

230A

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



**FROM:** TLMA-Transportation Department

**SUBMITTAL DATE:**  
June 5, 2006

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 2 to Zone 37.

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

Resolution No. 2006-205, a Resolution of the County of Riverside initiating proceedings for the annexation of Location 2 to Zone 37 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 2 to Zone 37.

Resolution No. 2006-206, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 2 to Zone 37 of 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 multi-purpose trail; giving notice of and setting the time and place of the public hearing on the annexation of Location 2 to Zone 37, 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 22 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	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<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 Location 2 to Zone 37.

June 5, 2006  
Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2006-205 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 2 to Zone 37 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-206 declares the Board's intention of ordering the annexation of Location 2 to Zone 37 of L&LM District No. 89-1-C. Annexation of Location 2 to Zone 37 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and multi-purpose trail improvements within public right of way located westerly of Goetz Rd. in the Menifee area and includes 241 single-family residential lots.

The proposed budget of fiscal year 2006-07 for Location 2 is \$24,095.00 that will result in an assessment for fiscal year 2006-07 within Location 2 of \$99.98 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 August 1, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 2 of Zone 37 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-206 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, Location 2 will be annexed to Zone 37 of L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Location 2 have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on August 1, 2006.

RESOLUTION NO. 2006-205

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF LOCATION 2 TO ZONE 37 OF 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 "Location 2"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Zone 37 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter, respectively, "Zone 37" and "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 Location 2 to Zone 37 of 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 Location 2; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on August 1, 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 Location 2 to Zone 37 of 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 13, 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 Location 2  
8 to Zone 37 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act  
9 for the purpose of levying an annual assessment on all parcels within Location 2 to pay the costs of  
10 the 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; and  
17 (c) The maintenance and servicing of multi-purpose trails within the public right-of-way.

18 **Section 3. Boundaries and Designation.** The boundaries of Location 2 that is  
19 proposed to be annexed to Zone 37 of L&LMD No. 89-1-C shall include all of the property as shown  
20 and described in Exhibit "A".

21 **Section 4. Report.** The Director of the Department, or his designee, is hereby  
22 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of  
23 Supervisors in accordance with Section 22565 et. seq. of the Streets and Highways Code and Section  
24 4 of Article XIID of the California Constitution.

