

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

715



FROM: Economic Development Agency

SUBMITTAL DATE:
March 20, 2007

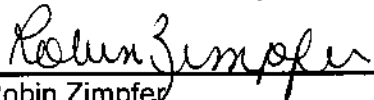
SUBJECT: Zone 88 of Landscape & Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C) - Varner Road and Monterey Avenue

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

1. Resolution No. 2007-092, Resolution of the County of Riverside initiating proceedings for the annexation of Zone 88 to L&LMD No. 89-1-C and ordering preparation of the Engineer's Report regarding the formation of Zone 88 of L&LMD No. 89-1-C; and
2. Resolution No. 2007-093, a Resolution of the County of Riverside declaring its intent of the annexation of Zone 88 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of landscaping; giving notice of and setting the time and the place of the public hearing on the formation of Zone 88 of L&LMD of No. 89-1-C; ordering a mailed ballot election; and directing notice of the public hearing and ballot to be mailed pursuant to Article XIID of the California Constitution.

BACKGROUND: Adoption of Resolution No. 2007-092 designates Albert A. Webb Associates as the engineer on behalf of the Economic Development Agency to prepare a report regarding the formation of Zone 88 of L&LMD No. 89-1-C.

(continued on page 2)


 Robin Zimpfer
 Assistant County Executive Officer/EDA

RZ:JC:DL:CC:AR:JA
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BY 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:	2006-2007

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: N/A

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

Prev. Agn. Ref.: N/A **District:** 4 **Agenda Number:**

3.7

March 8, 2007

Page 2

BACKGROUND: Resolution No. 2007-093 declares the Board's intention of ordering the formation of Zone 88 of L&LMD No. 89-1-C Formation of Zone 88 of L & LMD No. 89-1-C; will fund the maintenance costs of the landscaping and hardscape improvements within the public right-of-way on the north side of Varner Road northwesterly from Monterey Avenue to approximately 600 feet northwest of Harry Oliver Trail and on both sides of Monterey Avenue northerly from Varner Road to Ramon Road. It will also include a landscape median from the intersection of Varner Road and Monterey Avenue extending north for approximately 300 feet.

The proposed budget of fiscal year 2007-2008 for Zone 88 of L&LMD No. 89-1-C is \$122,755 and results in an assessment for fiscal year 2007-2008 within Zone 88 of L&LMD No. 89-1-C of \$35 per Equivalent Dwelling Unit (EDU). The stated 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 2007. The annual assessment increase derived from the application of the foregoing formula is referred to as the "Standard Annual Adjustment."

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 May 8, 2007 to receive testimony for and against the proposed assessment. Each property owner within Zone 88 of L&LMD No. 89-1-C will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-093 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 formation and levy of the assessment exceed the ballots submitted in opposition of said formation and levy, Zone 88 of L&LMD No. 89-1-C shall be formed and authorized to levy an assessment for services.

Attachments:

Resolution No. 2007-092

Resolution No. 2007-093

Engineer's Assessment Report

2 RESOLUTION NO. 2007-092

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 88 TO LANDSCAPING AND LIGHTING**
5 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
6 **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 Riverside County Economic
10 Development Agency (hereinafter "Department") that said Department has determined it is necessary
11 to annex territory to Landscape and Lighting Maintenance District No. 89-1-Consolidated of the County
12 of Riverside State of California (hereinafter "L&LMD No. 89-1-C") the unincorporated area of the
13 County (hereinafter "Varner Road and Monterey Avenue") as shown and described in Exhibit "A"
14 which is attached hereto and made a part hereof, and the Board of Supervisors has determined that it
15 is necessary and desirable to initiate proceedings for the annexation of such territory (hereinafter
16 "Zone 88) 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

