

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



637A

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
May 7, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 83.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2007-208 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 83 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 83.

Resolution No. 2007-209, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 83 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; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 83, 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

APR 25 2007

Departmental Concurrence
(Date Gardner)

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

Tina Grande (Tina Grande)

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: 4

Agenda Number:

3.36

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 83.

May 7, 2007

Page 2 of 2

BACKGROUND: Adoption of Resolution No. 2007-208 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 83 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-209 declares the Board's intention of ordering the annexation of Zone 83 to L&LMD No. 89-1-C. Annexation of Zone 83 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping improvements within public right-of-way located northerly of Varner Rd in the Bermuda Dunes and Del Web Sun City areas and includes 1 commercial parcel.

The proposed budget for fiscal year 2007/08 for Zone 83 is \$5,635.00 that will result in an assessment for fiscal year 2007/08 within Zone 83 of \$454.44 per acre. 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 83 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-209, 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 83 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 83 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.

RESOLUTION NO. 2007-208

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 83 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 83"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 83 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution 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 83; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on July 17, 2007; and

WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil 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 83 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 83 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 83 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
14 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.

18 **Section 3. Boundaries and Designation.** The boundaries of Zone 83 that are
19 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
20 described in Exhibit "A".

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

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

FORM APPROVED
COUNTY SHERIFF
APR 25 2007
BY *Dale Gardner*
Dale Gardner

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

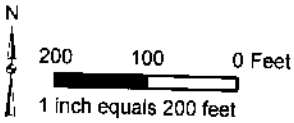
The boundaries of Zone 83 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APNs 748-390-024 and 025 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2007/08.

