

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

140A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 26, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 77.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-178, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 77 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 77.

Resolution No. 2006-179, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 77 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 catch basin filtration system; giving notice of and setting the time and place of the public hearing on the annexation of Zone 77, ordering an assessment ballot proceeding; and directing notice of the public hearing and assessment ballot be mailed pursuant to Article XIID of the California Constitution and Section 4000 of the Elections Code.

FORM APPROVED
COUNTY COUNSEL
MAY 16 2006

George A. Johnson
George A. Johnson
Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	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

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 77.

May 26, 2006
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-178 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 77 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-179 declares the Board's intention of ordering the annexation of Zone 77 to L&LM District No. 89-1-C. Annexation of Zone 77 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and catch basin filtration system improvements within public rights of way located easterly of Byers St.; southerly of Craig Ave; westerly of Murrieta Rd.; and/or the median on Murrieta Rd. southerly of Craig Ave. that will be installed in the future in the Wildomar area and includes 70 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 77 is \$19,950.00 and results in an assessment for fiscal year 2006-07 within Zone 77 of \$285.00 per parcel. The stated annual assessment amount 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. The annual assessment increase derived from the application of the foregoing formula is referred to as the "Standard Annual Adjustment."

In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the median landscape improvements on Murrieta Rd. are completed, the annual assessments may be further increased. For the fiscal year in which the median landscape improvements are completed, the annual assessment may be increased to an amount not to exceed \$344.64 per parcel, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the median landscape improvements on Murrieta Rd. are completed. Under the proposed annexation, neither the assessment increases based on the Standard Annual Adjustment nor the further increases associated with the completion of the median landscape improvements to Murrieta Rd. will require any further approval of the landowners within Zone 77.

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 77 will receive a notice of the public hearing and assessment ballot, an impartial analysis, a copy of Resolution No. 2006-179 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 77 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 77 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. 2006-178

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF ZONE 77 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 77"), 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 77 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 XIII D 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 77; 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 77 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 77 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 77 to pay the costs of the
10 following services:

11 (a) The maintenance and servicing of landscaping within the public right-of-way,
12 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
13 ornamental vegetation; and

14 (b) The maintenance and servicing of catch basin filtration systems within the public
15 right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff;
16 and

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 77 that is
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
19 described in Exhibit "A".

20 **Section 4. Report.** The Director of the Transportation Department of the County, or
21 his designee, is hereby designated Engineer and is ordered to prepare and file a report with the Clerk
22 of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and
23 Highways Code and Section 4 of Article XIID of the California Constitution regarding said annexation
24 and the levy.

25 **Section 5. Effective Date.** This Resolution shall take effect from and after its
26 date of adoption.

FORM APPROVED
COUNTY COUNSEL

MAY 16 2006

BY *Debra Y. Smith*

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 77 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 70 as shown on Tract Map No. 29636 in the County of Riverside, State of California for fiscal year 2006-07.

PORTION OF SECTION 8, T.6S., R3W.
ZONE 77
 TRACT NO. 29636
 70 LOTS

HAWTHORNE ST

CRAIG AVE

GEARY ST

MELVIN ST

BYERS ST

DEBORAH LN

358230001

MURRIETA RD






SCALE: 1" = 300'



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 LANDSCAPED AND MAINTAINED PARKWAY AND FENCE
-  DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM
-  DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

2 RESOLUTION NO. 2006-179

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 77 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 CATCH BASIN FILTRATION SYSTEM;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 77; 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. 2006-178 on June 6, 2006 initiating
14 proceedings for the annexation of Zone 77 (hereinafter "Zone 77"), 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 77 and the assessments to be levied within Zone 77 each
21 fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping and catch basin filtration
22 system 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 77; and

26 WHEREAS, the Board of Supervisors by Resolution No. 2006-178 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 77, and the assessments to be levied on parcels within Zone 77
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 77
16 proposed to be annexed to L&LMD No. 89-1-C will be \$285.00 per parcel;

17 (d) Beginning in the fiscal year in which the median landscape improvements on
18 Murrieta Rd. are completed, the annual assessment and all subsequent annual assessments will be
19 increased accordingly. The annual assessment may be increased to an amount not to exceed \$344.64
20 per parcel, adjusted for inflation, in the fiscal year in which the median landscape improvements on
21 Murrieta Rd. are completed as detailed in the Report. Subsequent annual assessments will be
22 increased, without regard to the \$344.64 per parcel ceiling, in accordance with the standard annual
23 adjustment formula outlined in Section 5 of this Resolution.

