

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

130A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
March 12, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 3 to Zone 26.

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2007-084 a Resolution of the County of Riverside initiating proceedings for the annexation of Location 3 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 3 to Zone 26.

Resolution No. 2007-085, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 3 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; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Location 3 to Zone 26, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

*George A. Johnson*  
George A. Johnson  
Director of Transportation

W:jp

(continued on next page)

FORM APPROVED  
COUNTY COUNSEL

MAR 6 2007  
Departments Conference

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$0.00	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$0.00	Budget Adjustment:	No
	Annual Net County Cost:	\$0.00	For Fiscal Year:	2006-07
<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated				<b>Positions To Be Deleted Per A-30</b> <input type="checkbox"/> <b>Requires 4/5 Vote</b> <input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

County Executive Office Signature

*Steve Quince*

Policy

Policy

Consent

Consent

Dept Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: 1

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.24

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 3 to Zone 26.

March 12, 2007

Page 2 of 2

**BACKGROUND:** Adoption of Resolution No. 2007-084 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 3 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-085 declares the Board's intention of ordering the annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C. Annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public right-of-way located northerly and southerly of Nandina Ave, northerly of Markham St, and westerly of Roosevelt St in the Woodcrest area and includes 90 single-family residential lots.

The proposed budget for fiscal year 2007-08 for Location 3 is \$10,436.00 that will result in an assessment for fiscal year 2007-08 within Location 3 of \$115.96 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 2007.

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 the proposed Location 3 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-085, 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 3 will be annexed to Zone 26 of L&LMD No. 89-1-C.

2 **RESOLUTION NO. 2007-084**

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

22 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
23 engineer, has expertise with respect to the annexation of territory to landscaping and lighting  
24 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve  
25 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Location 3  
26 to Zone 26 of L&LMD No. 89-1-C.



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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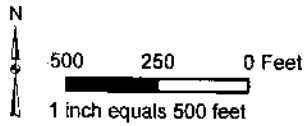
The boundaries of Location 3 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 90 parcel(s) as shown on Tract Map No. 29622-3 in the County of Riverside, State of California for fiscal year 2007-08.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**ZONE 26, LOCATION 03**

PORTION OF SECTION 36, T.3S., R.5W.

