

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

566A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
June 30, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 56.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-272 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 56 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 56.

Resolution No. 2006-273, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 56 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 56, 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

JUN 26 2006

Walter J. ...

George A. Johnson
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:	2006-07

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

H. ...

County Executive Office Signature

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

Submittal - 2 06/11/06
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: **ATTACHMENTS FILED WITH THE CLERK OF THE BOARD** District: 4

Agenda Number:

3.80

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 56.

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BACKGROUND: Adoption of Resolution No. 2006-272 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 56 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-273 declares the Board's intention of ordering the annexation of Street Lighting Zone 56 to L&LM District No. 89-1-C. Annexation of Street Lighting Zone 56 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located at the intersection westerly of Van Buren St.; and northerly of Lovely Sage Ct.; in the Thermal area and includes 10 lots totaling 57.50 acres.

The proposed budget for fiscal year 2006-07 for Street Lighting Zone 56 is \$145.00 that will result in an assessment for fiscal year 2006-07 within Street Lighting Zone 56 of \$2.52 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 29, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 56 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-273 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 56 will be annexed to L&LM District No. 89-1-C.

2 RESOLUTION NO. 2006-272

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 56 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 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 of the property in the unincorporated area of the County (hereinafter "Street Lighting
12 Zone 56"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to
13 be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Street
16 Lighting Zone 56 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2
17 (commencing with Section 22500) of Division 15 of Streets and Highways Code (hereinafter,
18 respectively, the "Act" and the "Street and 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 Street Lighting Zone 56; 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
25 able to serve as the engineer (hereinafter the "Engineer") for the County with regard to the
26 annexation of Street Lighting Zone 56 to L&LMD No. 89-1-C.

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

1 Board of Supervisors of the County of Riverside assembled in regular session on July 11, 2006 as
2 follows:

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

5 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street
6 Lighting Zone 56 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
7 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 56
8 to pay the costs of the following service:

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

11 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting Zone
12 56 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown
13 and described in Exhibit "A".

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

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

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23 FORM APPROVED
COUNTY COUNSEL

24 JUN 26 2006
25 BY Wale G. [Signature]
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2 RESOLUTION NO. 2006-273

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 56 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 56; 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. 2006-272 initiating proceedings for the
14 annexation of Street Lighting Zone 56 (hereinafter "Street Lighting Zone 56"), 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 56 and the assessment to be
21 levied within Street Lighting Zone 56 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 56; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-272 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**, it is necessary that the Board of Supervisors adopt a resolution of intention
5 pursuant to Section 22623 of the Streets and Highways Code, which fixes and gives notice, pursuant to
6 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
7 Report, the annexation of Street Lighting Zone 56, and the assessments to be levied on parcels within
8 Street Lighting Zone 56 beginning in fiscal year 2006-07;

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

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

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

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

16 (c) The annual assessment for fiscal year 2006-07 on all parcels within Street
17 Lighting Zone 56 proposed to be annexed to L&LMD No. 89-1-C will be \$2.52 per acre.

18 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
19 annexation of Street Lighting Zone 56 as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
20 and to levy and collect an annual assessment on all assessable lots and parcels of property within
21 Street Lighting Zone 56 commencing with the fiscal year 2006-07 as set forth in the Report. The
22 Report expressly states that there are no parcels or lots within Street Lighting Zone 56 that are owned
23 by a federal, state or other local governmental agency that will benefit from the services to be financed
24 by the annual assessments. The annual assessments will be collected at the same time and in the
25 same manner as property taxes are collected, and all laws providing for the collection and enforcement
26 of property taxes shall apply to the collection and enforcement of said assessments.

1 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 56 is
2 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
3 area of the County as described and shown in Exhibit "A".

4 **Section 4. Description of Services to be Provided.** The service authorized for Street
5 Lighting Zone 56 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
6 right-of-way, including incidental costs and expenses.

7 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
8 benefits from the annexation of Street Lighting Zone 56 of L&LMD No. 89-1-C will be \$2.52 per acre for
9 fiscal year 2006-07. As stated in the Report, the total budget for Street Lighting Zone 56 for the fiscal
10 year 2006-07 is \$145.00; there are 10 lots that are to be assessed that aggregate to 57.50 acres. The
11 annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage
12 increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for "electricity" for the
13 Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index")
14 published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-
15 U adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of
16 each year over the base Index for March of 2006. Any increase larger than the greater of 2.0% or the
17 CPI-U annual adjustment requires a majority approval of all the property owners within Street Lighting
18 Zone 56. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
19 Board undertakes proceedings for the dissolution of Street Lighting Zone 56 of L&LMD No. 89-1-C.
20 The annual assessment will fund the services described in Section 4 of this Resolution. For further
21 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
22 Supervisors.

23 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-
24 C is Street Lighting Zone 56. The boundaries of Street Lighting Zone 56 are located within the
25 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

26 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors

1 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
2 the Report for a full and detailed description of the service, the boundaries of Street Lighting Zone 56,
3 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone
4 56 proposed to be annexed to L&LMD No. 89-1-C.

5 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 56 shall be
6 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07
7 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on August 29, 2006,
8 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st
9 Floor, Riverside, California.

10 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone
11 56 is to receive by mail a ballot that shall conform to the requirements of Section 4 of Article XIID and
12 Section 4000 of the California Elections Code. The ballots are to be returned prior to the Public
13 Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of Street
14 Lighting Zone 56 if there is a majority protest with regard to the annexation of Street Lighting Zone 56.
15 A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the ballots
16 submitted in opposition to the annexation and assessment of Street Lighting Zone 56 exceeds the
17 ballots in favor of the annexation and assessment of Street Lighting Zone 56.

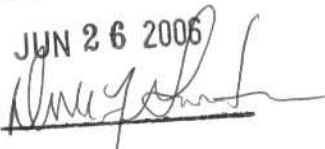
18 **Section 10. Information.** Any property owner desiring additional information regarding
19 Street Lighting Zone 56 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
20 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
21 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
22 (951) 955-6829.

23 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
24 annexation of Street Lighting Zone 56 to L&LMD No. 89-1-C shall be given consistent with Section
25 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
26 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be

1 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing
2 that is August 29, 2006. Publication of this Resolution is to be effected by the Clerk of the Board of
3 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
4 prepared by County Counsel, ballot and information sheets as required by Section 4 of Article XIID and
5 Section 4000 of the California Elections Code to all owners of record of property within Street Lighting
6 Zone 56 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
7 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
8 Hearing on August 29, 2006.

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

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18 FORM APPROVED
 COUNTY COUNSEL

19 JUN 26 2006
20 BY 
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