

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

565A



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
June 30, 2006

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 4 to Zone 26.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2006-274, a Resolution of the County of Riverside initiating proceedings for the annexation of Location 4 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 4.

Resolution No. 2006-275, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 4 to Zone 26 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; giving notice of and setting the time and place of the public hearing on the annexation of Location 4, 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 28 2006
[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:	2006-07

SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated	Positions To Be Deleted Per A-350	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

[Signature]

County Executive Office Signature

Dep't Recomm.: Consent Policy Policy

Per Exec. Ofc.: Consent Policy Policy

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated Annexation of Location 4 to Zone 26.

June 30, 2006

Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2006-274 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 4 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LM District No. 89-1-C").

Resolution No. 2006-275 declares the Board's intention of ordering the annexation of Location 4 to Zone 26 of L&LM District No. 89-1-C. Annexation of Location 4 to Zone 26 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public rights of way located westerly of Washington St. in the Woodcrest area and includes 67 single-family residential parcels.

The proposed budget of fiscal year 2006-07 for Location 4 is 7,616.00 that will result in an assessment for fiscal year 2006-07 within Location 4 of \$113.68 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 August 29, 2006 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 4 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2006-275 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 4 will be annexed to Zone 26 of L&LMD No. 89-1-C.

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3 **RESOLUTION NO. 2006-274**

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5 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
6 **PROCEEDINGS FOR THE ANNEXATION OF LOCATION 4 TO ZONE 26 OF LANDSCAPING AND**
7 **LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED OF THE COUNTY OF**
8 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
9 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

10 **WHEREAS**, the Board of Supervisors (hereinafter the Board of Supervisors") of the County of
11 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter
12 "Department") of the County that said Department has received an application from the owner (the
13 "Applicant") of all of the property within the unincorporated area of the County (hereinafter "Location
14 4"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be
15 annexed to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated
16 (hereinafter, respectively, "Zone 26" and "L&LMD No. 89-1-C") of the County of Riverside, State of
17 California, and the Board of Supervisors has determined that it is necessary and desirable to initiate
18 proceedings for the annexation of Location 4 to Zone 26 of L&LMD No. 89-1-C pursuant to the
19 Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of
20 Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code");
21 and

22 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIIID of the
23 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
24 proposed assessment to be levied by L&LMD No. 89-1-C for Location 4 of Zone 26; and

25 **WHEREAS**, the Director of the Transportation 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

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of
2 Location 4 to Zone 26 of 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 July 11, 2006 as
5 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 Location 4 to
9 Zone 26 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act
10 for the purpose of levying an annual assessment on all parcels within Location 4 to pay the costs of
11 the following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way,
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
14 and other ornamental vegetation; and
15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation.

18 **Section 35. Boundaries and Designation.** The boundaries of Location 4 that is
19 proposed to be annexed to Zone 26 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 Transportation Department of the County, or
22 his designee, is hereby designated Engineer and is ordered to prepare and file a report with the Clerk
23 of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and
24 Highways Code and Section 4 of Article XIID of the California Constitution regarding said annexation
25 and the levy.

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

1 | date of adoption.

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FORM APPROVED
COUNTY COUNSEL

JUN 26 2006

BY

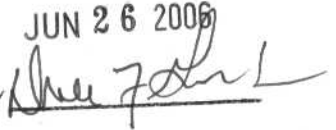


EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Location 4 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 56 as shown on Tract Map No. 30011 and Lots 1 through 11 as shown on Tract Map No. 30011-1 in the County of Riverside, State of California for fiscal year 2006-07.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-7-CONSOLIDATED
ZONE 26, LOCATION 4
 PORTION OF SECTION 35, T.3S.R.5W.
 TRACT MAP NO. 30011 AND 30011-1
 67 PARCELS



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.

