

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

469



FROM: Economic Development Agency

SUBMITTAL DATE:
September 1, 2006

SUBJECT: Formation of Wildomar Landscape Maintenance District 2006-1

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2006-375, Ordering the Formation and Confirming the Diagram and Assessment for Wildomar Landscape Maintenance District 2006-1 and Levying Assessments on all Assessable Lots and Parcels of Land therein for Fiscal Year 2006-07.

BACKGROUND: On August 29, 2006, a public hearing was held to receive all testimony regarding the formation of Wildomar Landscape Maintenance District 2006-1. After closing the public hearing, the Board directed the Executive Director of the Economic Development Agency or designee to tally the assessment ballots that had been received prior to the close of the hearing.

The assessment ballots were tabulated on August 30, 2006, at 10:00 a.m. at the office of EDA Administration, 1157 Spruce Street, Riverside, CA 92507. The tabulation shows that votes representing 2,012 parcels out of a possible 6,858 parcels were cast, and that 1,121 votes (or 55.72%) were cast in favor of the formation of Wildomar Landscape Maintenance District 2006-1 and the levy and enrollment of the special assessment.

(Continued on page 2)



 Robin Zimpfer
 Assistant County Executive Officer/EDA

RZ:JC:DL:SH:BB:MF
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FINANCIAL DATA	Current F.Y. Total Cost:	\$ 192,415	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2006-2007

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Wildomar LMD 2006-1 Assessments	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



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

Prev. Agn. Ref.: 3.30 a&b July 11, 2006;
9.5 August 29, 2006

District: 1

Agenda Number:

3 24

BACKGROUND (continued): The proposed budget for fiscal year 2006-07 for Wildomar LMD 2006-1 is \$192,415 which will result in an assessment for fiscal year 2006-07 within Wildomar LMD 2006-1 of \$28 per parcel or equivalent dwelling unit which will increase to \$45 per parcel or equivalent dwelling unit upon completion of Wildomar Park East, a new ten (10) acre park within the District. Wildomar LMD 2006-1 includes 6,858 parcels or equivalent dwelling units that are to be assessed.

Adoption of Resolution No. 2006-375 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2006-07 for Wildomar Landscape Maintenance District 2006-1 and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2006-07.

RESOLUTION NO. 2006-375

RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING THE FORMATION OF WILDOMAR LANDSCAPE MAINTENANCE DISTRICT 2006-1 OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR WILDOMAR LANDSCAPE MAINTENANCE DISTRICT 2006-1 AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2006-07

WHEREAS, on June 26, 2006, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2006-262, pursuant to Section 22608 and Section 22585 et. seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the formation of Wildomar Landscape Maintenance District 2006-1 (hereinafter "Wildomar LMD 2006-1") of the County pursuant to Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on August 29, 2006, at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Wildomar LMD 2006-1 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2006-262, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code, and the assessment ballots were timely mailed to all owners of property within said Wildomar LMD 2006-1 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on August 29, 2006, as set forth in Resolution No. 2006-262, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Executive Director of the Economic Development Agency or designee as an impartial person having no vested interest in the formation of

1 Wildomar LMD 2006-1 as required by Section 53753(e) of the Government Code to tally the
2 assessment ballots that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owners of 2,012 parcels out of a possible 6,858 parcels and that 1,121 parcels (55.72
5 percent of the weighted assessment ballot votes received) voted in favor of formation of Wildomar LMD
6 2006-1 and the levy of an annual assessment in said Wildomar LMD 2006-1 beginning fiscal year
7 2006-07; and

8 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
9 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
10 proposed, or as changed by the Board, and the adoption of such a resolution shall constitute the levy of
11 an assessment on all assessable lots and parcels of land within Wildomar LMD 2006-1 beginning fiscal
12 year 2006-07.

13 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the
14 Board of Supervisors of the County in regular session on September 12, 2006, as follows:

15 **Section 1. Findings.** The Board of Supervisors finds:

- 16 (a) the proceeding recitals are correct;
- 17 (b) compliance has been had with all the requirements of the Landscaping and Lighting Act
18 of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and
19 Highways Code, and Sections 53753 and 54954.6 of the Government Code;
- 20 (c) a majority protest to the formation of and annual assessment of Wildomar LMD 2006-1
21 has not been filed;
- 22 (d) the tally of the weighted assessment ballot votes timely received was 55.72 percent
23 voted in favor of the formation of Wildomar LMD 2006-1 and the levy of an annual
24 assessment beginning fiscal year 2006-07, and 44.28 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the formation of
26 Wildomar LMD 2006-1;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the diagram and
2 assessment for Wildomar LMD 2006-1 either as originally proposed or as changed by it;
3 and

4 (g) the assessments to be levied on the assessable lots and parcels of land within Wildomar
5 LMD 2006-1 for the installation, maintenance and servicing of landscaping
6 improvements in said Wildomar LMD 2006-1 during the fiscal year 2006-07 as contained
7 in the report compiled by Albert A. Webb & Associates which is on file with the Clerk of
8 the Board of Supervisors (hereinafter the "Report") are based on benefits derived by
9 such lots and parcels from the availability of such landscaping improvements and are not
10 based upon the ownership of such lots and parcels.

11 **Section 2. Formation.** Wildomar LMD 2006-1, as proposed to be formed, includes all
12 the property in the County of Riverside, State of California as described in Exhibit "A" attached hereto.

13 **Section 3. Improvements.** The improvements authorized for Wildomar LMD 2006-1 are in
14 respect of Marna O'Brien Park, Heritage Park, Windsong Park, and Wildomar Park East and are:

15 (a) The furnishing of services and materials for the ordinary and usual maintenance,
16 operation, and servicing of the landscaping appurtenances including repair,
17 removal or replacement, providing for the life and growth, health, and beauty of
18 the landscaping; and

19 (b) The removal of trimmings, rubbish, debris, and other solid waste, together with the
20 necessary incidental expenses.

21 **Section 4. Confirmation of Report.** The Report and the assessment diagram and the
22 assessment of estimated costs for the installation, maintenance and servicing of landscaping
23 improvements in Wildomar LMD 2006-1 for fiscal year 2006-07 as contained in the Report
24 are confirmed.

25 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and Highways
26 Code, the adoption of this resolution constitutes the levy of the assessment for the installation, and

1 maintenance or servicing of landscaping improvements in Wildomar LMD 2006-1 during fiscal year
2 2006-07, as contained in the Report, and such assessment is levied. The Clerk of the Board of
3 Supervisors is directed to file a certified copy of this resolution, together with the diagram and
4 assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who,
5 pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll
6 opposite each lot or parcel of land the amount assesses thereupon, as shown in said assessment.

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

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15 FORM APPROVED
COUNTY COUNSEL

16 AUG 31 2006

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