

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

628A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
May 7, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 84.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2007-210 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 84 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 84.

Resolution No. 2007-211, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 84 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, graffiti abatement, and 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 84, ordering a mailed ballot election; and directing



George A. Johnson
Director of Transportation

JW:jp

(continued on next page)

FORM APPROVED
COUNTY COUNSEL

APR 25 2007

BY  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

Policy
 Policy

Consent
 Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 1

Agenda Number:

3.37

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 84.

May 7, 2007

Page 2 of 2

notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

BACKGROUND: Adoption of Resolution No. 2007-210 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 84 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-211 declares the Board's intention of ordering the annexation of Zone 84 to L&LMD No. 89-1-C. Annexation of Zone 84 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and fossil filter improvements and graffiti abatement within public right-of-way located southerly of Rider St and westerly of Patterson Ave in the Mead Valley area and includes 128 single-family residential lots.

The proposed budget for fiscal year 2007/08 for Zone 84 is \$30,573.00 that will result in an assessment for fiscal year 2007/08 within Zone 84 of \$238.84 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 84 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-211, 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 84 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 84 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. 2007-210

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 84 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 84"), 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 84 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 84; 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 84 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 84 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 84 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; 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.

23 **Section 3. Boundaries and Designation.** The boundaries of Zone 84 that are
24 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
25 described in Exhibit "A".

26

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

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

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

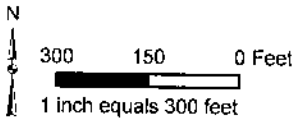
The boundaries of Zone 84 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 128 parcel(s) as shown on Tract Map No. 30592 in the County of Riverside, State of California for fiscal year 2007/08.

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

ZONE 84

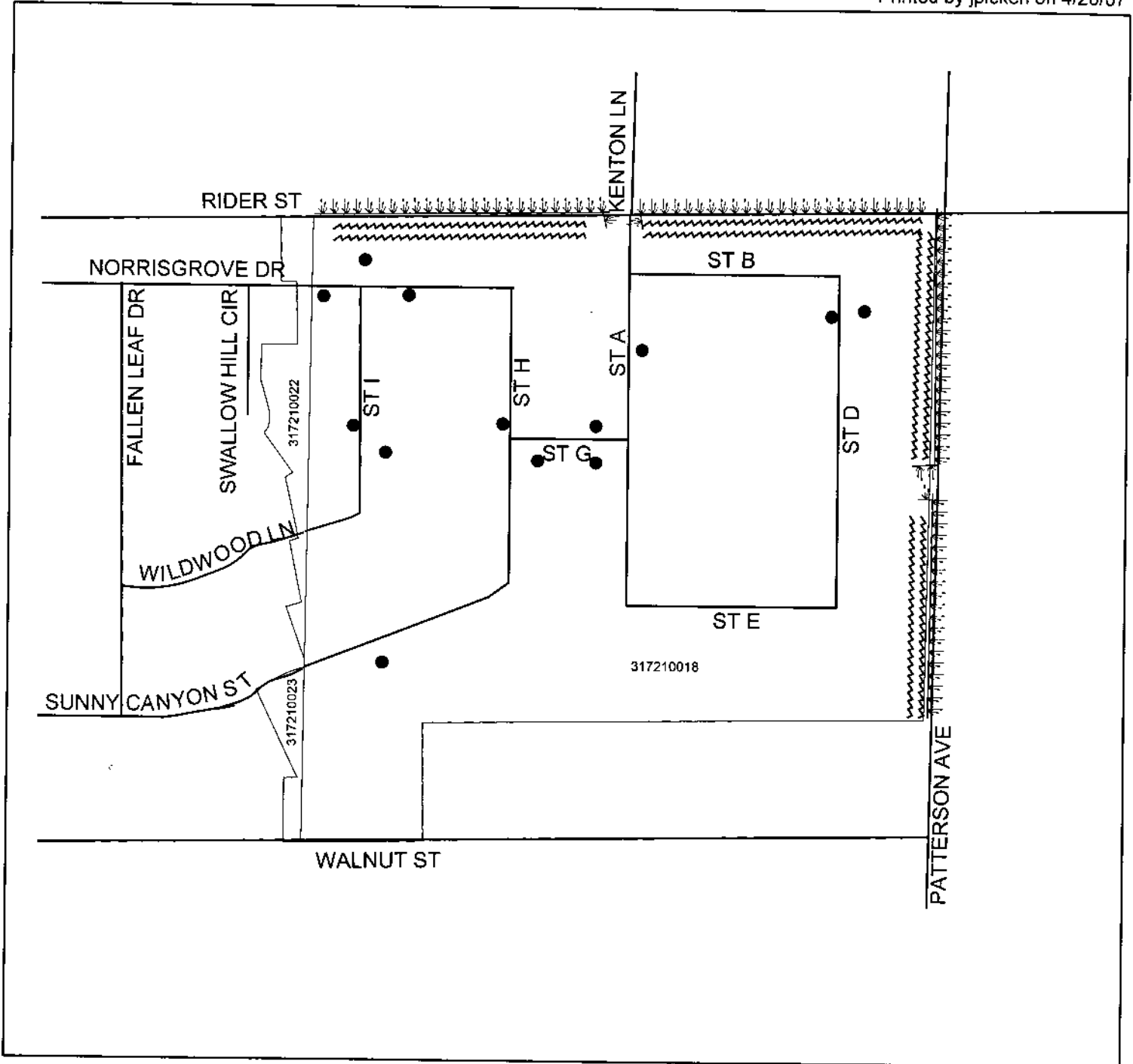
PORTION OF SECTION 13, T.4S., R.4W
TRACT MAP NO. 30592 - 128 PARCELS