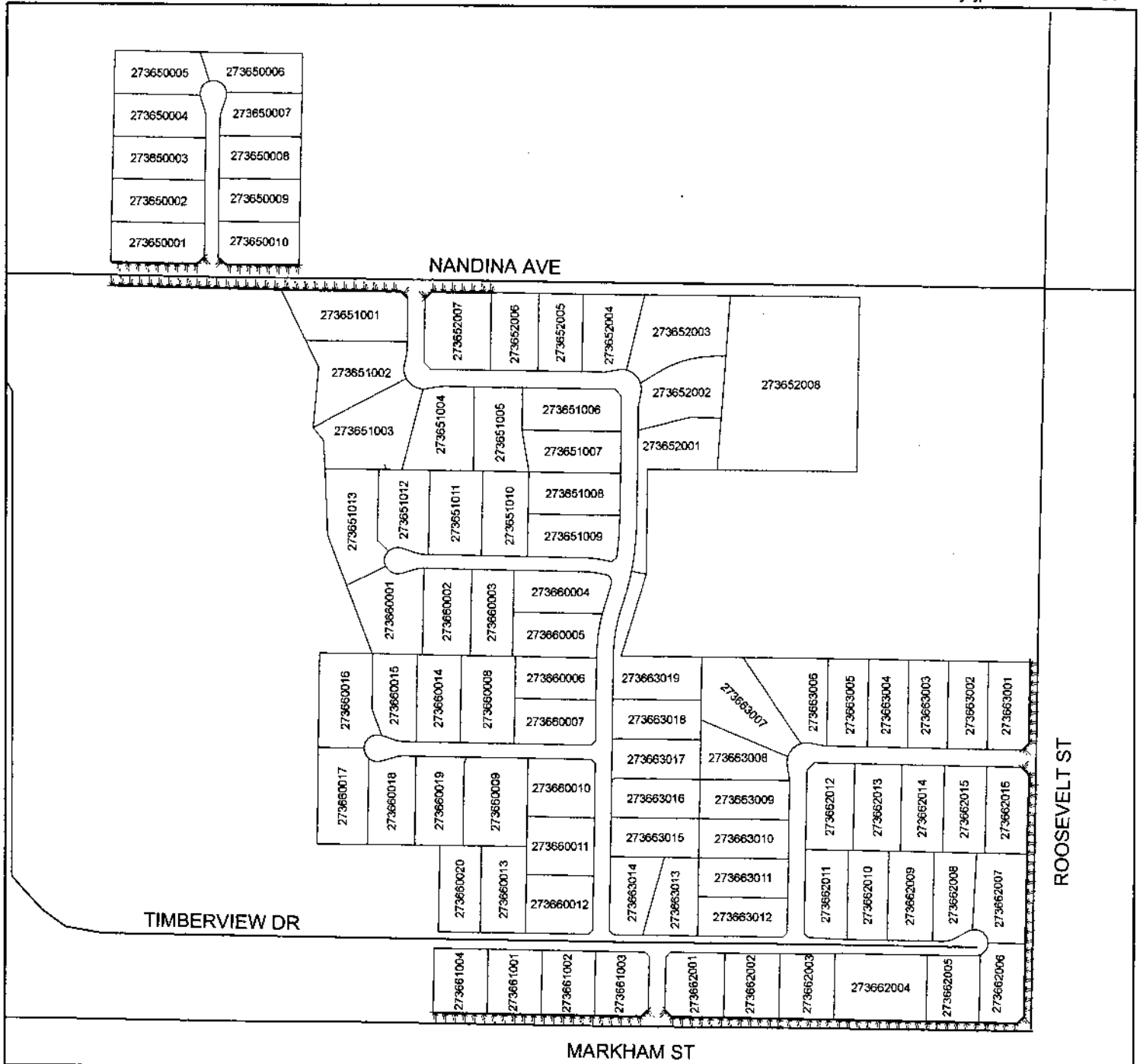
TRACT MAP NO. 29622-3 - 90 PARCELS



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Printed by jpickeri on 3/2/07

**ASSESSMENT DIAGRAM**



--- DENOTES LANDSCAPED AND MAINTAINED PARKWAY

2 **RESOLUTION NO. 2007-085**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 3 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; ADOPTING THE PRELIMINARY**  
8 **ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE**  
9 **PUBLIC HEARING ON THE ANNEXATION OF LOCATION 3 TO ZONE 26; ORDERING AN**  
10 **ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING**  
11 **NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED**  
12 **PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF**  
13 **THE ELECTIONS CODE**

14 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
15 Riverside (hereinafter the "County") has adopted Resolution No. 2007-084 on March 20, 2007 initiating  
16 proceedings for the annexation of Location 3 (hereinafter "Location 3"), as described and shown in  
17 Exhibit "A", which is attached hereto and incorporated herein, to Zone 26 of Landscaping and Lighting  
18 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 respectively, "Zone 26" and "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of  
20 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the  
21 Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation  
22 of a report (hereinafter the "Report") regarding the proposed annexation of Location 3 and the  
23 assessments to be levied within Location 3 each fiscal year beginning fiscal year 2007-08 for the the  
24 maintenance and servicing of landscaping improvements within the public right-of-way within said  
25 Location; and

26 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
California Constitution (hereinafter "Article XIID:"), the Act, 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 Location 3  
of Zone 26; and

1           **WHEREAS**, the Board of Supervisors by Resolution No. 2007-084 directed the Director of the  
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the  
4 Street and Highways Code and Section 4 of Article XIID; and

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

7           **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
10 Report, the annexation of Location 3, and the assessments to be levied on parcels within Location 3  
11 beginning in fiscal year 2007-08;

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

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

- 15           (a)    The foregoing recitals are true and correct;
- 16           (b)    The Report contains all matters required by Sections 22565 through 22574 of the  
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
18 approved by the Board of Supervisors;
- 19           (c)    The annual assessment for fiscal year 2007-08 on all parcels within Location 3 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$115.96 per parcel.

21           **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Location 3, as described and shown in Exhibit "A", to Zone 26 of L&LMD No. 89-1-C, and  
23 to levy and collect an annual assessment on all assessable lots and parcels of property within  
24 Location 3 commencing with the fiscal year 2007-08 as set forth in the Report. The Report expressly  
25 states that there are no parcels or lots within Location 3 that are owned by a federal, state or other local  
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

1 annual assessments will be collected at the same time and in the same manner as property taxes are  
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
3 collection and enforcement of said assessments.

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

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
8 landscaping improvements authorized for Location 3 of Zone 26 of L&LMD No. 89-1-C are:

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

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
16 benefits from the annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C will be \$115.96 per parcel  
17 for fiscal year 2007-08. As stated in the Report, the total budget for Location 3 for the fiscal year  
18 2007-08 is \$10,436.00; there are 90 parcels that are to be assessed. The annual assessment will be  
19 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
20 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange  
21 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor  
22 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the  
23 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for  
24 March of 2007. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a  
25 majority approval of all the property owners within Location 3. The Board of Supervisors will levy the  
26 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for

1 the dissolution of Location 3 of Zone 26 of L&LMD No. 89-1-C. The annual assessment will fund the  
2 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the  
3 Report on file in the Office of the Clerk of the Board of Supervisors.

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

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
9 the Report for a full and detailed description of the services, the boundaries of Location 3, and the  
10 annual assessment to be levied upon assessable lots and parcels within Location 3 proposed to be  
11 annexed to Zone 26 of L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Location 3 shall be annexed into  
13 Zone 26 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2007-08  
14 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on May 8, 2007, at  
15 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
16 1<sup>st</sup> Floor, Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Location 3 is to  
18 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID  
19 and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to  
20 the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the  
21 boundaries of Location 3 if there is a majority protest with regard to the annexation of Location 3. A  
22 majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment  
23 ballots submitted in opposition to the annexation and assessment of Location 3 exceeds the  
24 assessment ballots in favor of the annexation and assessment of Location 3.

