

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

157A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 26, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 67.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-182, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 67 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 67.

Resolution No. 2006-183, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 67 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 67, 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
Blaine Johnson

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 *Steve Quade*

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

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 67.

May 26, 2006
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-182 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 67 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-183 declares the Board's intention of ordering the annexation of Zone 67 to L&LM District No. 89-1-C. Annexation of Zone 67 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 southerly of Catt Rd.; in the Wildomar area and includes 44 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 67 is \$6,100.00 that will result in an assessment for fiscal year 2006-07 within Zone 67 of \$138.64 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 67 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-183 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 67 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 67 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. 2006-182

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 67 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 an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 67"), 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 67 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 67; and

WHEREAS, the Applicants have 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 Transportation 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 67 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 67 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 67 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 67 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

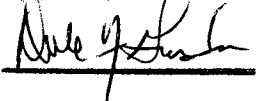
BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 67 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 44 as shown on Tract Map No. 31837 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT

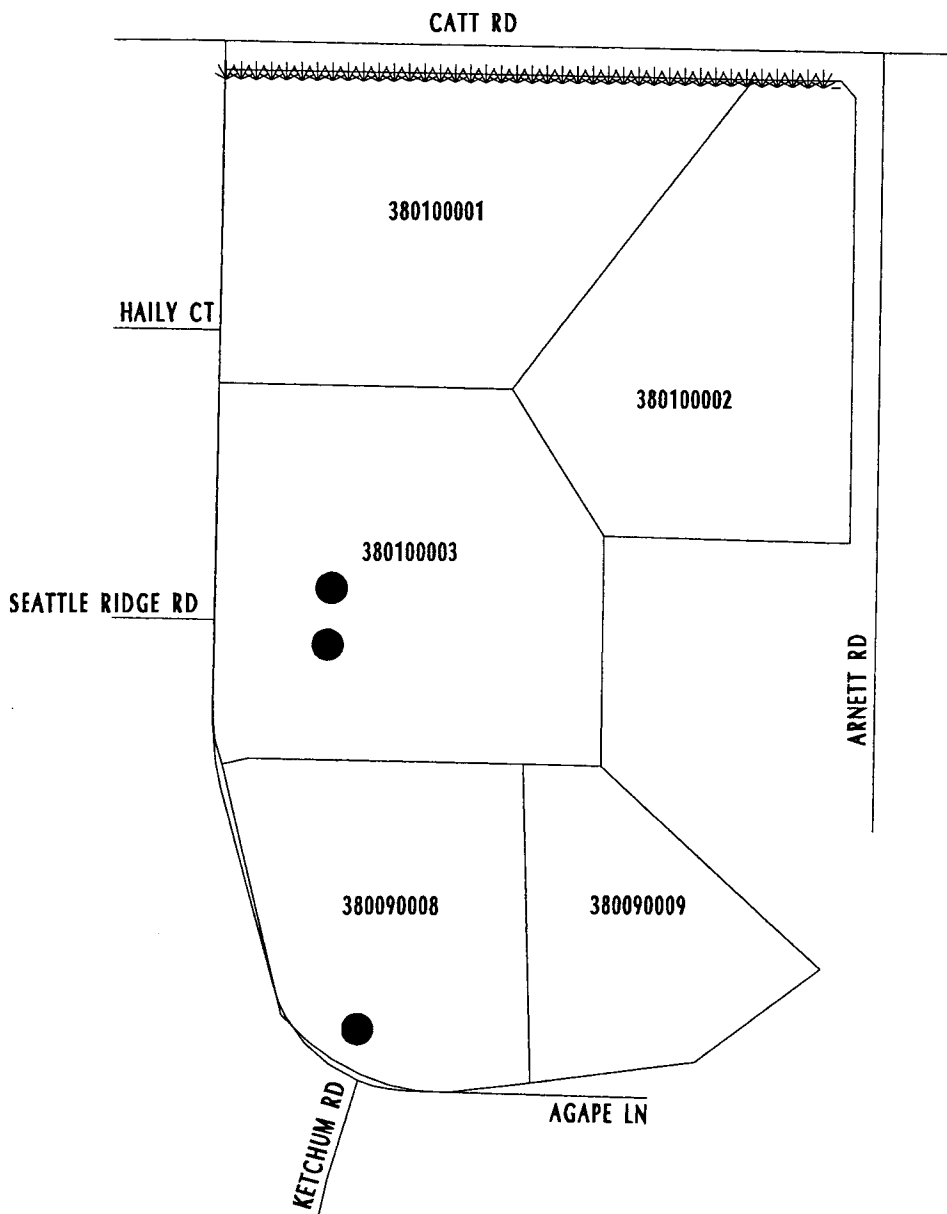
NO. 89-1-CONSOLIDATED

ZONE 67

PORTION OF SECTION 1, T.7S., R.4W.

TRACT NO. 31837

44 LOTS



SCALE: 1" = 200'

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

 DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM



ASSESSMENT DIAGRAM

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

RESOLUTION NO. 2006-183

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 67 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 67; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the County) has adopted Resolution No. 2006-182 on June 6, 2006 initiating proceedings for the annexation of Zone 67 (hereinafter "Zone 67"), 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 "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 67 and the assessments to be levied within Zone 67 each fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping and catch basin filtration system improvements 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:") 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 67; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-182 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

b

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 67, and the assessments to be levied on parcels within Zone 67
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 67
16 proposed to be annexed to L&LMD No. 89-1-C will be \$138.64 per parcel;