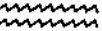


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ASSESSMENT DIAGRAM

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-  DENOTES LANDSCAPED AND MAINTAINED PARKWAY
-  DENOTES MAINTAINED FOSSIL FILTER
-  DENOTES MAINTAINED GRAFFITI ABATEMENT

RESOLUTION NO. 2007-211

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 84 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, GRAFFITI ABATEMENT, AND 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 84; 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. 2007-210 on May 15, 2007 initiating proceedings for the annexation of Zone 84 (hereinafter "Zone 84"), 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 84 and the assessments to be levied within Zone 84 each fiscal year beginning fiscal year 2007/08 for the the maintenance and servicing of landscaping and fossil filter improvements and graffiti abatement 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 84; and

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2007-210 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 84, and the assessments to be levied on parcels within Zone 84
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 84 proposed to
22 be annexed to L&LMD No. 89-1-C will be \$238.84 per parcel.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Zone 84, 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 84
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 84 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 84 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 and fossil filter improvements and graffiti abatement authorized for Zone 84 of L&LMD No.
11 | 89-1-C are:

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

22 | **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
23 | benefits from the annexation of Zone 84 of L&LMD No. 89-1-C will be \$238.84 per parcel for fiscal year
24 | 2007/08. As stated in the Report, the total budget for Zone 84 for the fiscal year 2007/08 is \$30,573.00;
25 | there are 128 parcels that are to be assessed. The annual assessment will be increased by the greater
26 | of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all

1 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
2 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
3 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
4 the Index as it stands on March of each year over the base Index for March of 2007. Any increase
5 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the
6 property owners within Zone 84. The Board of Supervisors will levy the assessment in each subsequent
7 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 84 of
8 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this
9 Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
10 Clerk of the Board of Supervisors.

11 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
12 89-1-C is Zone 84. The boundaries of Zone 84 are located within the unincorporated area of the County
13 and are described and shown in the Report and Exhibit "A".

14 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
15 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
16 the Report for a full and detailed description of the services, the boundaries of Zone 84, and the annual
17 assessment to be levied upon assessable lots and parcels within Zone 84 proposed to be annexed to
18 L&LMD No. 89-1-C.

19 **Section 8. Public Hearing.** The question of whether Zone 84 shall be annexed into L&LMD
20 No. 89-1-C and an annual assessment levied beginning with fiscal year 2007/08 shall be considered at
21 a public hearing (hereinafter the "Public Hearing") to be held on July 17, 2007, at 9:30 a.m. at the
22 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
23 California.

24 **Section 9. Majority Protest.** Each owner of record of property within Zone 84 is to receive
25 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
26 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the

1 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
2 Zone 84 if there is a majority protest with regard to the annexation of Zone 84. A majority protest exists
3 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in
4 opposition to the annexation and assessment of Zone 84 exceeds the assessment ballots in favor of
5 the annexation and assessment of Zone 84.

6 **Section 10. Information.** Any property owner desiring additional information regarding
7 Zone 84 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
8 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
9 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
10 (951) 955-6829.

11 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
12 annexation of Zone 84 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
13 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
14 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
15 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 17, 2007.
16 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
17 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
18 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of
19 the California Elections Code to all owners of record of property within Zone 84 as shown on the last
20 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
21 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 17, 2007.