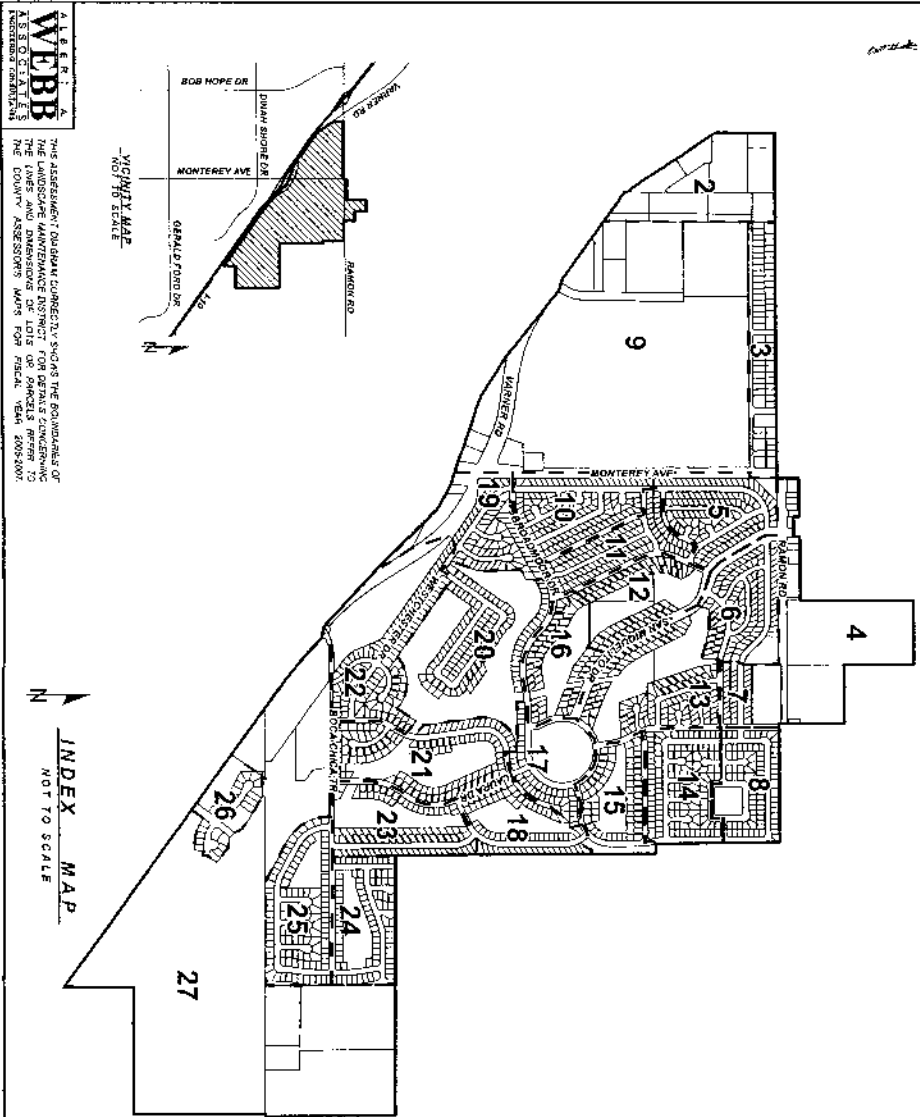
19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
21 proposed assessment to be levied for Zone 88 that is proposed to be annexed to L&LMD No. 89-1-C
22 and

23 **WHEREAS**, Albert A. Webb Associates has expertise with respect to the formation of districts
24 for landscaping and lighting maintenance and the levying of assessments for said purposes and
25 therefore is able to serve as the designated engineer (hereinafter the "Engineer") for the County with
26 regard to the proposed annexation of Zone 88 to L&LMD No. 89-1-C.

EXHIBIT "A"

ASSESSMENT DIAGRAM
 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED (ZONE 88)
 (VARNER ROAD & MONTEREY AVENUE)
 OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 1 OF 27



WEBB
 THE ASSASSMENT MAPS ARE PREPARED BY THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. THE LOTS AND DIMENSIONS OF THE PARCELS SHOWN ON THIS MAP ARE THE PROPERTY OF THE COUNTY ASSESSORS' MAPS FOR FISCAL YEAR 2005-2006.

INDEX MAP
 NOT TO SCALE

LEGEND
 _____ BOUNDARY
 _____ PARCEL LINE
 # PAGE NUMBER

AN ASSESSMENT WAS LEVIED BY THE BOARD OF SUPERVISORS ON THE LOTS, PIECES AND PARCELS SHOWN ON THIS ASSESSMENT DIAGRAM ON THE DAY OF _____ 2007 SAID ASSESSMENT DIAGRAM AND ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE DIRECTOR OF TRANSPORTATION AND COUNTY SUPERVISORS OF RIVERSIDE COUNTY ON THE _____ DAY OF _____ 2007 REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF SAID DIRECTOR OF TRANSPORTATION AND COUNTY SUPERVISOR FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THE ASSESSMENT DIAGRAM.

CLERK TO THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

FILED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE COUNTY OF RIVERSIDE, THIS _____ DAY OF _____ 2007

BY: _____ SUPERINTENDENT OF STREETS,
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 RECORDED THIS _____ DAY OF _____ 2007 AT THE OFFICE OF ASSESSMENT AND COUNTY VALUERS DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

NO. _____
 LARRY W. WARD, ASSESSOR, COUNTY CLERK, RECORDER

DEPUTY

2 **RESOLUTION NO. 2007-093**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**
4 **ITS INTENT TO ORDER THE ANNEXATION OF ZONE 88 TO LANDSCAPING AND LIGHTING**
5 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
6 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE**
7 **AND SERVICING OF LANDSCAPING; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;**
8 **GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE**
9 **ANNEXATION OF ZONE 88; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED**
10 **BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE**
11 **ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA**
12 **CONSTITUTION AND SECTION 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. 2007-092 on March 20, 2007 initiating
15 proceedings for the annexation of Zone 88 (hereinafter "Zone 88") as shown and described in Exhibit
16 "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance
17 District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and
18 Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of
19 Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), and
20 ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of
21 Zone 88 and the assessments to be levied within Zone 88 each fiscal year beginning fiscal year 2007-
22 08 for the maintenance of landscaping; and

