

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

238A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 9, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 76.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2007-155 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 76 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 76.

Resolution No. 2007-156, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 76 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 fossil filters; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 76, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

Juan C. Perez
Deputy Director of Transportation


George A. Johnson
Director of Transportation

W:jp

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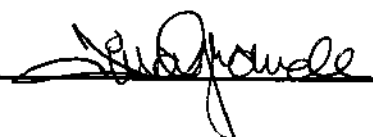
FORM APPROVED
COUNTY COUNSEL

APR 2 2007
Departmental Concurrence

FINANCIAL DATA	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
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



Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 5

Agenda Number:

3.43

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 76.

April 9, 2007

Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2007-155 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 76 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-156 declares the Board's intention of ordering the annexation of Zone 76 to L&LMD No. 89-1-C. Annexation of Zone 76 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located easterly of Palomar Rd in the Romoland area and includes 106 single-family residential lots.

The proposed budget for fiscal year 2007/08 for Zone 76 is \$6,300.00 that will result in an assessment for fiscal year 2007/08 within Zone 76 of \$59.42 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 June 12, 2007 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 76 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-156, 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, Zone 76 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 76 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on June 12, 2007.

2 **RESOLUTION NO. 2007-155**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 76 TO LANDSCAPING AND LIGHTING**
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter
11 "Department") of the County that said Department has received an application from the owner (the
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 76"), as
13 shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed
14 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No.
15 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined
16 that it is necessary and desirable to initiate proceedings for the annexation of Zone 76 to L&LMD No.
17 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section
18 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the
19 "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 76; and

23 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of
24 Assessment Ballot Election" allowing for the election to be held on June 12, 2007; and

25 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
26 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 to serve

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 76 to
2 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 April 17, 2007 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 Zone 76 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 76 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way
13 including the removal of petroleum hydrocarbons and other pollutants from
14 water runoff.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 76 that are
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
17 described in Exhibit "A".

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

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

25 FORM APPROVED
COUNTY COUNSEL

26 APR 2 2007

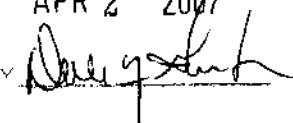


EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 76 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 106 parcel(s) as shown on Tract Map No. 29495 in the County of Riverside, State of California for fiscal year 2007/08.

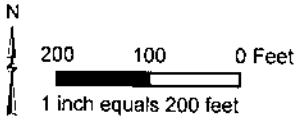
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 76