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

24 FORM APPROVED
25 COUNTY COUNSEL

26 APR 25 2007

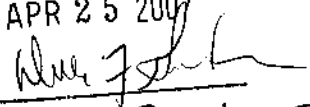
BY 
Dale Gardner

EXHIBIT "A"

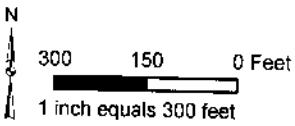
DESCRIPTION OF BOUNDARIES

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 84

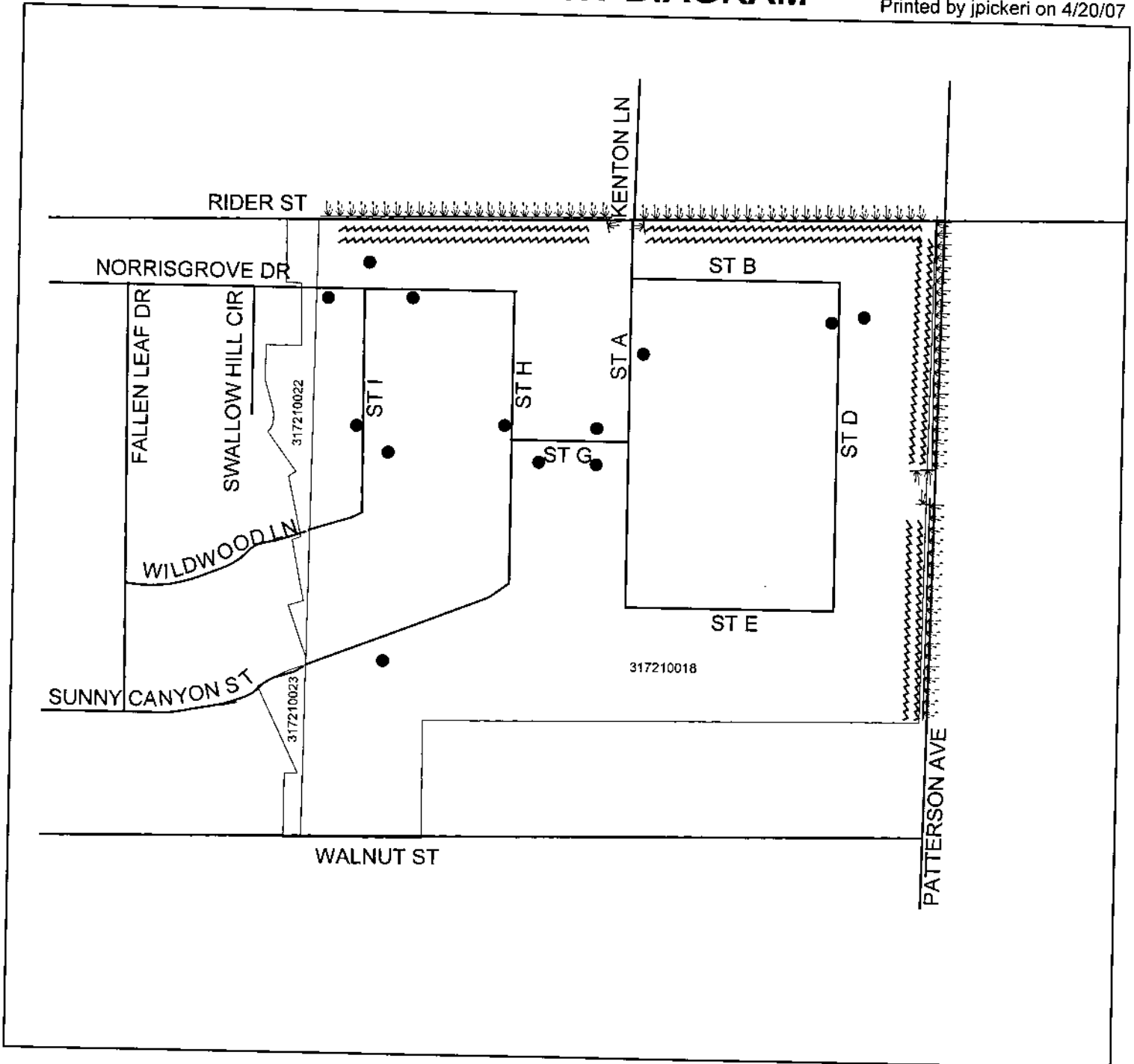
PORTION OF SECTION 13, T.4S., R.4W
TRACT MAP NO. 30592 - 128 PARCELS






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ASSESSMENT DIAGRAM

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-  DENOTES MAINTAINED FOSSIL FILTER
-  DENOTES MAINTAINED GRAFFITI ABATEMENT