

638A

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



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
May 7, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 81.

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

Resolution No. 2007-204 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 81 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 81.

Resolution No. 2007-205, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 81 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 landscaping, multi-purpose trail, fencing, graffiti abatement, fossil filters, and traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 81,

George A. Johnson  
Director of Transportation

W:jp

(continued on next page)

FORM APPROVED  
COURTY COUNSEL

APR 25 2007

Departmental Concurrence  
(Dale Gardner)

<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**

(Tina Grande)

Policy

Policy

Consent

Consent

Dept't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: 3

Agenda Number:

3.35

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 81.

May 7, 2007

Page 2 of 2

ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

**BACKGROUND:** Adoption of Resolution No. 2007-204 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 81 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-205 declares the Board's intention of ordering the annexation of Zone 81 to L&LMD No. 89-1-C. Annexation of Zone 81 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping, multi-purpose trails, fencing, graffiti abatement, fossil filters, and traffic signals, and providing electricity for traffic signals within public right-of-way located southerly of Tupelo Rd, northerly of Garbani Rd, and westerly of Sherman Rd in the Menifee area and includes 103 single-family residential lots.

The proposed budget for fiscal year 2007/08 for Zone 81 is \$55,015.00 that will result in an assessment for fiscal year 2007/08 within Zone 81 of \$534.12 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 July 17, 2007 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 81 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-205, 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 81 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 81 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 July 17, 2007.

2 **RESOLUTION NO. 2007-204**

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 81 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 81"), 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 81 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 81; 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 July 17, 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 81 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 May 15, 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 81 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 81 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of landscaping and multi-purpose trails within  
13 the public right-of-way including the trimming, fertilizing, weeding and replanting  
14 of trees, shrubs, grass, 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; and
- 18 (c) Providing graffiti abatement services to walls and structures with the public right-  
19 of-way including incidental costs and expenses; and
- 20 (d) The maintenance and servicing of fossil filters within the public right-of-way  
21 including the removal of petroleum hydrocarbons and other pollutants from  
22 water runoff; and
- 23 (e) Providing electricity to and the maintenance and servicing of traffic signals within  
24 the public right-of-way including incidental costs and expenses.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**Section 3. Boundaries and Designation.** The boundaries of Zone 81 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described in Exhibit "A".

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

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

FORM APPROVED  
COUNTY COUNSEL  
  
APR 25 2007  
BY Dale Gardner  
Dale Gardner

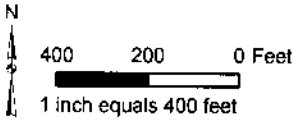
**EXHIBIT "A"**  
**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 81 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 103 parcel(s) as shown on Tract Map No. 31831 in the County of Riverside, State of California for fiscal year 2007/08.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED ZONE 81

