

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

136A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
May 26, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 73.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-190, a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 73 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 73.

Resolution No. 2006-191, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 73 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 catch basin filtration system; giving notice of and setting the time and place of the public hearing on the annexation of Zone 73, 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:	2005-2006

SOURCE OF FUNDS:

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

Prev. Agn. Ref.:

District: 2

Agenda Number:

3.64

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Zone 73.

May 26, 2006
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-190 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 73 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-191 declares the Board's intention of ordering the annexation of Zone 73 to L&LM District No. 89-1-C. Annexation of Zone 73 to L&LMD No. 89-1-C will fund the maintenance and servicing of catch basin filtration system improvements within public rights of way located southerly of Jurupa Rd. and easterly of Kirby Dr. in the Glen Avon area and includes 14 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Zone 73 is \$1,350.00 that will result in an assessment for fiscal year 2006-07 within Zone 73 of \$96.42 per parcel. 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 73 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-191 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 73 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 73 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. 2006-190

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF ZONE 73 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 73”), 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 73 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 73; and

22 WHEREAS, the Director of the Transportation Department, or his designee, is a licensed and
23 registered civil engineer, has expertise with respect to the annexation of territory to landscaping and
24 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able
25 to serve as the engineer (hereinafter the “Engineer”) for the County with regard to the annexation of
26 Zone 73 to L&LMD No. 89-1-C.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the

27

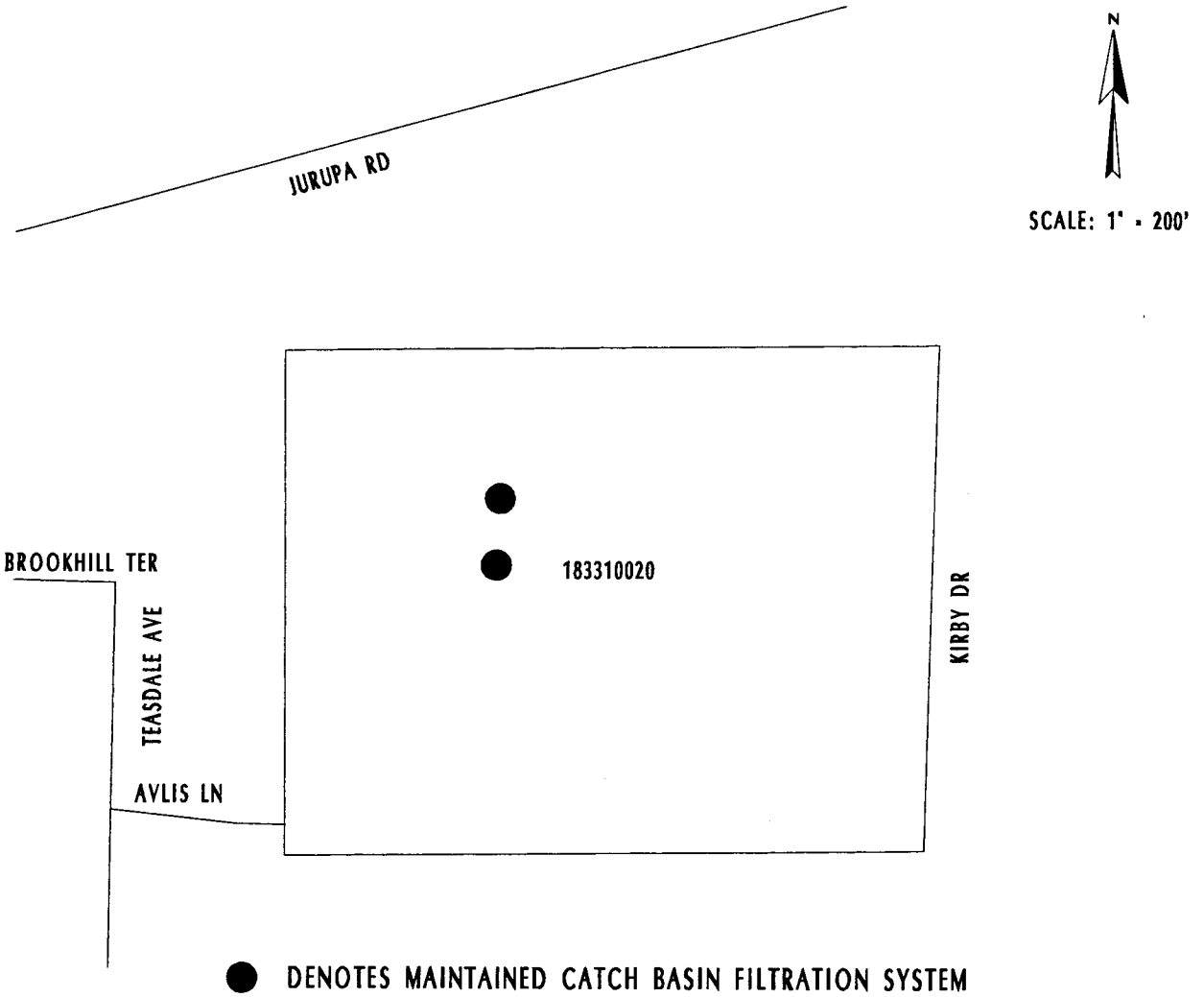
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 73 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 14 as shown on Tract Map No. 31875 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED
ZONE 73
PORTION OF SECTION 18, T.2S.,R.5W.
TRACT NO. 31875
14 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 14, 2006

