

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

159A



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
May 26, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 71.

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

Resolution No. 2006-188, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 71 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 71.

Resolution No. 2006-189, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 71 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 71, 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's Recomm.:  Consent  Policy   
Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.:

District: 1

Agenda Number:

3.63

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 71.

May 26, 2006

Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-188 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 71 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-189 declares the Board's intention of ordering the annexation of Zone 71 to L&LM District No. 89-1-C. Annexation of Zone 71 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public rights of way located southwesterly of Grand Ave.; and northeasterly of Elm St.; in the Wildomar area and includes 142 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 71 is \$8,100.00 that will result in an assessment for fiscal year 2006-07 within Zone 71 of \$57.04 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 71 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-189 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 71 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 71 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. 2006-188

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 71 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the Board of Supervisors") of the County of  
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
11 "Department") of the County that said Department has received a request from the owner (the  
12 "Applicant") of all of the property in the unincorporated area of the County (hereinafter "Zone 71"), as  
13 shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed  
14 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-  
15 1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that  
16 it is necessary and desirable to initiate proceedings for the annexation of Zone 71 to L&LMD No. 89-1-  
17 C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of  
18 Division 15 of Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and  
19 Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 71; and

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

25 **WHEREAS**, the Director of the Department, or his designee, is a licensed and  
26 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 71 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 71 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 71 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 71 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 XIIIID 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 *Neil J. [Signature]*

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

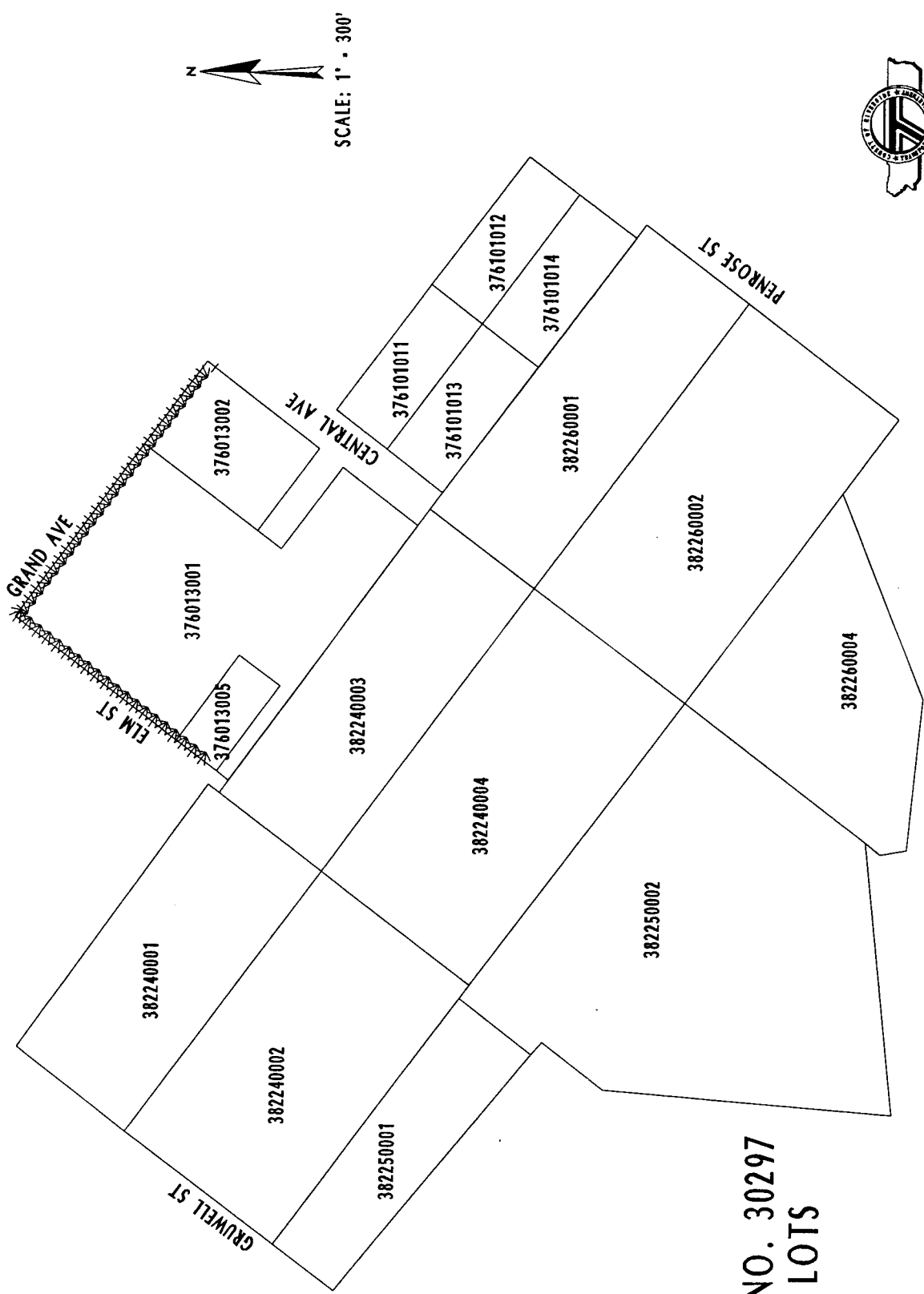
The boundaries of Zone 71 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 142 as shown on Tract Map No. 30297 in the County of Riverside, State of California for fiscal year 2006-07.

