

237A

**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 Street Lighting Zone 55.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-217 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 55 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 55.

Resolution No. 2006-218, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 55 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 street lights; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 55, 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 23 2006


George A. Johnson
Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	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 

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

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 55.

June 5, 2006
Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-217 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 55 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-218 declares the Board's intention of ordering the annexation of Street Lighting Zone 55 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 55 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located southeasterly of Winchester Rd.; and southwesterly of Benton Rd. in the Murrieta area and includes 1 commercial parcel totaling 4.27 acres.

The proposed budget for fiscal year 2006-07 for Street Lighting Zone 55 is \$622.00 that will result in an assessment for fiscal year 2006-07 within Street Lighting Zone 55 of \$145.66 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", 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 Street Lighting Zone 55 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-218 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, Street Lighting Zone 55 will be annexed to L&LM District No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 55 and said property owner has 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. 2006-217

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 55 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 of the property in the unincorporated area of the County (hereinafter "Street Lighting Zone 55"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed into 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 Street Lighting Zone 55 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 Street Lighting Zone 55; 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 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

1 able to serve as the engineer (hereinafter the "Engineer") for the County with regard to the
2 annexation of Street Lighting Zone 55 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
4 Board of Supervisors of the County of Riverside assembled in regular session on June 13, 2006
5 as follows:

6 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
7 the above recitals are true and correct.

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street
9 Lighting Zone 55 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 55
11 to pay the costs of the following service:

12 (a) Providing electricity to all streetlights within the public right-of-way, including
13 incidental costs and expenses.

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting Zone
15 55 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown
16 and described in Exhibit "A".

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

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

24 FORM APPROVED
25 COUNTY COUNSEL

26 MAY 23 2006

BY Nancy Garber

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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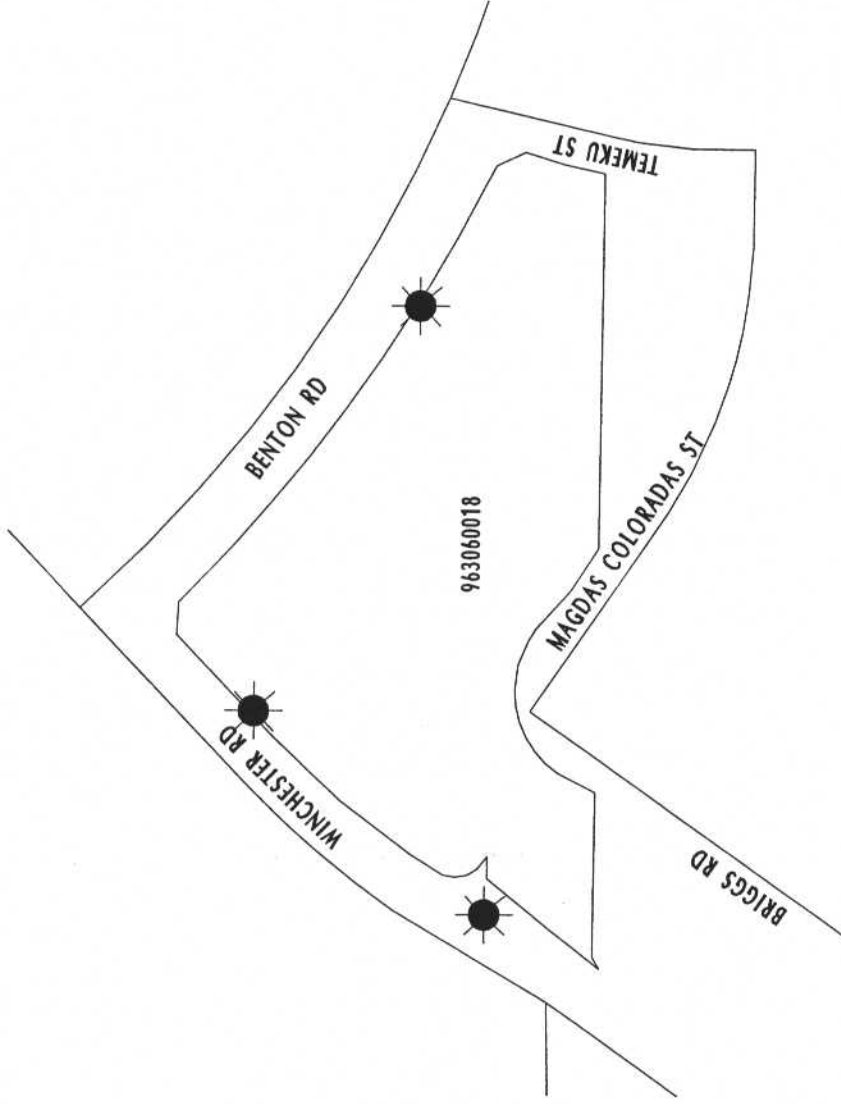
The boundaries of Street Lighting Zone 55 to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 963060018 as shown on the Assessment Roll in the County of Riverside, State of California.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-T-CONSOLIDATED
STREET LIGHTING ZONE 55
PORTION OF SECTION 6, T.7S., R.2W.

