

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



137A

**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
May 26, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 68.

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

Resolution No. 2006-184, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 68 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 68.

Resolution No. 2006-185, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 68 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 bio-swales; giving notice of and setting the time and place of the public hearing on the annexation of Zone 68, 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  
*[Signature]*

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

<b>FINANCIAL DATA</b>	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

<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]*

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

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 68.

May 26, 2006

Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-184 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 68 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-185 declares the Board's intention of ordering the annexation of Zone 68 to L&LM District No. 89-1-C. Annexation of Zone 68 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and bio-swales within public rights of way located southerly of Van Buren Blvd.; in the Woodcrest area and includes 23 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 68 is \$13,500.00 that will result in an assessment for fiscal year 2006-07 within Zone 68 of \$586.96 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 68 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-185 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 68 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 68 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. 2006-184

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
4 PROCEEDINGS FOR THE ANNEXATION OF ZONE 68 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 68"), 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 68 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 68; 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 68 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 68 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 68 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 bio-swales within the public right-of-way  
15 including the removal of pollutants from water runoff; and

16 **Section 3. Boundaries and Designation.** The boundaries of Zone 68 that is  
17 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
18 described in Exhibit "A".

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

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 

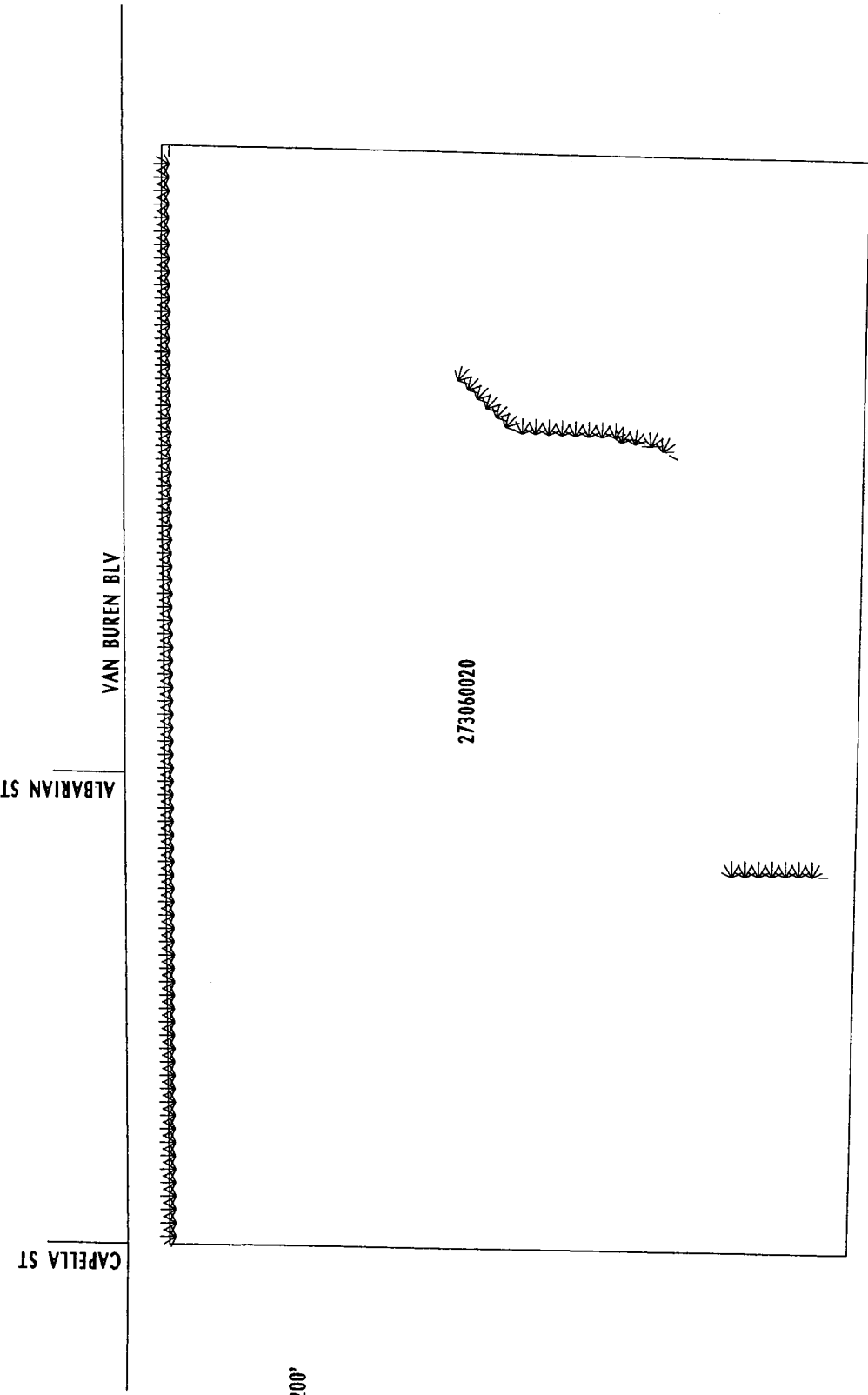
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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The boundaries of Zone 68 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 23 as shown on Tract Map No. 28767 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISKICI NU. 89-1-CONSOLIDATED  
**ZONE 68**  
PORTION OF SECTION 26, T.3S., R.5W.