2 RESOLUTION NO. 2006-191

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 73 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 CATCH BASIN FILTRATION SYSTEM;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 73; 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. 2006-190 on June 6, 2006 initiating
14 proceedings for the annexation of Zone 73 (hereinafter "Zone 73"), 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 73 and the assessments to be levied within Zone 73 each
21 fiscal year beginning fiscal year 2006-07 for the maintenance of catch basin filtration system
22 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 73; and

26 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-190 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 73, and the assessments to be levied on parcels within Zone 73
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 73
16 proposed to be annexed to L&LMD No. 89-1-C will be \$96.42 per parcel.

17 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
18 annexation of Zone 73, 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 73
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 73 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 73 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 catch basin filtration system
4 maintenance service and improvements authorized for Zone 73 of L&LMD No. 89-1-C are:

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

7 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
8 benefits from the annexation of Zone 73 of L&LMD No. 89-1-C will be \$96.42 per parcel for fiscal year
9 2006-07. As stated in the Report, the total budget for Zone 73 for the fiscal year 2006-07 is \$1,350.00;
10 there are 14 parcels that are to be assessed. The annual assessment will be increased by the greater
11 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all
12 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
13 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
14 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
15 the Index as it stands on March of each year over the base Index for March of 2006. Any increase
16 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the
17 property owners within Zone 73. The Board of Supervisors will levy the assessment in each
18 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of
19 Zone 73 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of
20 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
21 Clerk of the Board of Supervisors.

22 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-
23 1-C is Zone 73. The boundaries of Zone 73 are located within the unincorporated area of the County
24 and are described and shown in the Report and Exhibit "A".

25 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
26 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to

1 the Report for a full and detailed description of the services, the boundaries of Zone 73, and the annual
2 assessment to be levied upon assessable lots and parcels within Zone 73 proposed to be annexed to
3 L&LMD No. 89-1-C.

4 **Section 8. Public Hearing.** The question of whether Zone 73 shall be annexed into L&LMD
5 No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at
6 a public hearing (hereinafter the "Public Hearing") to be held on July 25, 2006, at 9:30 a.m. at the
7 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
8 California.

9 **Section 9. Majority Protest.** Each owner of record of property within Zone 73 is to receive
10 by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of
11 the California Elections Code. The ballots are to be returned prior to the Public Hearing. L&LMD No.
12 89-1-C shall not impose assessments on property within the boundaries of Zone 73 if there is a majority
13 protest with regard to the annexation of Zone 73. A majority protest exists if, upon the conclusion of the
14 Public Hearing, the tabulation of the ballots submitted in opposition to the annexation and assessment
15 of Zone 73 exceeds the ballots in favor of the annexation and assessment of Zone 73.

16 **Section 10. Information.** Any property owner desiring additional information regarding Zone
17 73 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
18 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
19 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-
20 6829.