JUNE 21, 2006

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

ASSESSMENT DIAGRAM

2 RESOLUTION NO. 2006-275

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 4 TO ZONE 26 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; GIVING NOTICE OF AND SETTING THE
8 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF LOCATION 4 TO ZONE
9 26; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC
10 HEARING AND BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA
11 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. 2006-274 on July 11, 2006 initiating
14 proceedings for the annexation of Location 4 (hereinafter "Location 4"), as described and shown in
15 Exhibit "A", which is attached hereto and incorporated herein, to Zone 26 of Landscaping and Lighting
16 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter,
17 respectively, "Zone 26 and "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of
18 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the
19 Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation
20 of a report (hereinafter the "Report") regarding the proposed annexation of Location 4 to Zone 26 and
21 the assessments to be levied within Location 4 each fiscal year beginning fiscal year 2006-07 for the
22 maintenance of landscaping and irrigation facilities within the public right-of-way within said Location;
23 and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:") and Section 4000 of the Elections Code requiring
26 voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Location 4 of Zone
27 26; and

28 **WHEREAS**, the Board of Supervisors by Resolution No. 2006-274 directed the Director of the
29 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 Sections 22608 and 22585 et. seq. of the
2 Street and 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 4 to Zone 26, and the assessments to be levied on parcels within
9 Location 4 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 July 11, 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 4
18 proposed to be annexed to Zone 26 of L&LMD No. 89-1-C will be \$113.68 per parcel.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Location 4, as described and shown in Exhibit "A", to Zone 26 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 4 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 4 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 collection and enforcement of said assessments.

2 **Section 3. Boundaries.** All the property within the boundaries of Location 4 is proposed to
3 be annexed to Zone 26 of L&LMD No. 89-1-C and shall include that property in the unincorporated area
4 of the County as described and shown in Exhibit "A".

5 **Section 4. Description of Services to be Provided.** The landscape maintenance service
6 and improvements authorized for Location 4 of Zone 26 of L&LMD No. 89-1-C are:

7 (a) The maintenance and servicing of landscaping within the public right-of-way,
8 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass and other ornamental
9 vegetation; and,

10 (b) The maintenance and servicing of irrigation and electrical facilities associated with
11 the landscaping, including but not limited to electricity for operation of the irrigation system and water
12 for irrigation.

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
14 benefits from the annexation of Location 4 of Zone 26 of L&LMD No. 89-1-C will be \$113.68 per parcel
15 for fiscal year 2006-07. As stated in the Report, the total budget for Location 4 for the fiscal year 2006-
16 07 is \$7,616.00; there are 67 parcels that are to be assessed. The annual assessment will be increased
17 by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer
18 Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
19 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
20 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative
21 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2006.
22 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires the majority
23 approval of all the property owners within Location 4 in the annual assessment requires a majority
24 approval of all the property owners within Location 4. The Board of Supervisors will levy the
25 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
26 the dissolution of Location 4 of Zone 26 of L&LMD No. 89-1-C. The annual assessment will fund the

1 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in
2 the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed to Zone 26 of
4 L&LMD No. 89-1-C is Location 4. The boundaries of Location 4 are located within the unincorporated
5 area of the County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
8 the Report for a full and detailed description of the services, the boundaries of Location 4, and the
9 annual assessment to be levied upon assessable lots and parcels within Location 4 proposed to be
10 annexed to Zone 26 of L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Location 4 shall be annexed to Zone
12 26 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2006-07 shall be
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on August 29, 2006, at 9:30
14 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
15 Riverside, California.

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

24 **Section 10. Information.** Any property owner desiring additional information regarding
25 Location 4 of Zone 26 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms.
26 Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County

1 of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-
2 6829.

3 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
4 annexation of Location 4 to Zone 26 of L&LMD No. 89-1-C shall be given consistent with Section 22626
5 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors
6 shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published
7 once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is August
8 29, 2006. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors.
9 Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
10 Counsel, ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the
11 California Elections Code to all owners of record of property within Location 4 as shown on the last
12 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
13 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on August 29, 2006.

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

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19 FORM APPROVED
COUNTY COUNSEL

20 JUN 26 2006

21 BY *[Signature]*

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Location 4 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Lots 1 through 56 as shown on Tract Map No. 30011 and Lots 1 through 11 as shown on Tract Map No. 30011-1 in the County of Riverside, State of California for fiscal year 2006-07.