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

FORM APPROVED  
COUNTY COUNSEL

MAY 22 2006

BY *Alan J. Smith*

**EXHIBIT "A"**

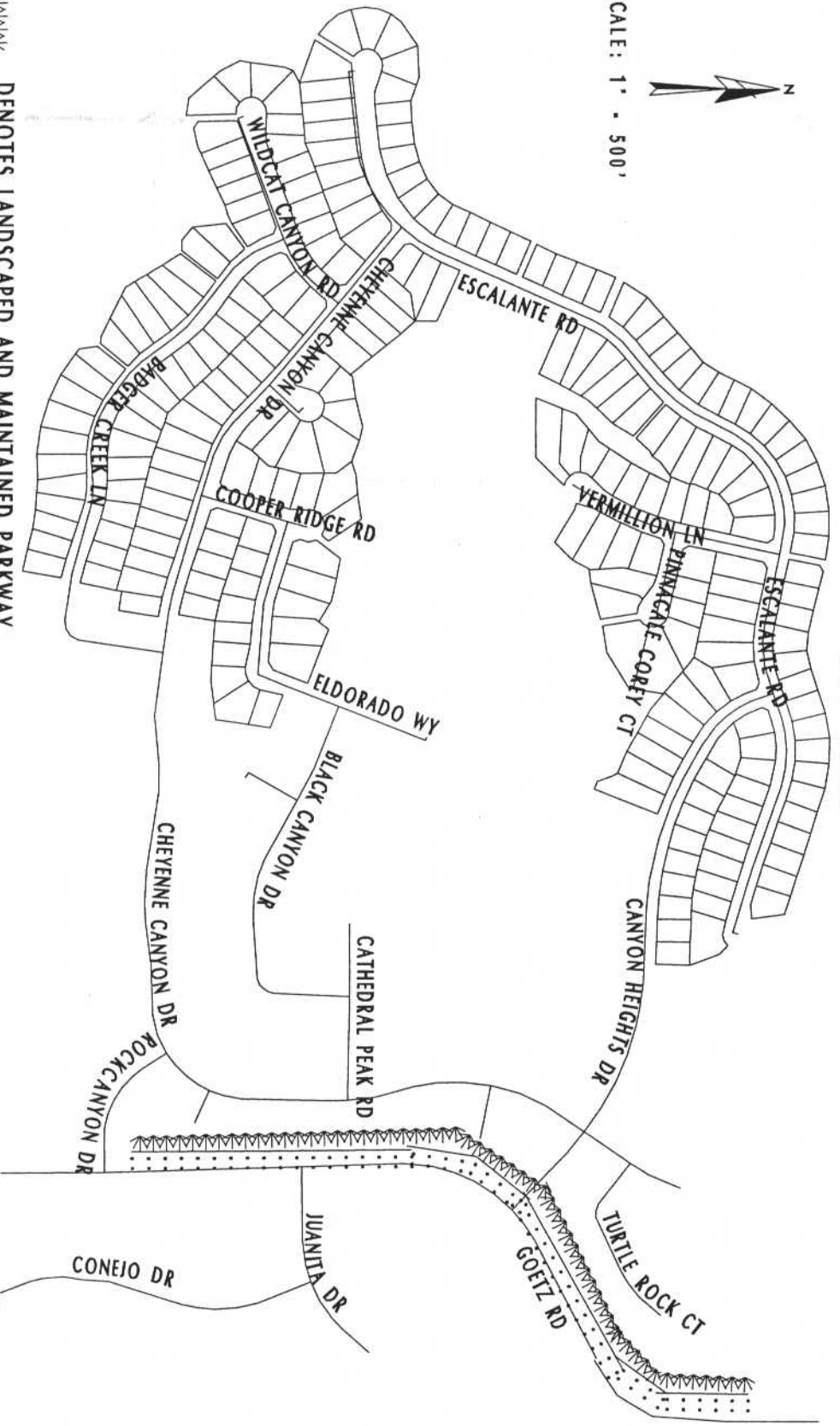
**DESCRIPTION OF BOUNDARIES**

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The boundaries of Location 2 to be annexed into Zone 37 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 241 as shown on Tract Map No. 30330 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 37, LOCATION 2**  
 PORTION OF SECTIONS 25 & 36, T.5S., R.4W.  
 TRACT MAP NO. 30330  
 241 LOTS