PORTION OF SECTION 11, T.5S., R.3W
TRACT MAP NO. 29495 - 106 PARCELS

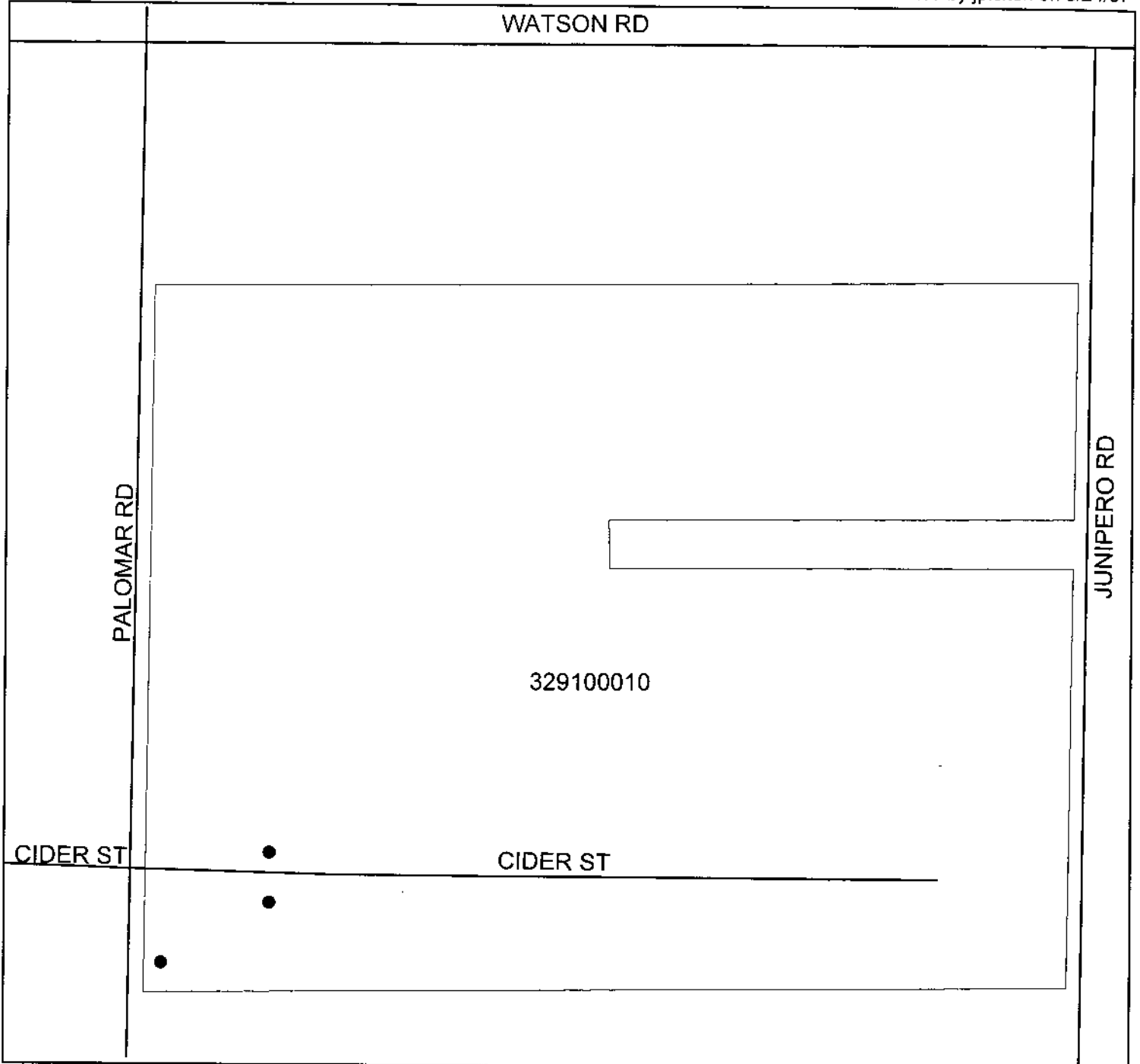


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ASSESSMENT DIAGRAM

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● DENOTES MAINTAINED FOSSIL FILTER

2 RESOLUTION NO. 2007-156

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 76 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 FOSSIL FILTERS; 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 76; 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. 2007-155 on April 17, 2007 initiating
15 proceedings for the annexation of Zone 76 (hereinafter "Zone 76"), as described and shown in
16 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 76 and the assessments to be levied within
22 Zone 76 each fiscal year beginning fiscal year 2007/08 for the the maintenance and servicing of fossil
23 filters within the public right-of-way within said Zone; and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 76;
and

WHEREAS, the Board of Supervisors by Resolution No. 2007-155 directed the Director of the
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**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
6 Ballot Election" allowing for the election to be held on June 12, 2007; 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 Zone 76, and the assessments to be levied on parcels within Zone 76
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 April 17, 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 Zone 76 proposed to
20 be annexed to L&LMD No. 89-1-C will be \$59.42 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 76, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
23 collect an annual assessment on all assessable lots and parcels of property within Zone 76
24 commencing with the fiscal year 2007/08 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 76 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 Zone 76 is proposed to be
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
8 fossil filters authorized for Zone 76 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 76 of L&LMD No. 89-1-C will be \$59.42 per parcel for fiscal year
13 2007/08. As stated in the Report, the total budget for Zone 76 for the fiscal year 2007/08 is \$6,300.00;
14 there are 106 parcels that are to be assessed. The annual assessment will be increased by the greater
15 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all
16 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
17 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
18 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
19 the Index as it stands on March of each year over the base Index for March of 2007. Any increase
20 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the
21 property owners within Zone 76. The Board of Supervisors will levy the assessment in each subsequent
22 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 76 of
23 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this
24 Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
25 Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Zone 76. The boundaries of Zone 76 are located within the unincorporated area of the County
3 and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the services, the boundaries of Zone 76, and the annual
7 assessment to be levied upon assessable lots and parcels within Zone 76 proposed to be annexed to
8 L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 76 shall be annexed into 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 June 12, 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 Zone 76 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
18 Zone 76 if there is a majority protest with regard to the annexation of Zone 76. A majority protest exists
19 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in
20 opposition to the annexation and assessment of Zone 76 exceeds the assessment ballots in favor of
21 the annexation and assessment of Zone 76.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 76 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
24 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
25 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
26 (951) 955-6829.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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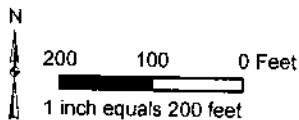
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 76