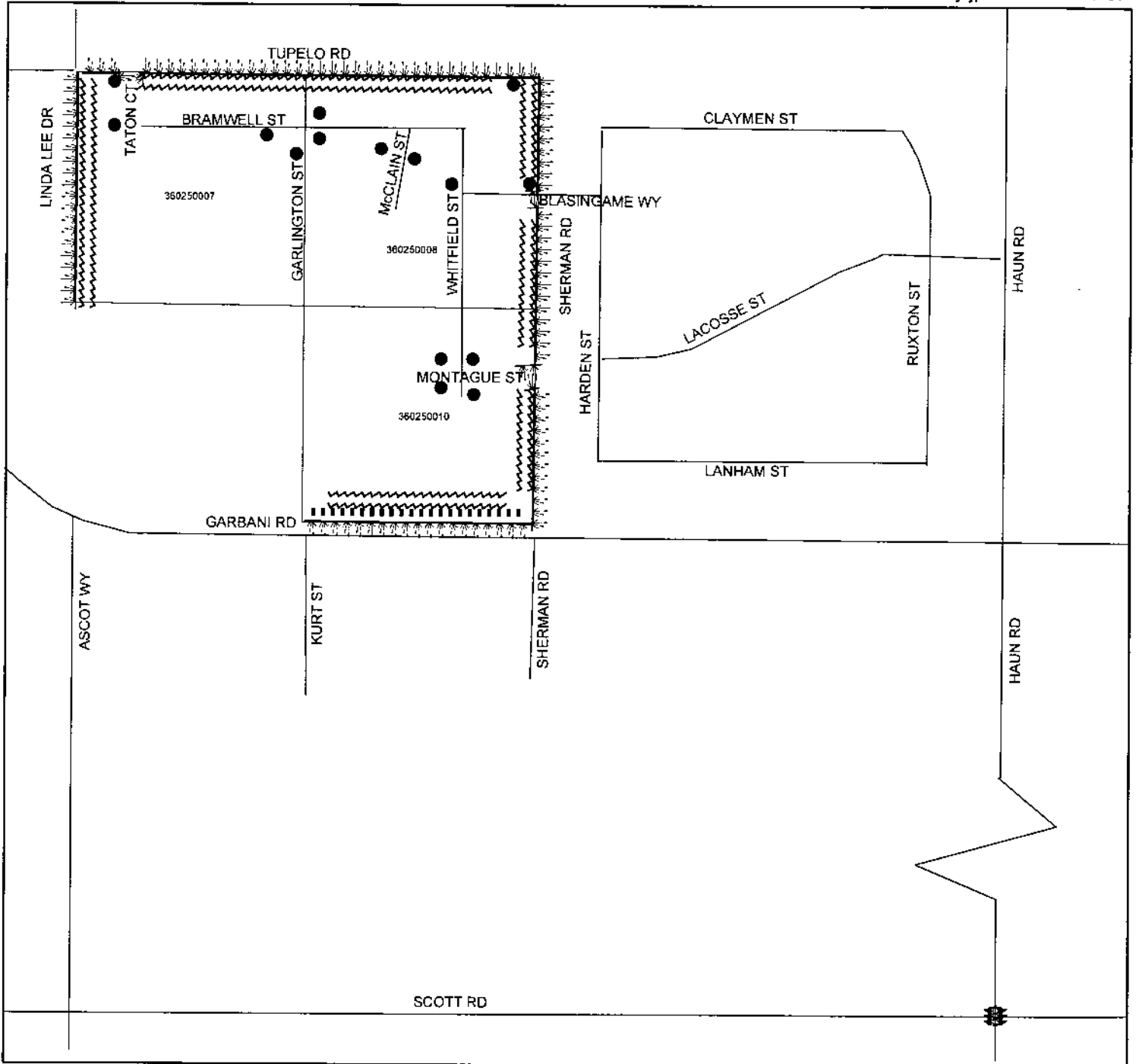
PORTION OF SECTION 10, T.6S., R.3W  
TRACT MAP NO. 31831 - 103 PARCELS



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or reuse this map.

Printed by jpickeri on 4/19/07

## ASSESSMENT DIAGRAM



- DENOTES LANDSCAPED AND MAINTAINED PARKWAY
- DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCE
- DENOTES MAINTAINED FOSSIL FILTER

- DENOTES MAINTAINED TRAFFIC SIGNAL
- DENOTES MAINTAINED GRAFFITI ABATEMENT

2 RESOLUTION NO. 2007-205

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 81 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, MULTI-PURPOSE TRAIL, FENCING, GRAFFITI  
8 ABATEMENT, FOSSIL FILTERS, AND TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY  
9 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE  
10 PUBLIC HEARING ON THE ANNEXATION OF ZONE 81; ORDERING AN ASSESSMENT  
11 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE  
12 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE  
13 XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF 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. 2007-204 on May 15, 2007 initiating  
16 proceedings for the annexation of Zone 81 (hereinafter "Zone 81"), as described and shown in  
17 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
18 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
21 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
22 "Report") regarding the proposed annexation of Zone 81 and the assessments to be levied within  
23 Zone 81 each fiscal year beginning fiscal year 2007/08 for the the maintenance and servicing of  
24 landscaping, multi-purpose trails, fencing, graffiti abatement, fossil filters, and traffic signals, and  
25 providing electricity for traffic signals within the public right-of-way within said Zone; and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the  
California Constitution (hereinafter "Article XIIID:"), 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 Zone 81;  
and

1       **WHEREAS**, the Board of Supervisors by Resolution No. 2007-204 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**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
8 Ballot Election" allowing for the election to be held on July 17, 2007; and

9       **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
12 Report, the annexation of Zone 81, and the assessments to be levied on parcels within Zone 81  
13 beginning in fiscal year 2007/08;

14       **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on May 15, 2007 as follows:

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

- 17       (a)     The foregoing recitals are true and correct;
- 18       (b)     The Report contains all matters required by Sections 22565 through 22574 of the  
19             Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
20             approved by the Board of Supervisors;
- 21       (c)     The annual assessment for fiscal year 2007/08 on all parcels within Zone 81 proposed to  
22             be annexed to L&LMD No. 89-1-C will be \$534.12 per parcel.