17 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
18 annexation of Zone 67, 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 67
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 67 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 67 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 landscaping and catch basin
4 filtration system maintenance service and improvements authorized for Zone 67 of L&LMD No. 89-1-C
5 are:

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

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

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

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
15 benefits from the annexation of Zone 67 of L&LMD No. 89-1-C will be \$138.64 per parcel for fiscal year
16 2006-07. As stated in the Report, the total budget for Zone 67 for the fiscal year 2006-07 is \$6,100.00;
17 there are 44 parcels that are to be assessed. The annual assessment will be increased annually by the
18 greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price
19 Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
20 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
21 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative
22 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2006.
23 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority
24 approval of all the property owners within Zone 67. The Board of Supervisors will levy the assessment
25 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the
26 dissolution of Zone 67 of L&LMD No. 89-1-C. The annual assessment will fund the services described

1 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in
2 the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-
4 1-C is Zone 67. The boundaries of Zone 67 are located within the unincorporated area of the County
5 and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
8 the Report for a full and detailed description of the services, the boundaries of Zone 67, and the annual
9 assessment to be levied upon assessable lots and parcels within Zone 67 proposed to be annexed to
10 L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 67 shall be annexed into L&LMD
12 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at
13 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006, at 9:30 a.m. at the
14 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
15 California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 67 is to receive
17 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of
18 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.
19 89-1-C shall not impose assessments on property within the boundaries of Zone 67 if there is a majority
20 protest with regard to the annexation of Zone 67. A majority protest exists if, upon the conclusion of the
21 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment
22 of Zone 67 exceeds the ballots in favor of the annexation and assessment of Zone 67.

23 **Section 10. Information.** Any property owner desiring additional information regarding Zone
24 67 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
25 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
26 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-

1 6829.

2 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
3 annexation of Zone 67 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
4 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
5 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
6 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 25, 2006.
7 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
8 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
9 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the
10 California Elections Code to all owners of record of property within Zone 67 as shown on the last
11 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
12 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 25, 2006.

