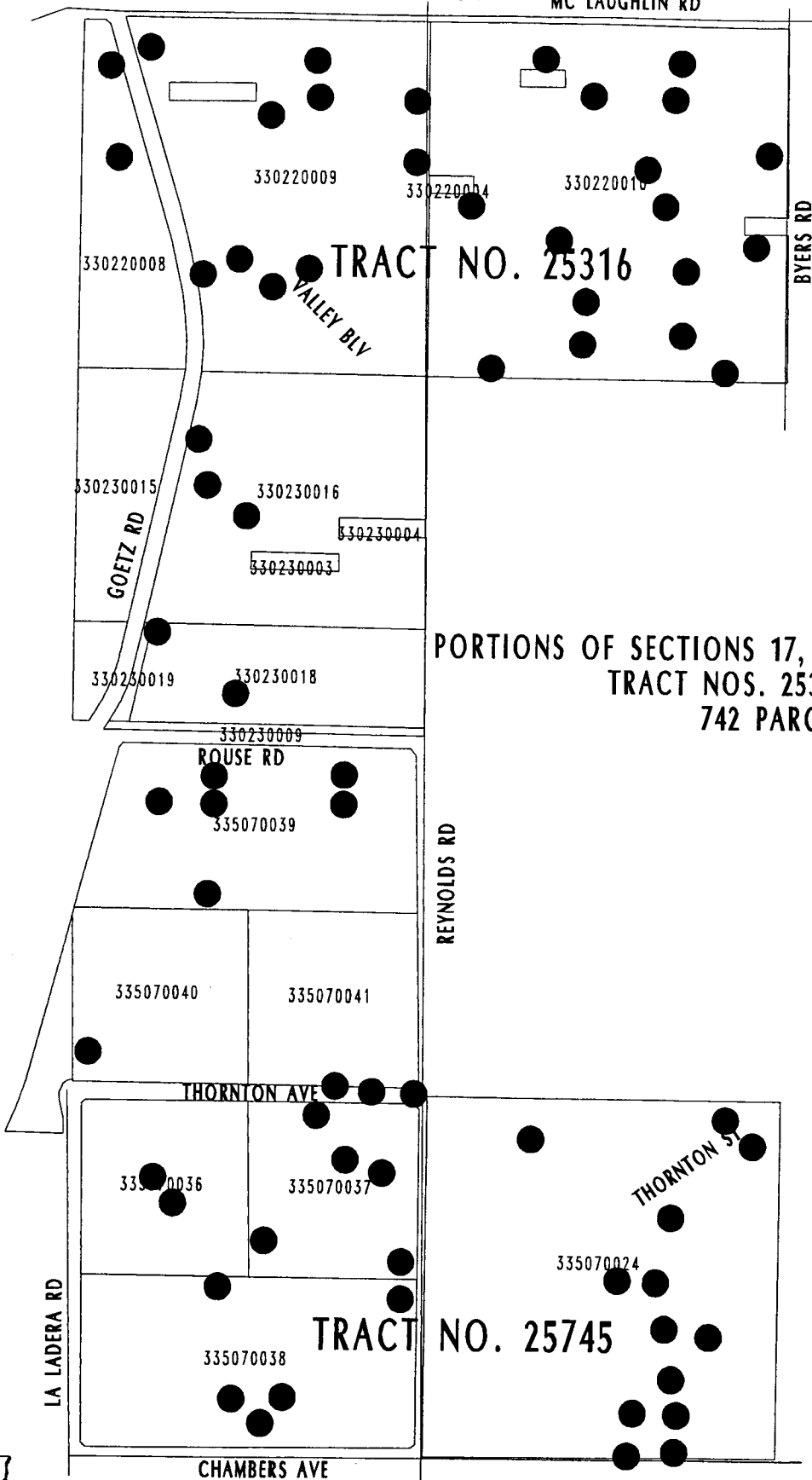
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 60 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 313 as shown on Tract Map No. 25316 and Lots 1 through 429 as shown on Tract Map No. 25745 in the County of Riverside, State of California for fiscal year 2006-07.

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

LANDSCAPING AND LIGHTING MAINTENANCE  
 DISTRICT NO. 89-1-CONSOLIDATED  
 ZONE 60



SCALE: 1" = 600'

PORTIONS OF SECTIONS 17, 19 & 20, T.5S., R.3W  
 TRACT NOS. 25316 & 25745  
 742 PARCELS



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 14, 2006

● DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM

ASSESSMENT DIAGRAM