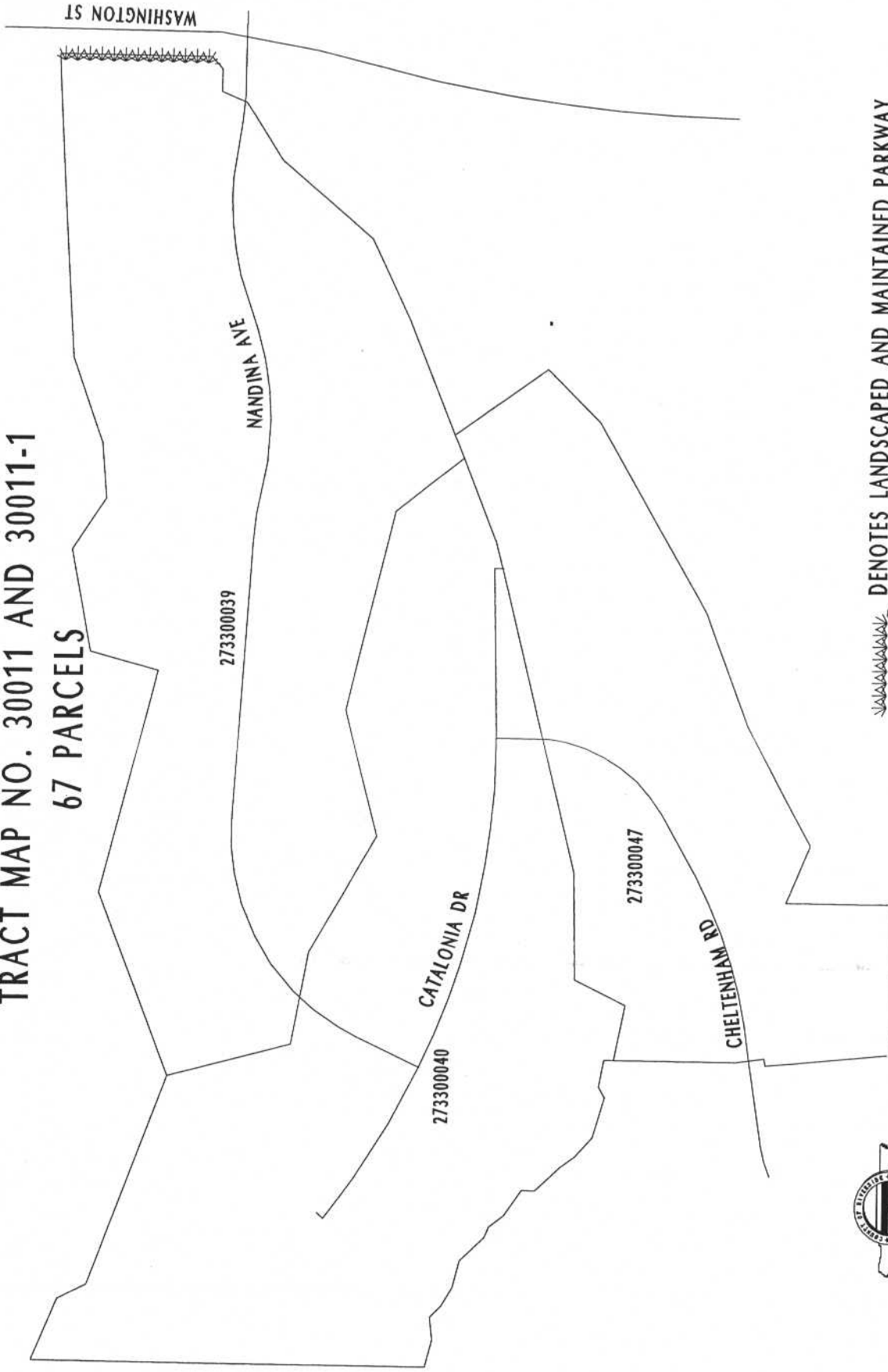
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LANDSCAPING AND LIGHTING MAINTENANCE DISIRICI NO. 89-1-CONSOLIDATED
ZONE 26, LOCATION 4
PORTION OF SECTION 35, T.3S.R.5W.
TRACT MAP NO. 30011 AND 30011-1

67 PARCELS



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.

JUNE 21, 2006

 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

ASSESSMENT DIAGRAM