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 83

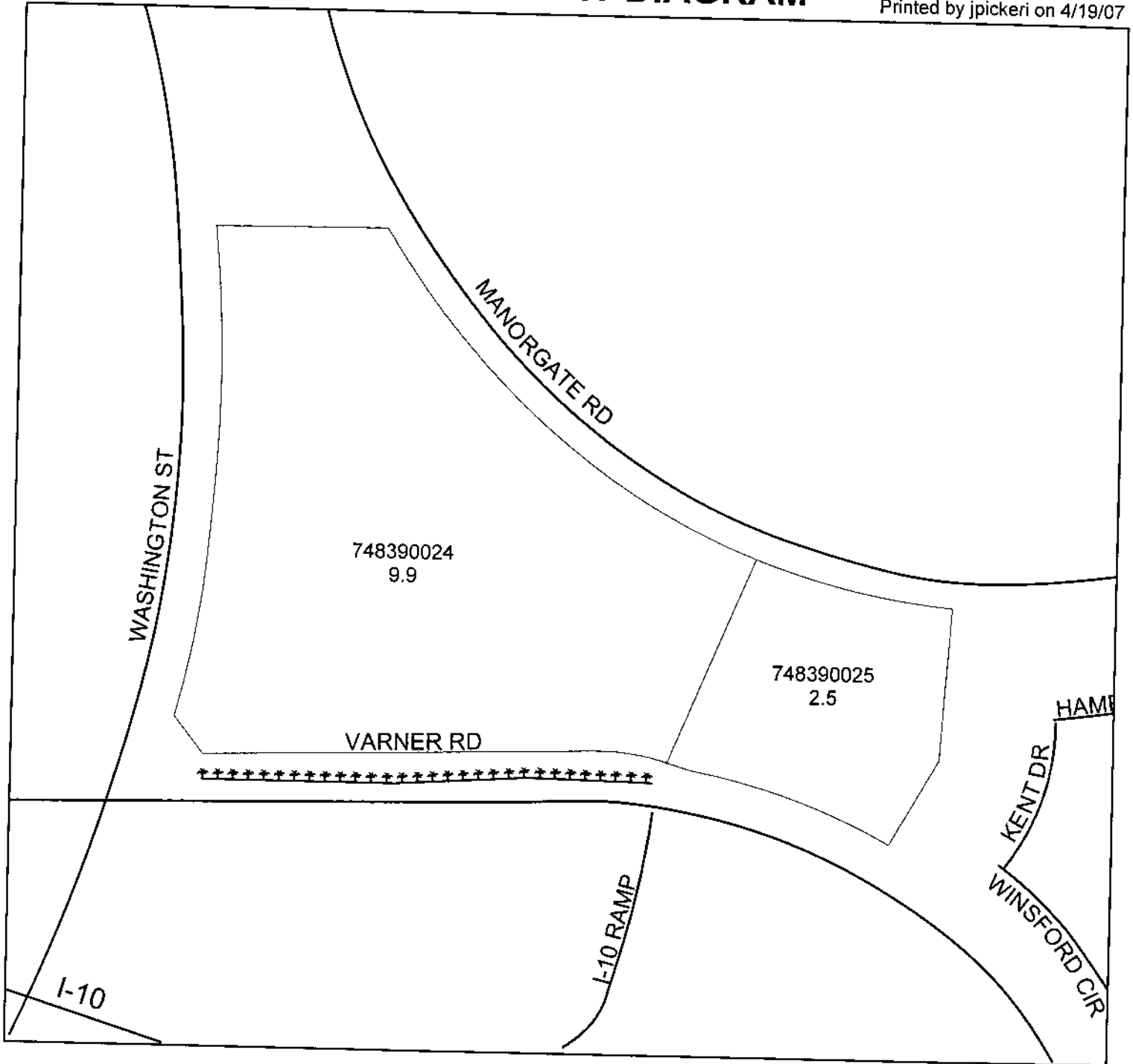
PORTION OF SECTION 6, T.5S., R.7E
PLOT PLAN NO. 18791 - 2 PARCELS



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 4/19/07



↑↑↑↑ DENOTES LANDSCAPED AND MAINTAINED MEDIAN

RESOLUTION NO. 2007-209

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 83 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; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 83; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2007-208 on May 15, 2007 initiating proceedings for the annexation of Zone 83 (hereinafter "Zone 83"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 83 and the assessments to be levied within Zone 83 each fiscal year beginning fiscal year 2007/08 for the the maintenance and servicing of landscaping improvements within the public right-of-way within said Zone; and

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 Zone 83; and

WHEREAS, the Board of Supervisors by Resolution No. 2007-208 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 July 17, 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 83, and the assessments to be levied on parcels within Zone 83
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 May 15, 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 83 proposed to
20 be annexed to L&LMD No. 89-1-C will be \$454.44 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 83, 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 83
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 83 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 83 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 landscaping improvements authorized for Zone 83 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 Zone 83 of L&LMD No. 89-1-C will be \$454.44 per acre for fiscal year
17 2007/08. As stated in the Report, the total budget for Zone 83 for the fiscal year 2007/08 is \$5,635.00;
18 there are 1 parcels that are to be assessed that aggregate to 12.4 acres. The annual assessment will
19 be 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 Zone 83. 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 Zone 83 of L&LMD No. 89-1-C. The annual assessment will fund the services
2 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
3 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 L&LMD No.
5 89-1-C is Zone 83. The boundaries of Zone 83 are located within the unincorporated area of the County
6 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 Zone 83, and the annual
10 assessment to be levied upon assessable lots and parcels within Zone 83 proposed to be annexed to
11 L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 83 shall be annexed into L&LMD
13 No. 89-1-C and an annual assessment levied beginning with fiscal year 2007/08 shall be considered at
14 a public hearing (hereinafter the "Public Hearing") to be held on July 17, 2007, at 9:30 a.m. at the
15 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
16 California.

17 **Section 9. Majority Protest.** Each owner of record of property within Zone 83 is to receive
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
19 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
20 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
21 Zone 83 if there is a majority protest with regard to the annexation of Zone 83. A majority protest exists
22 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in
23 opposition to the annexation and assessment of Zone 83 exceeds the assessment ballots in favor of
24 the annexation and assessment of Zone 83.

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 83 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.

1 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
2 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 Zone 83 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
6 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
7 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
8 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 17, 2007.
9 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
10 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
11 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of
12 the California Elections Code to all owners of record of property within Zone 83 as shown on the last
13 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
14 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 17, 2007.