PORTION OF SECTION 11, T.5S., R.3W

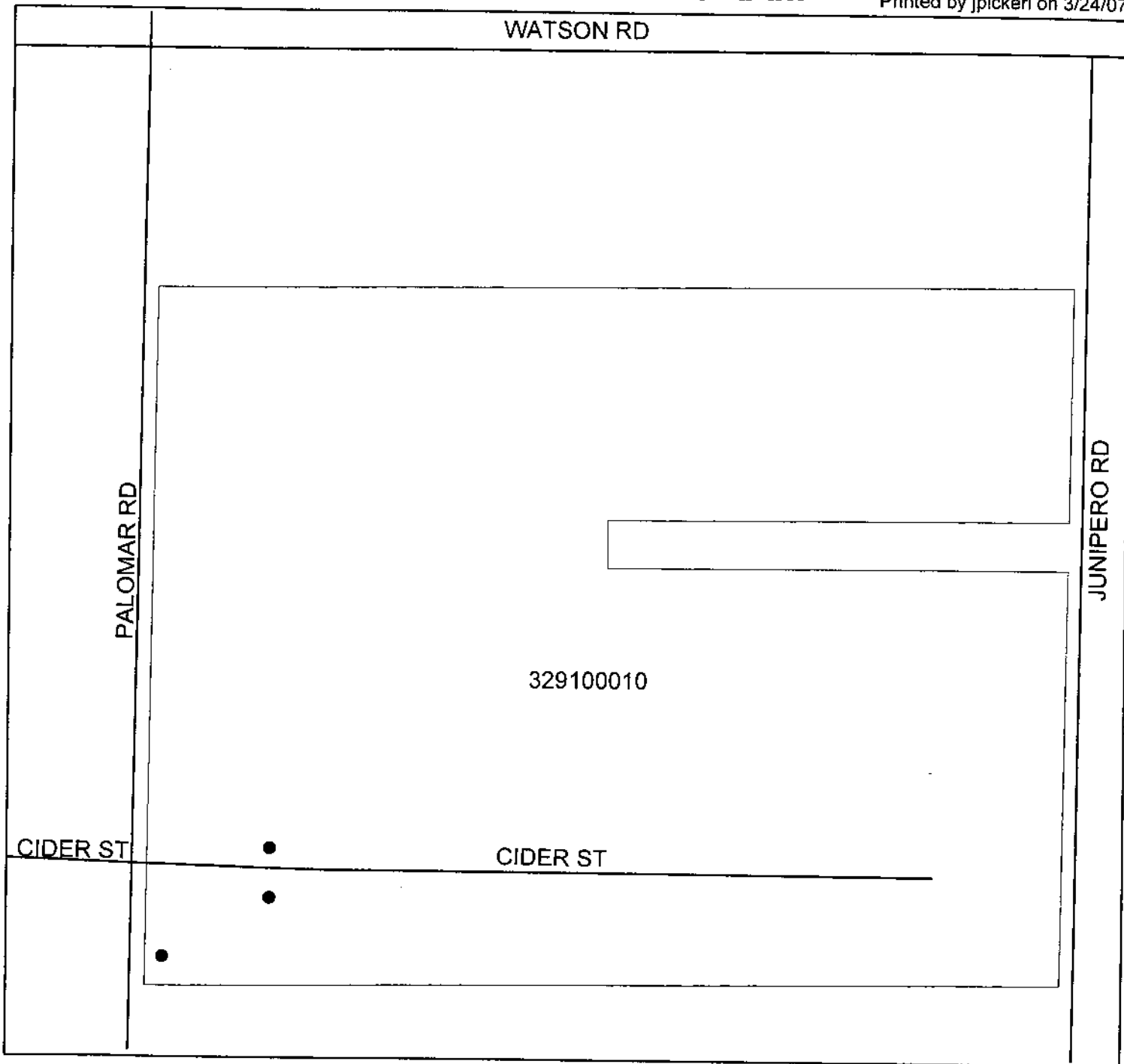
TRACT MAP NO. 29495 - 106 PARCELS



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