CONDITIONAL USE PERMIT NO. 3359
1 PARCEL



SCALE: 1" = 200'



 DENOTES ENERGIZED STREETLIGHT



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

ASSESSMENT DIAGRAM

2 RESOLUTION NO. 2006-218

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 55 TO 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 STREETLIGHTS; GIVING NOTICE OF AND SETTING THE
8 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING
9 ZONE 55; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF
10 THE PUBLIC HEARING AND BALLOT TO BE MAILED PURSUANT
11 TO 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. 2006-217 initiating proceedings for the
14 annexation of Street Lighting Zone 55 (hereinafter "Street Lighting Zone 55"), as described and shown
15 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
16 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter
17 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
18 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
19 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
20 "Report") regarding the proposed annexation of Street Lighting Zone 55 and the assessment to be
21 levied within Street Lighting Zone 55 each fiscal year beginning fiscal year 2006-07 for providing
22 electricity for streetlights 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 Election Code requiring
25 voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone
26 55; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-217 ordered 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

1 Street and Highways Code and Section 4 of Article XIID; and

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

4 **WHEREAS**, the sole owner of property within the proposed boundaries of Street Lighting Zone
5 55 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent
6 Regarding the Date of the Assessment Ballot Election" allowing for the election to be held on August 1,
7 2006; and

8 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
9 pursuant to Section 22623 of the Streets and Highways Code, which fixes and gives notice, pursuant to
10 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
11 Report, the annexation of Street Lighting Zone 55, and the assessments to be levied on parcels within
12 Street Lighting Zone 55 beginning in fiscal year 2006-07;

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

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

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

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

20 (c) The annual assessment for fiscal year 2006-07 on all parcels within Street
21 Lighting Zone 55 proposed to be annexed to L&LMD No. 89-1-C will be \$145.66 per acre.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
23 annexation of Street Lighting Zone 55 as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
24 and to levy and collect an annual assessment on all assessable lots and parcels of property within
25 Street Lighting Zone 55 commencing with the fiscal year 2006-07 as set forth in the Report. The
26 Report expressly states that there are no parcels or lots within Street Lighting Zone 55 that are owned

1 | by a federal, state or other local governmental agency that will benefit from the services to be financed
2 | by the annual assessments. The annual assessments will be collected at the same time and in the
3 | same manner as property taxes are collected, and all laws providing for the collection and enforcement
4 | of property taxes shall apply to the collection and enforcement of said assessments.

5 | **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 55 is
6 | proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
7 | area of the County as described and shown in Exhibit "A".

8 | **Section 4. Description of Services to be Provided.** The service authorized for Street
9 | Lighting Zone 55 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
10 | right-of-way, including incidental costs and expenses.

11 | **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 | benefits from the annexation of Street Lighting Zone 55 of L&LMD No. 89-1-C will be \$145.66 per acre
13 | for fiscal year 2006-07. As stated in the Report, the total budget for Street Lighting Zone 55 for the
14 | fiscal year 2006-07 is \$622.00; there is 1 parcels that is to be assessed that aggregates to 4.27 acres.
15 | The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative
16 | percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for
17 | "electricity" for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
18 | area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
19 | The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands
20 | on March of each year over the base Index for March of 2006. Any increase larger than the greater of
21 | 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within
22 | Street Lighting Zone 55. The Board of Supervisors will levy the assessment in each subsequent fiscal
23 | year until the Board undertakes proceedings for the dissolution of Street Lighting Zone 55 of L&LMD
24 | No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution.
25 | For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the
26 | Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-
2 C is Street Lighting Zone 55. The boundaries of Street Lighting Zone 55 are located within the
3 unincorporated area of the County 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 service, the boundaries of Street Lighting Zone 55,
7 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone
8 55 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 55 shall be
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on August 1, 2006,
12 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st
13 Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone
15 55 is to receive by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The ballots are to be returned prior to the Public
17 Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of Street
18 Lighting Zone 55 if there is a majority protest with regard to the annexation of Street Lighting Zone 55.
19 A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the ballots
20 submitted in opposition to the annexation and assessment of Street Lighting Zone 55 exceeds the
21 ballots in favor of the annexation and assessment of Street Lighting Zone 55.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Street Lighting Zone 55 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
24 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
25 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
26 (951) 955-6829.