24 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
25 annexation of Zone 77, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
26 collect an annual assessment on all assessable lots and parcels of property within Zone 77

1 commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that
2 there are no parcels or lots within Zone 77 that are owned by a federal, state or other local
3 governmental agency that will benefit from the services to be financed by the annual assessments.
4 The annual assessments will be collected at the same time and in the same manner as property taxes
5 are collected, and all laws providing for the collection and enforcement of property taxes shall apply to
6 the collection and enforcement of said assessments.

7 **Section 3. Boundaries.** All the property within boundaries of Zone 77 is proposed to be
8 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
9 County as described and shown in Exhibit "A".

10 **Section 4. Description of Services to be Provided.** The landscaping and catch basin
11 filtration system maintenance service and improvements authorized for Zone 77 of L&LMD No. 89-1-C
12 are:

13 (a) The maintenance and servicing of landscaping within the public right-of-way,
14 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass and other ornamental
15 vegetation; and,

16 (b) The maintenance and servicing of irrigation and electrical facilities associated
17 with the landscaping, including but not limited to electricity for operation of the irrigation system and
18 water for irrigation; and,

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

21 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
22 benefits from the annexation of Zone 77 of L&LMD No. 89-1-C will be \$285.00 per parcel for fiscal year
23 2006-07. As stated in the Report, the total budget for Zone 77 for the fiscal year 2006-07 is
24 \$19,950.00; there are 70 parcels that are to be assessed. The stated annual assessment will be
25 adjusted annually by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in
26 the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange

1 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
2 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
3 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
4 March of 2006. The annual assessment increase derived from the application of the foregoing formula
5 is referred to as the "Standard Annual Adjustment." In addition to the Standard Annual Adjustment,
6 beginning in the fiscal year in which the median landscape improvements on Murrieta Rd. are
7 completed, the annual assessments may be further increased. For the fiscal year in which the median
8 landscape improvements are completed, the annual assessment may be increased to an amount not to
9 exceed \$344.64 per parcel, adjusted for inflation. The Standard Annual Adjustment will e applied to this
10 increased assessment in all subsequent fiscal years following the year in which the median landscape
11 improvements on Murrieta Rd. are completed without regard to the \$344.64 per parcel, inflation
12 adjusted, assessment ceiling required during the fiscal year the landscape improvements were first
13 completed. Except for assessment increases associated with the completion of the median landscape
14 improvements on Murrieta Rd., and assessment increases resulting from the application of the
15 Standard Annual Adjustment, any other increase in the annual assessment requires a majority approval
16 of all the property owners within Zone 77. The Board of Supervisors will levy the assessment in each
17 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of
18 Zone 77 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of
19 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
20 Clerk of the Board of Supervisors.

21 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-
22 1-C is Zone 77. The boundaries of Zone 77 are located within the unincorporated area of the County
23 and are described and shown in the Report and Exhibit "A".

24 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
25 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
26 the Report for a full and detailed description of the services, the boundaries of Zone 77, and the annual

1 assessment to be levied upon assessable lots and parcels within Zone 77 proposed to be annexed to
2 L&LMD No. 89-1-C.

3 **Section 8. Public Hearing.** The question of whether Zone 77 shall be annexed into L&LMD
4 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at
5 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006, at 9:30 a.m. at the
6 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
7 California.

8 **Section 9. Majority Protest.** Each owner of record of property within Zone 77 is to receive
9 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of
10 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.
11 89-1-C shall not impose assessments on property within the boundaries of Zone 77 if there is a majority
12 protest with regard to the annexation of Zone 77. A majority protest exists if, upon the conclusion of the
13 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment
14 of Zone 77 exceeds the ballots in favor of the annexation and assessment of Zone 77.

15 **Section 10. Information.** Any property owner desiring additional information regarding Zone
16 77 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
17 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
18 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-
19 6829.

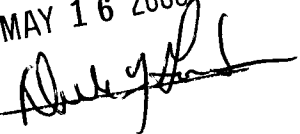
20 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
21 annexation of Zone 77 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
22 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
23 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
24 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 25, 2006.
25 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
26 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,

1 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the
2 California Elections Code to all owners of record of property within Zone 77 as shown on the last
3 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
4 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 25, 2006.

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

7
8
9
10
11
12
13
14
15
16
17
18 FORM APPROVED
COUNTY COUNSEL

19 MAY 16 2006

20 BY 

21
22
23
24
25
26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 77 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 70 as shown on Tract Map No. 29636 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

PORTION OF SECTION 8, T.6S.,R3W.
ZONE 77
 TRACT NO. 29636
 70 LOTS

HAWTHORNE ST

CRAIG AVE

GEARY ST

MELVIN ST

BYERS ST

DEBORAH LN

358230001

MURRIETA RD



SCALE: 1" = 300'



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 LANDSCAPED AND MAINTAINED PARKWAY AND FENCE
- DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM
- DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

ASSESSMENT DIAGRAM