25 **Section 10. Information.** Any property owner desiring additional information regarding  
26 Location 3 of Zone 26 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

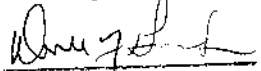
1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the  
2 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
3 (951) 955-6829.

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C shall be given consistent with Section 22626  
6 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors  
7 shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published  
8 once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is May 8,  
9 2007. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
10 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
11 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
12 Section 4000 of the California Elections Code to all owners of record of property within Location 3 as  
13 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
14 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on May 8,  
15 2007.

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

18  
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20 FORM APPROVED  
COUNTY COUNSEL

21 MAR 6 2007

22 BY 

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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The boundaries of Location 3 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 90 parcel(s) as shown on Tract Map No. 29622-3 in the County of Riverside, State of California for fiscal year 2007-08.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

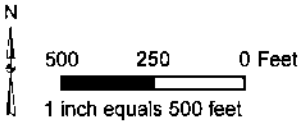
**ZONE 26, LOCATION 03**

PORTION OF SECTION 36, T.3S., R.5W.

TRACT MAP NO. 29622-3 - 90 PARCELS

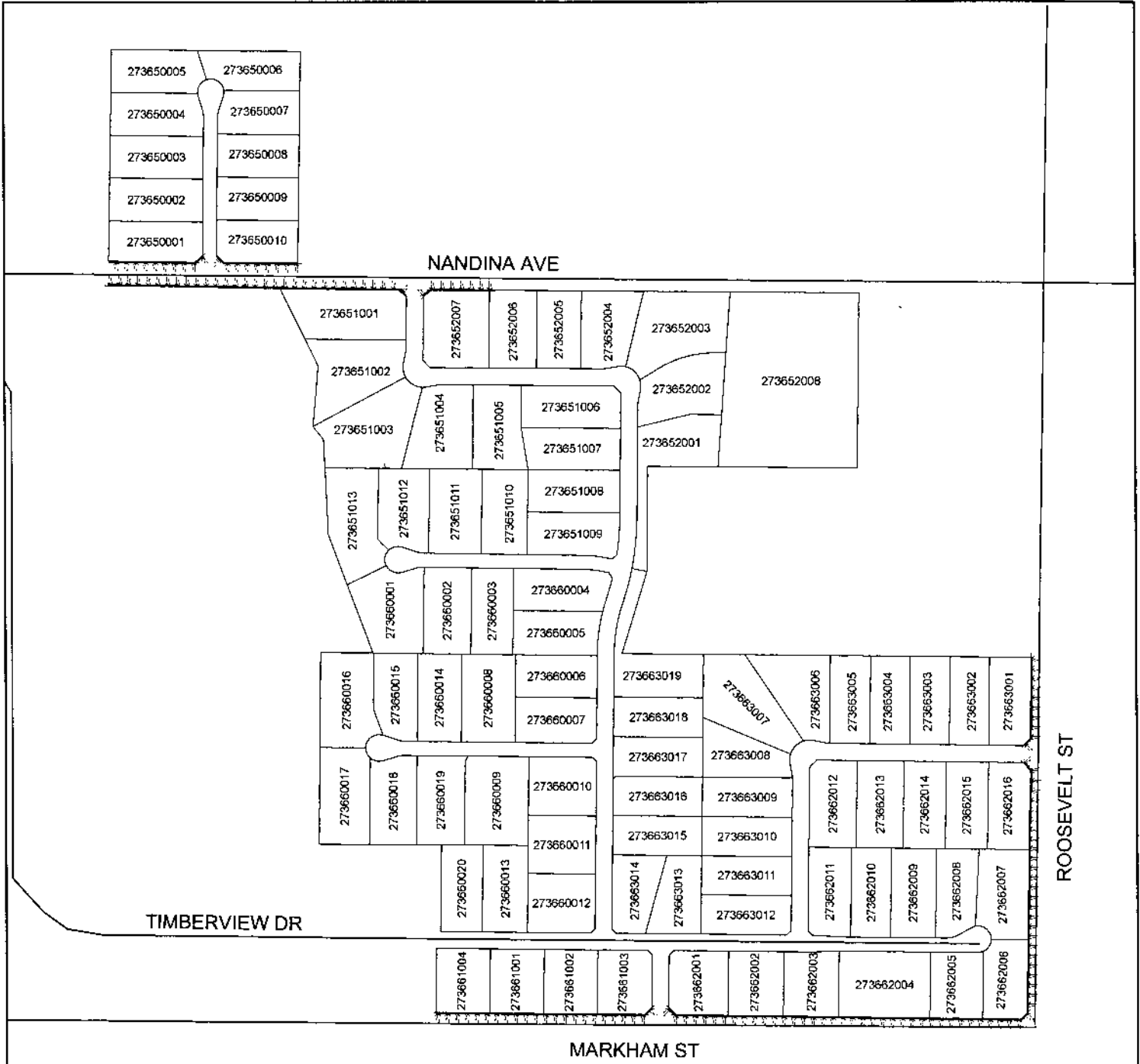


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--- DENOTES LANDSCAPED AND MAINTAINED PARKWAY