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

WHEREAS, the Board of Supervisors by Resolution No. 2007-092 designated Albert A. Webb
associates as the designated engineer on behalf of the Department (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 Street and Highways Code and Section 4 of Article XIID; and

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

3 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
4 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
5 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
6 Report, the annexation of Zone 88, and the assessments to be levied on parcels within Zone 88
7 beginning in fiscal year 2007-2008;

8 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
9 Board of Supervisors in regular session assembled on March 20, 2007 as follows:

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

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

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

15 (c) The annual assessment for fiscal year 2007-08 on all parcels within Zone 88 will
16 be \$35.00 per parcel or EDU;

17 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
18 annexation of Zone 88 to L&LMD No. 89-1-C , as described and shown in Exhibit "A", and to levy and
19 collect an annual assessment on all assessable lots and parcels of property within Zone 88
20 commencing with the fiscal year 2007-08 as set forth in the Report. In addition to privately-owned
21 assessable lots and parcels, the Report expressly states that one parcel owned by a public agency and
22 in use in the performance of a public function (APN 653-020-071 owned by the City of Palm Desert) will
23 benefit from the services financed by the annual assessment and should therefore be assessed.
24 Accordingly, the Board of Supervisors declares its intention that such parcel shall also be assessed as
25 set-forth in the Report. The annual assessments will be collected at the same time and in the same
26 manner as property taxes are collected, and all laws providing for the collection and enforcement of

1 property taxes shall apply to the collection and enforcement of said assessments.

2 **Section 3. Boundaries.** All the property within boundaries of Zone 88 is proposed to be
3 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County
4 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 Zone 88 of L&LMD No. 89-1-C are:

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

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

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel or EDU
13 that benefits from the annexation of Zone 88 to L&LMD No. 89-1-C will be \$35.00 per parcel or EDU for
14 fiscal year 2007-08. As stated in the Report, the total budget for Zone 88 for fiscal year 2007-08 is
15 \$122,755.00; there are 3,507 EDUs that are to be assessed. The stated annual assessment amount
16 may be adjusted annually by the greater of two percent (2.0%) or the cumulative percentage increase,
17 if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-
18 Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of
19 Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based
20 on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index
21 for March of 2006. The annual assessment increase derived from the application of the foregoing
22 formula is referred to as the "Standard Annual Adjustment." Any other increase in the annual
23 assessment requires a majority approval of all the property owners within Zone 88. The Board of
24 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors
25 undertakes proceedings for the dissolution of Zone 88 of L&LMD No. 89-1-C. The annual assessment
26 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be

1 made to the Report on file in the Office of the Clerk of the Board of Supervisors.

2 **Section 6. The Property to be Formed.** The property to be annexed to L&LMD No. 89-1-C
3 is Zone 88. The boundaries of L&LMD No. 89-1-C and the parcels included within L&LMD No. 89-1-C
4 are described and shown in the Report and Exhibit "A".

5 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
6 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
7 the Report for a full and detailed description of the services, the boundaries of Zone 88, and the annual
8 assessment to be levied upon assessable lots and parcels within Zone 88.

9 **Section 8. Public Hearing.** The question of whether Zone 88 shall be annexed to L&LMD
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2007-08 shall be considered at
11 a public hearing (hereinafter the "Public Hearing") to be held on May 8, 2007 at 9:30 a.m. at the
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
13 California.

14 **Section 9. Majority Protest.** Each owner of record of property within the boundaries of
15 the proposed Zone 88 is to receive by mail an assessment ballot that shall conform to the requirements
16 of Section 4 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots
17 are to be returned prior to the close of the Public Hearing. L&LMD No. 89-1-C shall not impose
18 assessments on property within the boundaries of Zone 88 if there is a majority protest with regard to
19 the annexation of Zone 88. A majority protest exists if, upon the conclusion of the Public Hearing, the
20 tabulation of the weighted ballots submitted in opposition to the annexation and assessment of Zone 88
21 exceeds the weighted ballots in favor of the annexation and assessment of Zone 88.

22 **Section 10. Information.** Any property owner desiring additional information regarding Zone
23 88 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Jim Ayres, Sr. Project
24 Manager, Community Services Division of the Riverside County Economic Development Agency, 44-
25 199 Monroe Street, Indio, California, 92201 or by telephone at (760) 863-2623.

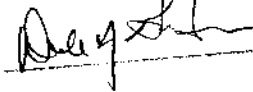
26 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the

1 annexation of Zone 88 to L&LMD No. 89-1-C shall be given consistent with Section 22585 of the
2 Streets and Highways Code and Section 53753 of the Government Code. The Clerk of the Board of
3 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
4 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing
5 that is May 8, 2007. Publication of this Resolution is to be effected by the Clerk of the Board of
6 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
7 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
8 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
9 Zone 88 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
10 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
11 Hearing on May 8, 2007.

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

14
15
16 FORM APPROVED
CITY CLERK

17 MAR 8 2007

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