SCALE: 1" = 500'

~~~~~ DENOTES LANDSCAPED AND MAINTAINED PARKWAY  
 ..... DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCING

**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 18, 2006

2 RESOLUTION NO. 2006-206

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 2 TO ZONE 37 OF LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE  
7 MAINTENANCE AND SERVICING OF LANDSCAPING AND MULTI-PURPOSE TRAIL; GIVING  
8 NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE  
9 ANNEXATION OF LOCATION 2 TO ZONE 37; ORDERING AN ASSESSMENT PROCEEDING; AND  
10 DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE  
11 MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION  
12 4000 OF THE ELECTIONS CODE

13 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
14 Riverside (hereinafter the County) has adopted Resolution No. 2006-205 on June 13, 2006 initiating  
15 proceedings for the annexation of Location 2 (hereinafter "Location 2"), as described and shown in  
16 Exhibit "A", which is attached hereto and incorporated herein, to Zone 37 of Landscaping and Lighting  
17 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter,  
18 respectively, "Zone 37" and "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of  
19 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the  
20 Streets and Highways Code (hereinafter the "Streets and Highways Code"), and ordering the  
21 preparation of a report (hereinafter the "Report") regarding the proposed annexation of Location 2 to  
22 Zone 37 and the assessments to be levied within Location 2 each fiscal year beginning fiscal year  
23 2006-07 for the maintenance of landscaping, irrigation and multi-purpose trail facilities within the public  
24 right-of-way within said Location 2; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 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 Location 2  
of Zone 37; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-205 directed the Director of the  
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

1 with the Clerk of the Board of Supervisors in accordance with Section 22565 et. seq. of the Street and  
2 Highways Code and Section 4 of Article XIID; and

3 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and  
4 the Report has been presented to and considered by the Board of Supervisors; and

5 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
6 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
7 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
8 Report, the annexation of Location 2 to Zone 37, and the assessments to be levied on parcels within  
9 Location 2 beginning in fiscal year 2006-07;

10 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
11 Board of Supervisors in regular session assembled on June 13, 2006 as follows:

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

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

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

17 (c) The annual assessment for fiscal year 2006-07 on all parcels within Location 2  
18 proposed to be annexed to Zone 37 of L&LMD No. 89-1-C will be \$99.98 per parcel;

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
20 annexation of Location 2, as described and shown in Exhibit "A", to Zone 37 of L&LMD No. 89-1-C, and  
21 to levy and collect an annual assessment on all assessable lots and parcels of property within Location  
22 2 commencing with the fiscal year 2006-07 as set forth in the Report. The Report expressly states that  
23 there are no parcels or lots within Location 2 that are owned by a federal, state or other local  