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

17
18
19 FORM APPROVED
COUNTY COUNSEL

20 APR 25 2007

21 BY

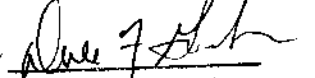

22 Dale Gardner
23
24
25
26

EXHIBIT "A"

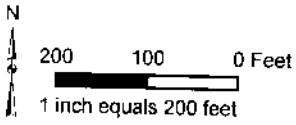
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 83 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APNs 748-390-024 and 025 as shown on Assessment Roll in the County of Riverside, State of California in 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 83

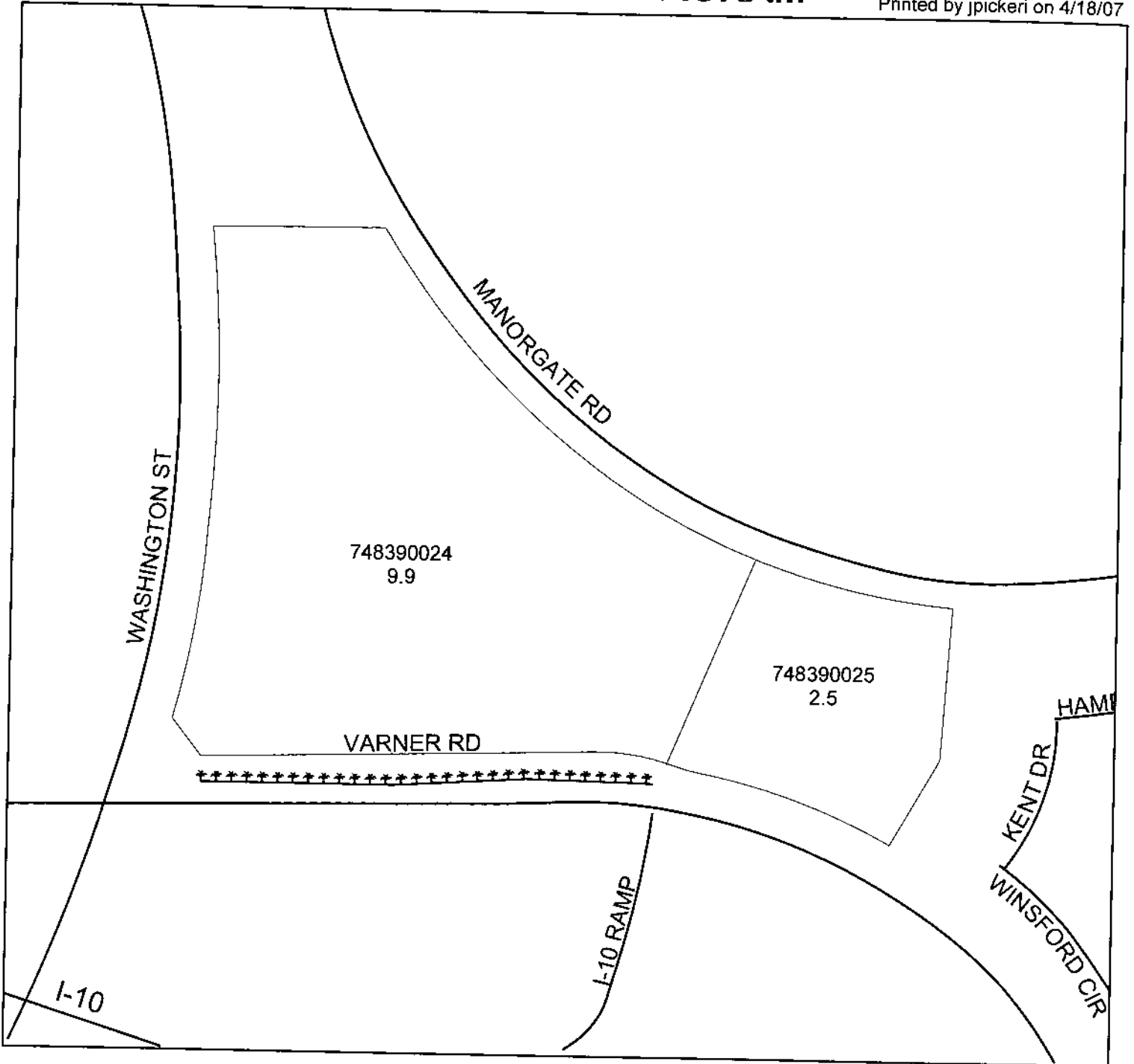
PORTION OF SECTION 6, T.5S., R.7E
PLOT PLAN NO. 18791 - 2 PARCELS



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 4/18/07

ASSESSMENT DIAGRAM



***** DENOTES LANDSCAPED AND MAINTAINED MEDIAN