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LANDSCAPING AND LIGHTING MAINTENANCE DISK #1 NO. 07-1-UNCONSOLIDATED

# ZONE 71

PORTION OF SECTION 34, T.6S.,R.4W. & SECTION 3, T.7S.,R.4W.



TRACT NO. 30297  
142 LOTS

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 10, 2006

# ASSESSMENT DIAGRAM

2 RESOLUTION NO. 2006-189

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 71 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; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF  
8 THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 71; ORDERING AN ASSESSMENT  
9 PROCEEDING; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT  
10 BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION  
11 AND SECTION 4000 OF THE ELECTIONS CODE

12 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
13 Riverside (hereinafter the County) has adopted Resolution No. 2006-188 on June 6, 2006 initiating  
14 proceedings for the annexation of Zone 71 (hereinafter "Zone 71"), 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 "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the "Report")  
20 regarding the proposed annexation of Zone 71 and the assessments to be levied within Zone 71 each  
21 fiscal year beginning fiscal year 2006-07 for the maintenance of landscaping and irrigation facilities  
22 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:") the Act and Section 4000 of the Elections Code  
25 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 71;  
26 and

27 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-188 directed the Director of the  
28 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
29 with the Clerk of the Board of Supervisors in accordance with Section 22565 et. seq. of the Street and  
30 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 71, and the assessments to be levied on parcels within Zone 71  
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 71  
16 proposed to be annexed to L&LMD No. 89-1-C will be \$57.04 per parcel;

17       **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
18 annexation of Zone 71, 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 71  
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 71 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 71 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 71 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 71 of L&LMD No. 89-1-C will be \$57.04 per parcel for fiscal year  
13 2006-07 as stated in the Report, the total budget for Zone 71 for the fiscal year 2006-07 is \$8,100.00;  
14 there are 142 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 71. 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 71 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 71. The boundaries of Zone 71 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 71, and the annual  
6 assessment to be levied upon assessable lots and parcels within Zone 71 proposed to be annexed to  
7 L&LMD No. 89-1-C.

8 **Section 8. Public Hearing.** The question of whether Zone 71 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, 1<sup>st</sup> Floor, Riverside,  
12 California.

13 **Section 9. Majority Protest.** Each owner of record of property within Zone 71 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 71 if there is a majority protest with regard to the annexation of Zone 71. 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 71 exceeds the assessment ballots in favor of  
20 the annexation and assessment of Zone 71.