N  
SCALE: 1" = 200'

DENOTES LANDSCAPED AND MAINTAINED PARKWAY AND BIO-SWALE  
KRAMERIA AVE  
BONANZA DR

TRACT NO. 28767  
23 LOTS



# 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 13, 2006

2 RESOLUTION NO. 2006-185

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 68 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 BIO-SWALES; GIVING NOTICE OF AND SETTING THE TIME  
8 AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 68; 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. 2006-184 on June 6, 2006 initiating  
13 proceedings for the annexation of Zone 68 (hereinafter "Zone 68"), 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 68 and the assessments to be levied within Zone 68 each  
20 fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping and bio-swale  
21 improvements 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 68; and

25 WHEREAS, the Board of Supervisors by Resolution No. 2006-184 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**, it is necessary that the Board of Supervisors adopt a resolution of intention  
3 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
4 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
5 Report, the annexation of Zone 68, and the assessments to be levied on parcels within Zone 68  
6 beginning in fiscal year 2006-07;

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

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

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

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

14           (c) The annual assessment for fiscal year 2006-07 on all parcels within Zone 68  
15 proposed to be annexed to L&LMD No. 89-1-C will be \$586.96 per parcel;

16       **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
17 annexation of Zone 68, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
18 collect an annual assessment on all assessable lots and parcels of property within Zone 68  
19 commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that  
20 there are no parcels or lots within Zone 68 that are owned by a federal, state or other local  
21 governmental agency that will benefit from the services to be financed by the annual assessments.  
22 The annual assessments will be collected at the same time and in the same manner as property taxes  
23 are collected, and all laws providing for the collection and enforcement of property taxes shall apply to  
24 the collection and enforcement of said assessments.

25       **Section 3.    Boundaries.** All the property within boundaries of Zone 68 is proposed to be  
26 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the

1 County as described and shown in Exhibit "A".

2 **Section 4. Description of Services to be Provided.** The landscaping and bio-swale  
3 maintenance service and improvements authorized for Zone 68 of L&LMD No. 89-1-C are:

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

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

10 (c) The maintenance and servicing of bio-swales within the public right-of-way  
11 including the removal of petroleum hydrocarbons and other pollutants from water runoff.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
13 benefits from the annexation of Zone 68 of L&LMD No. 89-1-C will be \$586.96 per parcel for fiscal year  
14 2006-07. As stated in the Report, the total budget for Zone 68 for the fiscal year 2006-07 is  
15 \$13,500.00; there are 23 parcels that are to be assessed. The annual assessment will be increased  
16 annually by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
17 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange  
18 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor  
19 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the  
20 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for  
21 March of 2006. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires  
22 a majority approval of all the property owners within Zone 68. The Board of Supervisors will levy the  
23 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for  
24 the dissolution of Zone 68 of L&LMD No. 89-1-C. The annual assessment will fund the services  
25 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report  
26 on file in the Office of the Clerk of the Board of Supervisors.

1           **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No. 89-  
2 1-C is Zone 68. The boundaries of Zone 68 are located within the unincorporated area of the County  
3 and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Zone 68, and the annual  
7 assessment to be levied upon assessable lots and parcels within Zone 68 proposed to be annexed to  
8 L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Zone 68 shall be annexed into L&LMD  
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at  
11 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006, at 9:30 a.m. at the  
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
13 California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Zone 68 is to receive  
15 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of  
16 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.  
17 89-1-C shall not impose assessments on property within the boundaries of Zone 68 if there is a majority  
18 protest with regard to the annexation of Zone 68. A majority protest exists if, upon the conclusion of the  
19 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment  
20 of Zone 68 exceeds the ballots in favor of the annexation and assessment of Zone 68.

21           **Section 10. Information.** Any property owner desiring additional information regarding Zone  
22 68 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 68 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
2 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
3 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
4 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 25, 2006.  
5 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall  
6 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
7 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the  
8 California Elections Code to all owners of record of property within Zone 68 as shown on the last  
9 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
10 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 25, 2006.