23       **Section 2.     Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Zone 81, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
25 collect an annual assessment on all assessable lots and parcels of property within Zone 81  
26 commencing with the fiscal year 2007/08 as set forth in the Report. The Report expressly states that

1 there are no parcels or lots within Zone 81 that are owned by a federal, state or other local  
2 governmental agency that will benefit from the services to be financed by the annual assessments. The  
3 annual assessments will be collected at the same time and in the same manner as property taxes are  
4 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
5 collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Zone 81 is proposed to be  
7 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
8 County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
10 landscaping, multi-purpose trails, fencing, graffiti abatement, fossil filters, and traffic signals, and  
11 providing electricity for traffic signals authorized for Zone 81 of L&LMD No. 89-1-C are:

- 12 (a) The maintenance and servicing of landscaping and multi-purpose trails within the public  
13 right-of-way including the trimming, fertilizing, weeding and replanting of trees, shrubs,  
14 grass, and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
16 landscaping, including but not limited to electricity for operation of the irrigation system  
17 and water for irrigation; and
- 18 (c) Providing graffiti abatement services to walls and structures with the public right-of-way  
19 including incidental costs and expenses; and
- 20 (d) The maintenance and servicing of fossil filters within the public right-of-way including the  
21 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 22 (e) Providing electricity to and the maintenance and servicing of traffic signals within the  
23 public right-of-way including incidental costs and expenses.

24 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
25 benefits from the annexation of Zone 81 of L&LMD No. 89-1-C will be \$534.12 per parcel for fiscal year  
26 2007/08. As stated in the Report, the total budget for Zone 81 for the fiscal year 2007/08 is \$55,015.00;

1 | there are 103 parcels that are to be assessed. The annual assessment will be increased by the greater  
2 | of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all  
3 | Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard  
4 | Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States  
5 | Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in  
6 | the Index as it stands on March of each year over the base Index for March of 2007. Any increase  
7 | larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the  
8 | property owners within Zone 81. The Board of Supervisors will levy the assessment in each subsequent  
9 | fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 81 of  
10 | L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this  
11 | Resolution. For further particulars, reference is to be made to the Report on file in the Office of the  
12 | Clerk of the Board of Supervisors.

13 |         **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
14 | 89-1-C is Zone 81. The boundaries of Zone 81 are located within the unincorporated area of the County  
15 | and are described and shown in the Report and Exhibit "A".

16 |         **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
17 | and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
18 | the Report for a full and detailed description of the services, the boundaries of Zone 81, and the annual  
19 | assessment to be levied upon assessable lots and parcels within Zone 81 proposed to be annexed to  
20 | L&LMD No. 89-1-C.

21 |         **Section 8.    Public Hearing.** The question of whether Zone 81 shall be annexed into L&LMD  
22 | No. 89-1-C and an annual assessment levied beginning with fiscal year 2007/08 shall be considered at  
23 | a public hearing (hereinafter the "Public Hearing") to be held on July 17, 2007, at 9:30 a.m. at the  
24 | meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
25 | California.

1           **Section 9.    Majority Protest.** Each owner of record of property within Zone 81 is to receive  
2 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
3 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
4 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
5 Zone 81 if there is a majority protest with regard to the annexation of Zone 81. A majority protest exists  
6 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in  
7 opposition to the annexation and assessment of Zone 81 exceeds the assessment ballots in favor of  
8 the annexation and assessment of Zone 81.

9           **Section 10. Information.** Any property owner desiring additional information regarding  
10 Zone 81 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
11 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
12 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
13 (951) 955-6829.

14           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
15 annexation of Zone 81 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
16 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
17 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
18 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 17, 2007.  
19 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall  
20 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
21 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of  
22 the California Elections Code to all owners of record of property within Zone 81 as shown on the last  
23 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
24 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 17, 2007.