24 governmental agency that will benefit from the services to be financed by the annual assessments.  
25 The annual assessments will be collected at the same time and in the same manner as property taxes  
26 are collected, and all laws providing for the collection and enforcement of property taxes shall apply to

1 the dissolution of Location 2 of Zone 37 of L&LMD No. 89-1-C. The annual assessment will fund the  
2 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the  
3 Report on file in the Office of the Clerk of the Board of Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed into Zone 37 of  
5 L&LMD No. 89-1-C is Location 2. The boundaries of Location 2 are located within the unincorporated  
6 area of the County and are described and shown in the Report and Exhibit "A".

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
9 the Report for a full and detailed description of the services, the boundaries of Location 2, and the  
10 annual assessment to be levied upon assessable lots and parcels within Location 2 proposed to be  
11 annexed to Zone 37 of L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Location 2 shall be annexed into Zone  
13 37 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be  
14 considered at a public hearing (hereinafter the "Public Hearing") to be held on August 1, 2006 at 9:30  
15 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor,  
16 Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Location 2 is to  
18 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID  
19 and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to  
20 the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the  
21 boundaries of Location 2 if there is a majority protest with regard to the annexation of Location 2. A  
22 majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment  
23 ballots submitted in opposition to the annexation and assessment of Location 2 exceeds the  
24 assessment ballots in favor of the annexation and assessment of Location 2.

25 **Section 10. Information.** Any property owner desiring additional information regarding  
26 Location 2 of Zone 37 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms.

1 Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County  
2 of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-  
3 6829.

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 annexation of Location 2 to Zone 37 of L&LMD No. 89-1-C shall be given consistent with Section 22626  
6 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code. The  
7 Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of  
8 this Resolution to be published once in *The Press Enterprise* at least ten (10) days prior to the date of  
9 the Public Hearing that is August 1, 2006. Publication of this Resolution is to be effected by the Clerk  
10 of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those  
11 notices, as prepared by County Counsel, assessment ballot and information sheets as required by  
12 Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of  
13 property within Location 2 as shown on the last equalized assessment roll of the County. Mailing is to  
14 be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to  
15 the Public Hearing on August 1, 2006.

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

18  
19 FORM APPROVED  
COUNTY COUNSEL

20 MAY 22 2006

21 BY 

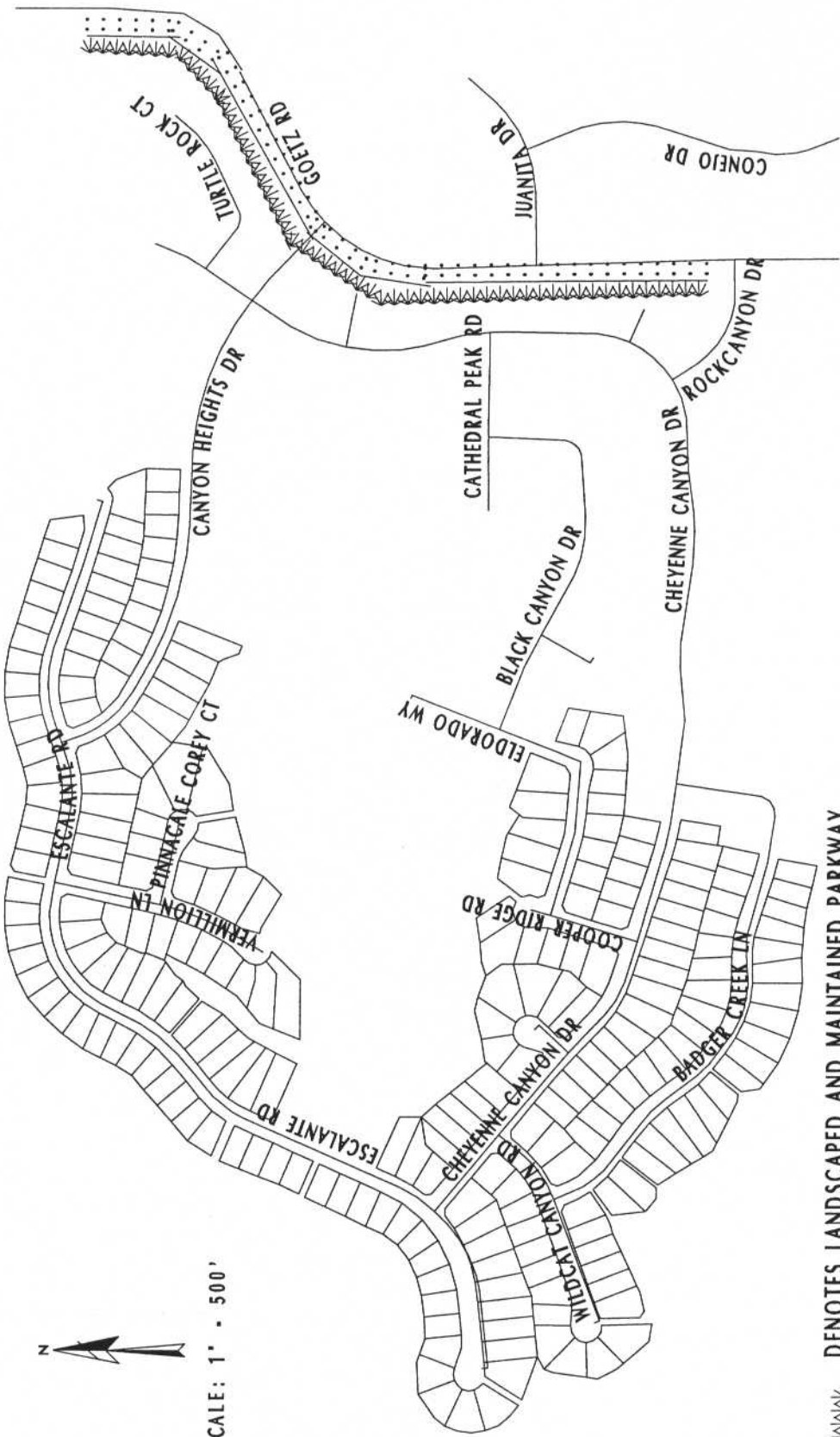
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**ZONE 37, LOCATION 2**  
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