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

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FORM APPROVED  
COUNTY COUNSEL  
MAY 16 2006  
BY *[Signature]*

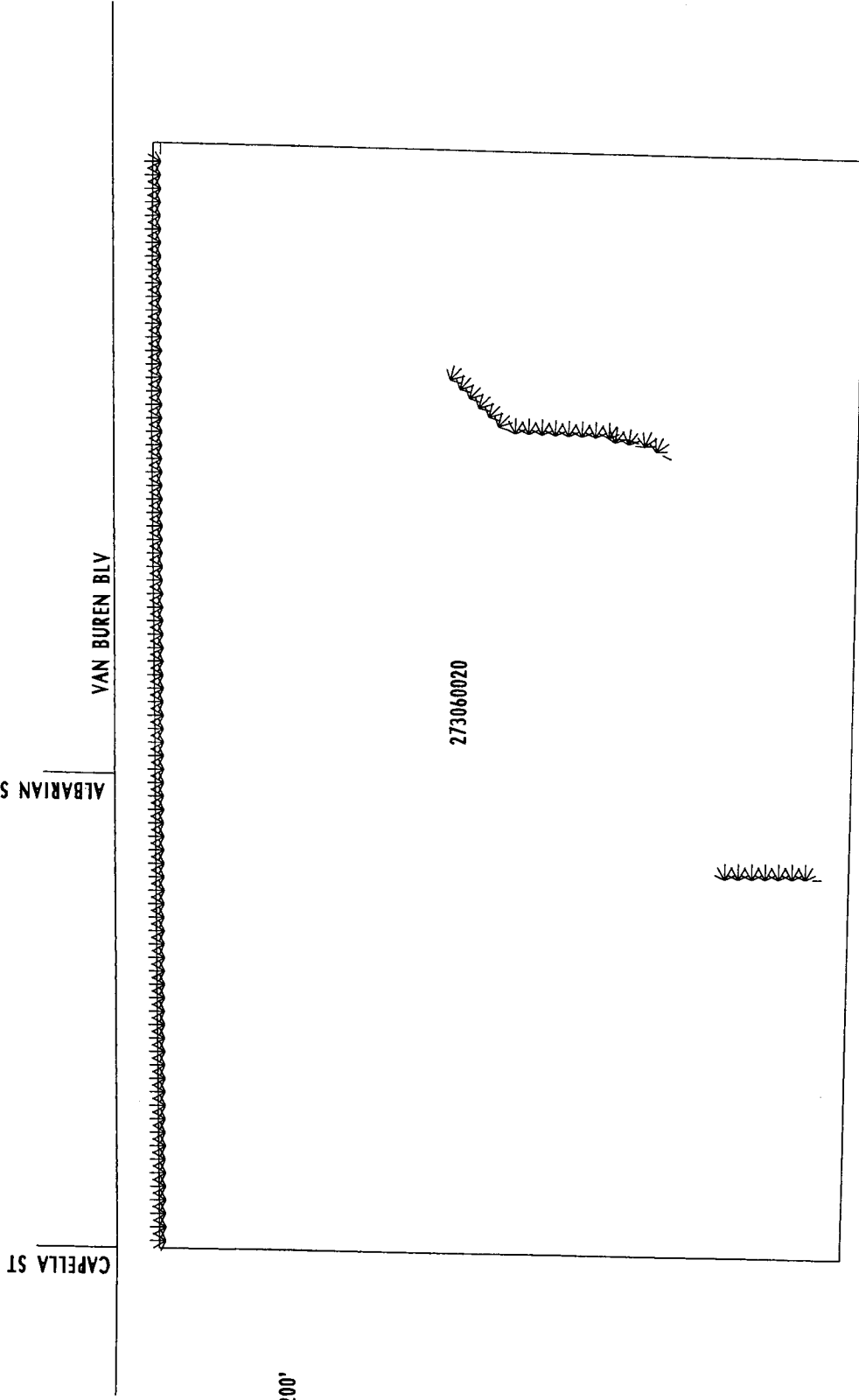
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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The boundaries of Zone 68 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 23 as shown on Tract Map No. 28767 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISKICI NO. 8Y-1-CONSOLIDATED  
**ZONE 68**  
PORTION OF SECTION 26, T.3S., R.5W.



DENOTES LANDSCAPED AND MAINTAINED PARKWAY AND BIO-SWALE

TRACT NO. 28767  
23 LOTS

# ASSESSMENT DIAGRAM



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MAY 13, 2006