

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

154A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 26, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 66.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-180, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 66 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 66.

Resolution No. 2006-181, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 66 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; giving notice of and setting the time and place of the public hearing on the annexation of Zone 66, 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 16 2006

BY *[Signature]*

[Signature]
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]*

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

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 66.

May 26, 2006
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-180 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 66 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-181 declares the Board's intention of ordering the annexation of Zone 66 to L&LM District No. 89-1-C. Annexation of Zone 66 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public rights of way located southerly of Western View Dr.; and westerly of Juniper Flats Rd.; in the Homeland area and includes 37 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 66 is \$8,000.00 that will result in an assessment for fiscal year 2006-07 within Zone 66 of \$216.22 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 25, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 66 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-181 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 66 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 66 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.

RESOLUTION NO. 2006-180

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 66 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the Board of Supervisors”) of the County of Riverside (hereinafter the “County”) has been advised by the Transportation Department (hereinafter “Department”) of the County that said Department has received a request from the owner (the “Applicant”) of all of the property in the unincorporated area of the County (hereinafter “Zone 66”), as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 66 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of Streets and Highways Code (hereinafter, respectively, the “Act” and the “Street and Highways Code”); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 66; and

WHEREAS, the Applicant has executed a “Waiver and Consent Regarding Date of Assessment Ballot Election” allowing for the election to be held on July 25, 2006; and

WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil engineer, has expertise with respect to the annexation of territory to landscaping and 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 66 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 66 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 66 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,
13 and other ornamental vegetation; and

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

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 66 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 Department, or his designee, is hereby
21 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of
22 Supervisors in accordance with Section 22565 et. seq. of the Streets and Highways Code and Section
23 4 of Article XIID of the California Constitution.

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

26 FORM APPROVED
COUNTY COUNSEL

MAY 16 2006

BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 66 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 37 as shown on Tract Map No. 28477 in the County of Riverside, State of California for fiscal year 2006-07.

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

ZONE 66

PORTION OF SECTION 8, T.5S.,R.2W.



SCALE: 1" = 100'

WESTERN VIEW DR

COLIN DR

457140022

457140021

RACHEL LN

JUNIPER FLATS RD

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY



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

TRACT NO. 28477
37 LOTS

ASSESSMENT DIAGRAM

RESOLUTION NO. 2006-181

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 66 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; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 66; ORDERING AN ASSESSMENT PROCEEDING; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the County) has adopted Resolution No. 2006-180 on June 6, 2006 initiating proceedings for the annexation of Zone 66 (hereinafter "Zone 66"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 66 and the assessments to be levied within Zone 66 each fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping and irrigation facilities within the public right-of-way within said Zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution (hereinafter "Article XIID:") the Act and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 66; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-180 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 Section 22565 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 66, and the assessments to be levied on parcels within Zone 66
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 66
16 proposed to be annexed to L&LMD No. 89-1-C will be \$216.22 per parcel;

17 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
18 annexation of Zone 66, 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 66
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 66 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 66 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 landscape maintenance service
4 and improvements authorized for Zone 66 of L&LMD No. 89-1-C are:

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

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

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 66 of L&LMD No. 89-1-C will be \$216.22 per parcel for fiscal year
13 2006-07 as stated in the Report, the total budget for Zone 66 for the fiscal year 2006-07 is \$8,000.00;
14 there are 37 parcels that are to be assessed. The annual assessment will be increased by the greater
15 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all
16 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
17 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
18 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
19 the Index as it stands on March of each year over the base Index for March of 2006. Any increase
20 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the
21 property owners within Zone 66. The Board of Supervisors will levy the assessment in each
22 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of
23 Zone 66 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of
24 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
25 Clerk of the Board of Supervisors.

26 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-

1 1-C is Zone 66. The boundaries of Zone 66 are located within the unincorporated area of the County
2 and are described and shown in the Report and Exhibit "A".

3 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
4 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
5 the Report for a full and detailed description of the services, the boundaries of Zone 66, and the annual
6 assessment to be levied upon assessable lots and parcels within Zone 66 proposed to be annexed to
7 L&LMD No. 89-1-C.

8 **Section 8. Public Hearing.** The question of whether Zone 66 shall be annexed into L&LMD
9 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at
10 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006 at 9:30 a.m. at the
11 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
12 California.

13 **Section 9. Majority Protest.** Each owner of record of property within Zone 66 is to receive
14 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
15 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
16 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
17 Zone 66 if there is a majority protest with regard to the annexation of Zone 66. A majority protest exists
18 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in
19 opposition to the annexation and assessment of Zone 66 exceeds the assessment ballots in favor of
20 the annexation and assessment of Zone 66.

21 **Section 10. Information.** Any property owner desiring additional information regarding Zone
22 66 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 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the

1 annexation of Zone 66 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
2 Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code. The Clerk of
3 the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this
4 Resolution to be published once in *The Press Enterprise* at least ten (10) days prior to the date of the
5 Public Hearing that is July 25, 2006. Publication of this Resolution is to be effected by the Clerk of the
6 Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices,
7 as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
8 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
9 Zone 66 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
10 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
11 Hearing on July 25, 2006.

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

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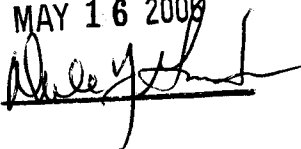
FORM APPROVED
COUNTY COUNSEL
MAY 16 2008
BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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

ZONE 66

PORTION OF SECTION 8, T.5S.,R.2W.



SCALE: 1" = 100'

WESTERN VIEW DR

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JUNIPER FLATS RD

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY



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MAY 14, 2006

TRACT NO. 28477

37 LOTS

ASSESSMENT DIAGRAM