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

FORM APPROVED  
COUNTY COUNSEL

APR 25 2007

BY *Dale Gardner*  
Dale Gardner

**EXHIBIT "A"**

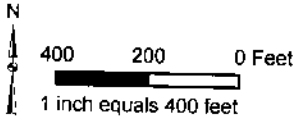
**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 81 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 103 parcel(s) as shown on Tract Map No. 31831 in the County of Riverside, State of California for fiscal year 2007/08.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED ZONE 81

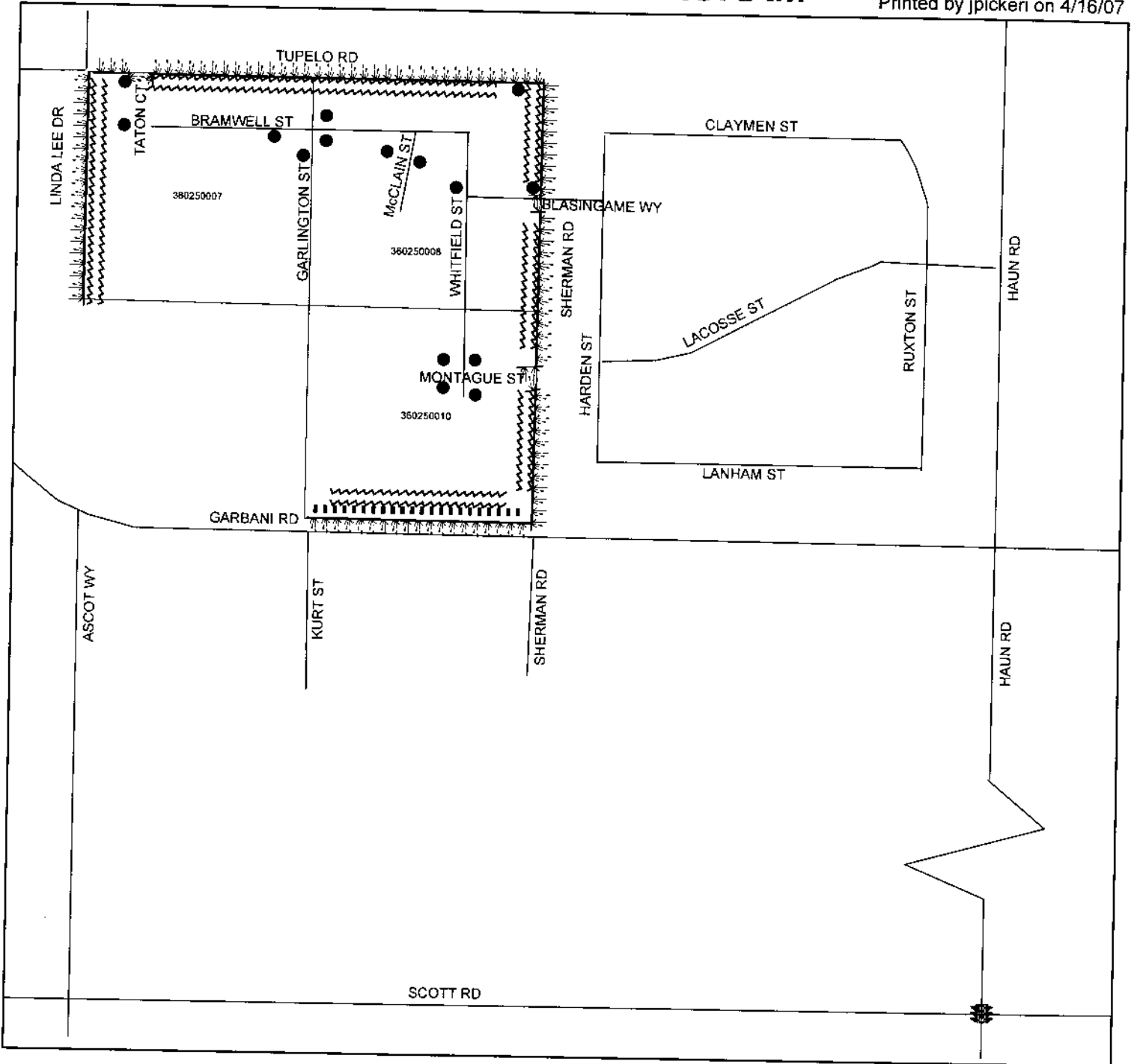
PORTION OF SECTION 10, T.6S., R.3W  
TRACT MAP NO. 31831 - 103 PARCELS








The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or reuse this map.

## ASSESSMENT DIAGRAM

Printed by jpickeri on 4/16/07



-  DENOTES LANDSCAPED AND MAINTAINED PARKWAY
-  DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCE
-  DENOTES MAINTAINED FOSSIL FILTER

-  DENOTES MAINTAINED TRAFFIC SIGNAL
-  DENOTES MAINTAINED GRAFFITI ABATEMENT