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

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FORM APPROVED
COUNTY COUNSEL

MAY 16 2006

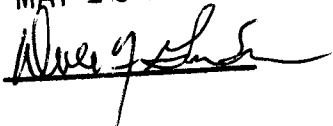
BY 

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT

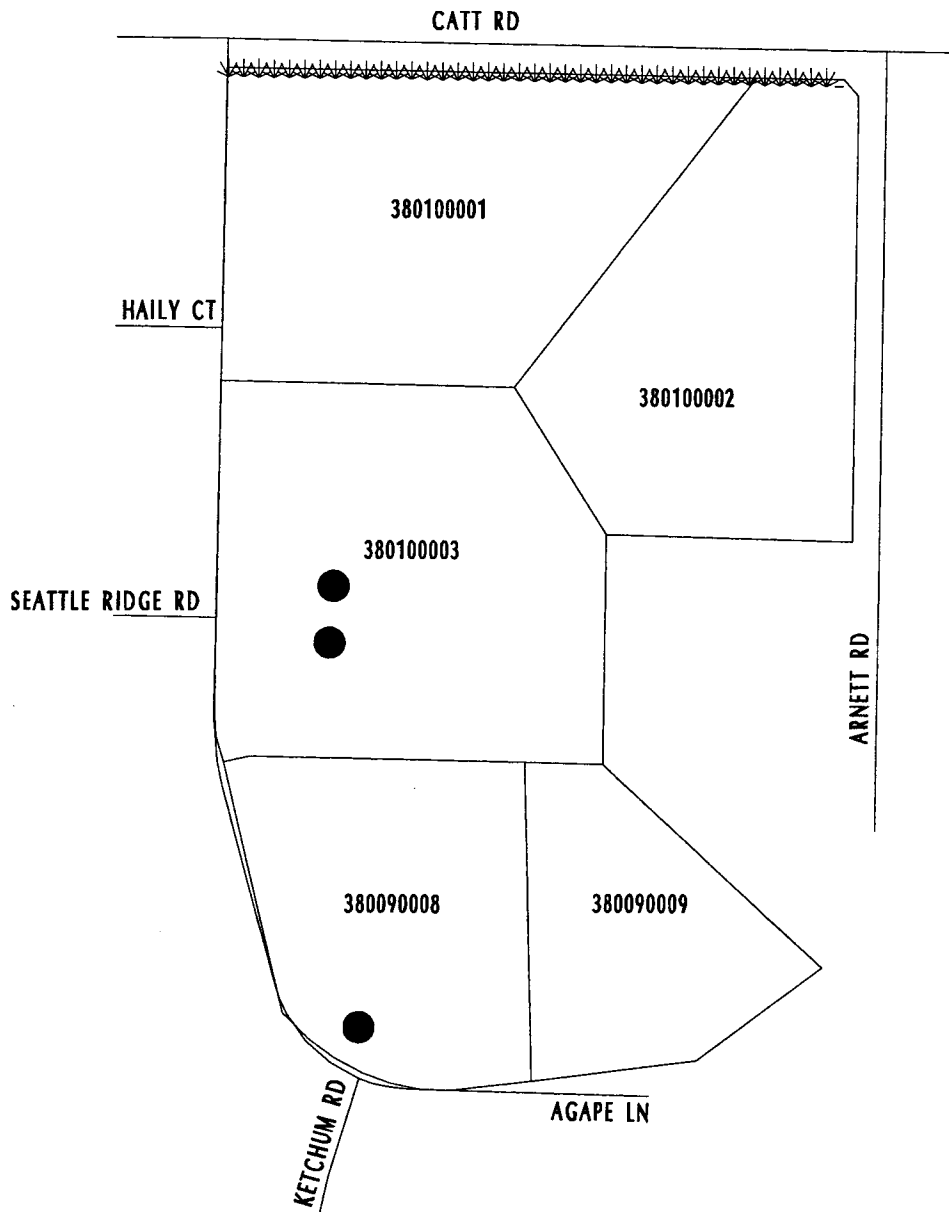
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ZONE 67

PORTION OF SECTION 1, T.7S., R.4W.

TRACT NO. 31837

44 LOTS



SCALE: 1" = 200'

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

 DENOTES MAINTAINED CATCH BASIN FILTRATION SYSTEM



ASSESSMENT DIAGRAM

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MAY 14, 2006