21 **Section 10. Information.** Any property owner desiring additional information regarding Zone  
22 71 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 71 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 71 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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18 FORM APPROVED  
COUNTY COUNSEL

19 MAY 16 2006

20 BY *Dennis Johnson*

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

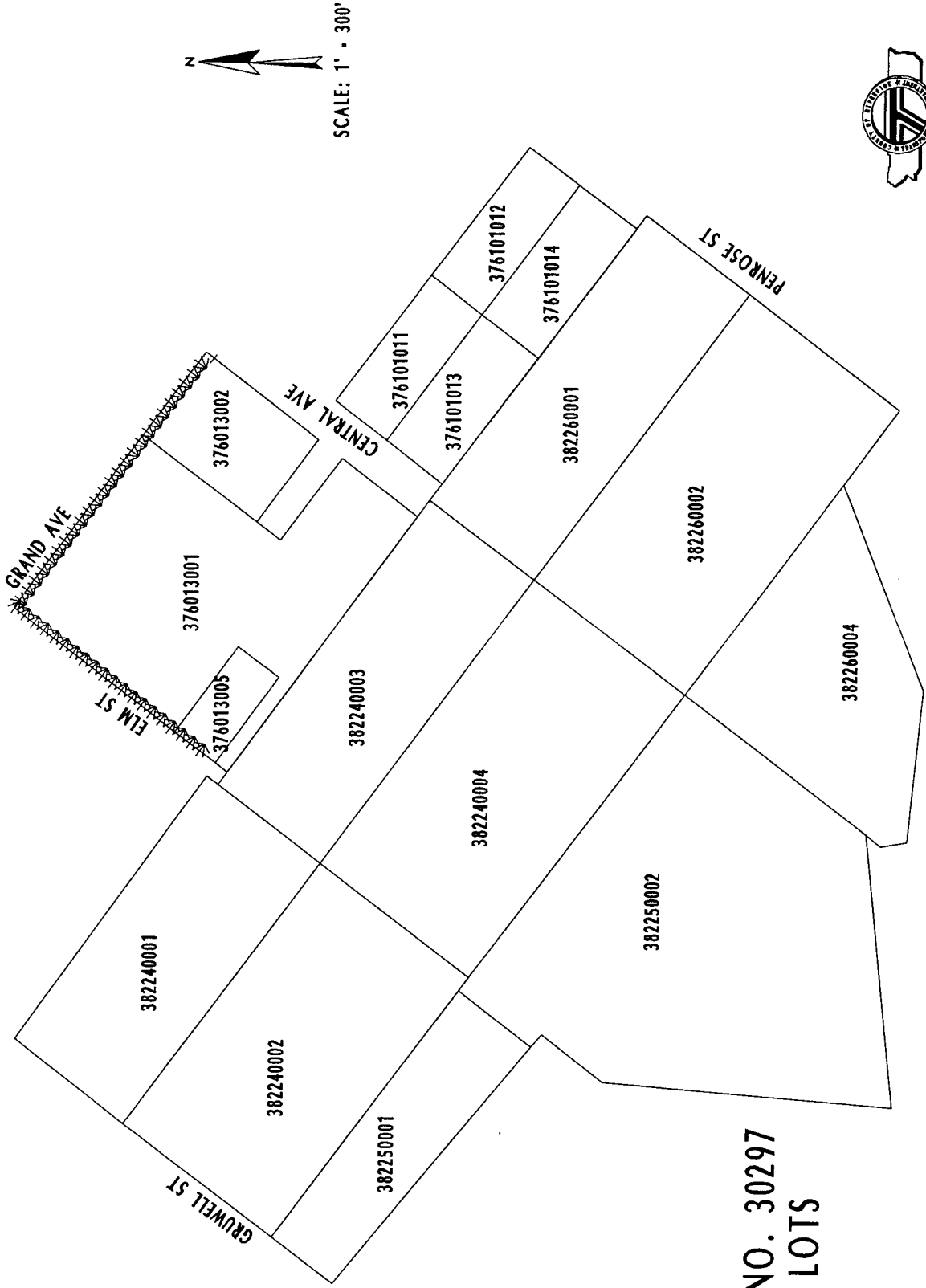
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The boundaries of Zone 71 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 142 as shown on Tract Map No. 30297 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 07-1-CONSOLIDATED

# ZONE 71

PORTION OF SECTION 34, T.6S.,R.4W. & SECTION 3, T.7S.,R.4W.



TRACT NO. 30297  
142 LOTS

--- DENOTES LANDSCAPED AND MAINTAINED PARKWAY



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 10, 2006

# ASSESSMENT DIAGRAM