21 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
22 annexation of Zone 73 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
23 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
24 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
25 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 25, 2006.
26 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall

1 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
2 ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the
3 California Elections Code to all owners of record of property within Zone 73 as shown on the last
4 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
5 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 25, 2006.

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

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

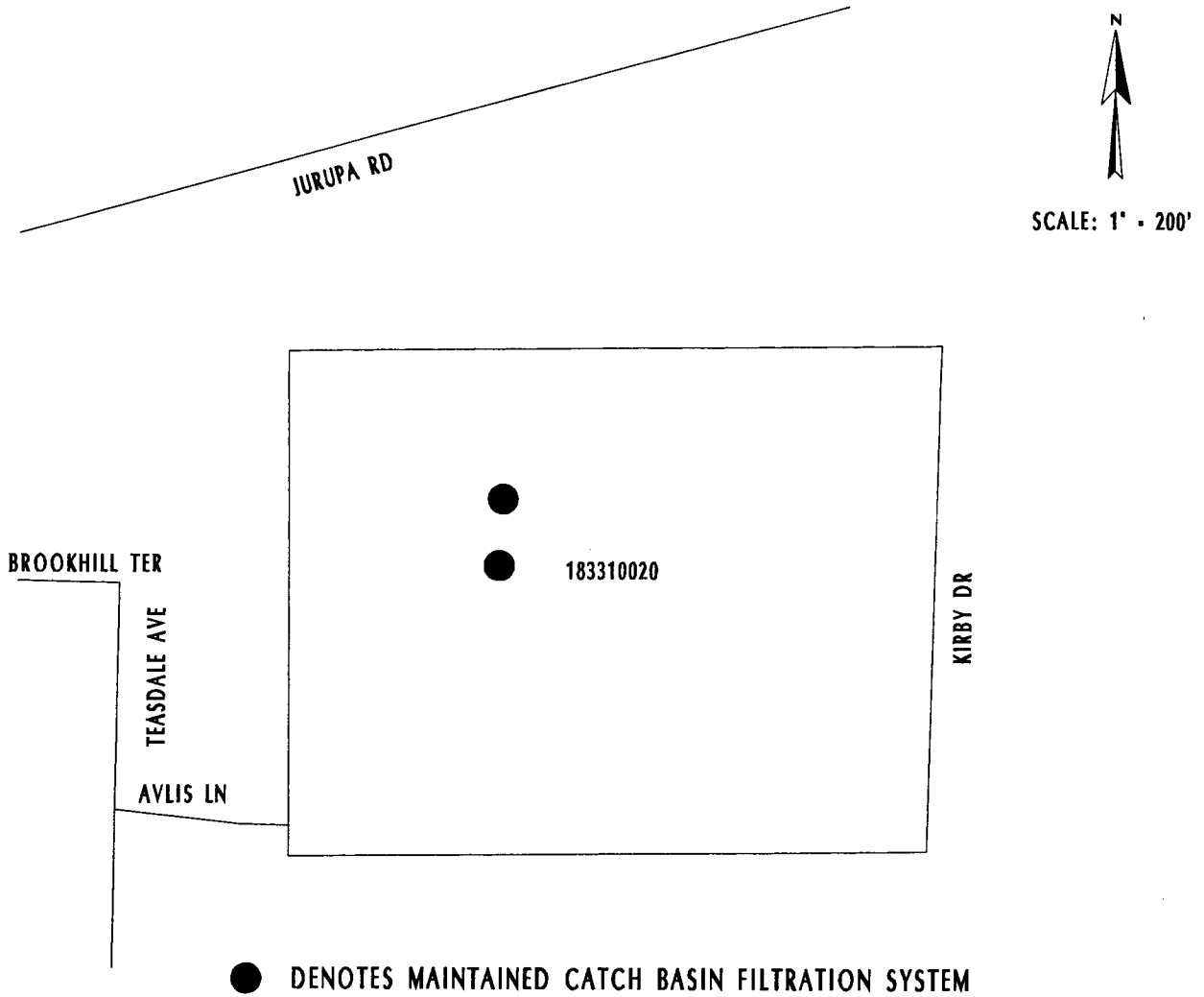
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED
ZONE 73
PORTION OF SECTION 18, T.2S.,R.5W.
TRACT NO. 31875
14 LOTS



ASSESSMENT DIAGRAM



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