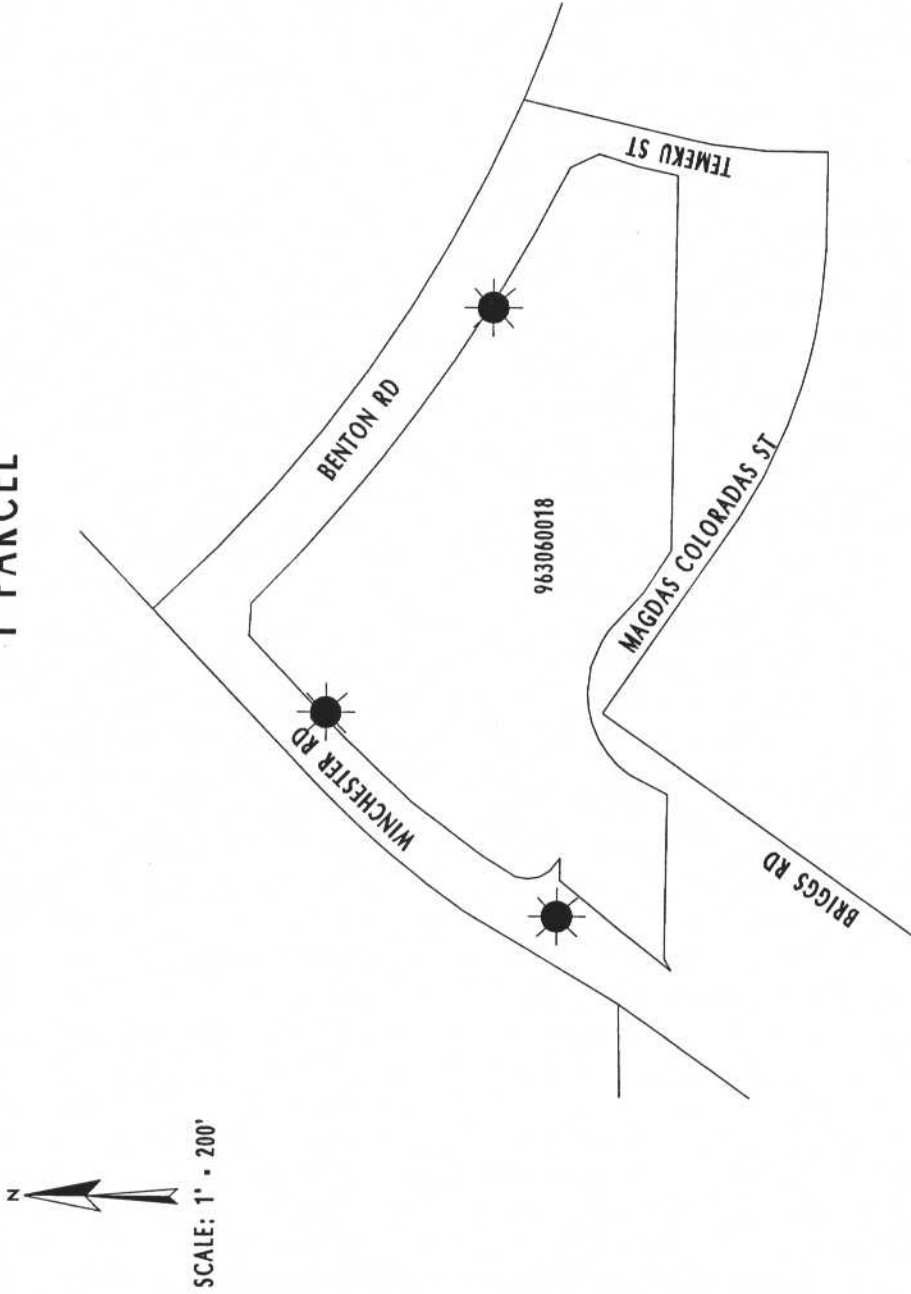
EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 55
 PORTION OF SECTION 6, T.7S., R.2W.
 CONDITIONAL USE PERMIT NO. 3359
 1 PARCEL



 DENOTES ENERGIZED STREETLIGHT



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MAY 18, 2006