

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

631A



**FROM:** TLMA - Transportation Dept.

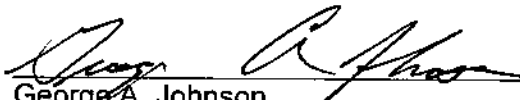
**SUBMITTAL DATE:**  
May 7, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 92.

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

Resolution No. 2007-218 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 92 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 92.

Resolution No. 2007-219, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 92 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, and graffiti abatement; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 92, ordering a mailed ballot election; and

  
George A. Johnson  
Director of Transportation

W:jp

(continued on next page)

FORM APPROVED  
COUNTY COUNSEL

APR 30 2007

Departmental Concurrence  
Date 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's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: 4

Agenda Number:

3.41

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 92.

May 7, 2007

Page 2 of 2

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

**BACKGROUND:** Adoption of Resolution No. 2007-218 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 92 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-219 declares the Board's intention of ordering the annexation of Zone 92 to L&LMD No. 89-1-C. Annexation of Zone 92 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and multi-purpose trail improvements and graffiti abatement within public right-of-way located southerly of 54th Ave and westerly of Calhoun St in the Thermal area and includes 22 single-family residential lots.

The proposed budget for fiscal year 2007/08 for Zone 92 is \$13,344.00 that will result in an assessment for fiscal year 2007/08 within Zone 92 of \$606.54 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 92 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-219, 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 92 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 92 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. 2007-218

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 92 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 92"), 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 92 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 92; 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 92 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 92 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 92 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.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 92 that are  
21 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
22 described in Exhibit "A".

23 **Section 4. Report.** The Director of the Department of the County, or his designee,  
24 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board  
25 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways  
26

1 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the  
2 levy.

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

7 FORM APPROVED  
COUNTY COUNSEL

8 APR 30 2007

9 BY *Dale Gardner*  
10 Dale Gardner

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**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 92 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 22 parcel(s) as shown on Tract Map No. 29423 in the County of Riverside, State of California for fiscal year 2007/08.

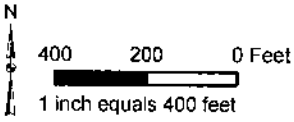
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**ZONE 92**

PORTION OF SECTION 13, T.6S., R.7E

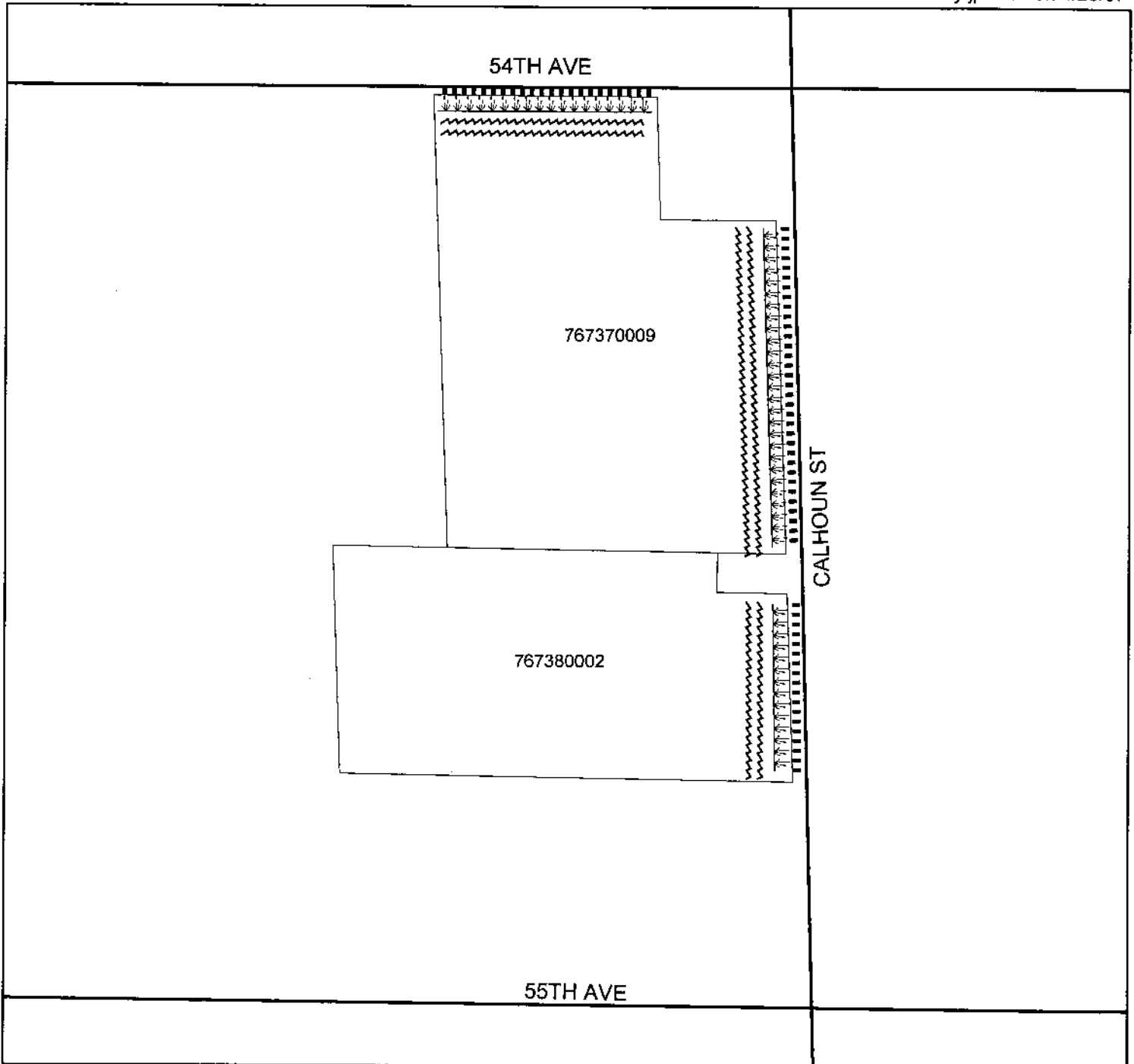
TRACT MAP NO. 29423 - 22 PARCELS



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 resell this map.

Printed by jpickeri on 4/20/07

**ASSESSMENT DIAGRAM**



 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

 DENOTES MAINTAINED MULTI-PURPOSE TRAIL

 DENOTES MAINTAINED GRAFFITI ABATEMENT

2 **RESOLUTION NO. 2007-219**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER THE ANNEXATION OF ZONE 92 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, AND GRAFFITI ABATEMENT;**  
8 **ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE**  
9 **TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 92; ORDERING**  
10 **AN 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. 2007-218 on May 15, 2007 initiating  
16 proceedings for the annexation of Zone 92 (hereinafter "Zone 92"), 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 92 and the assessments to be levied within  
23 Zone 92 each fiscal year beginning fiscal year 2007/08 for the the maintenance and servicing of  
24 landscaping and multi-purpose trail improvements and graffiti abatement within the public right-of-way  
25 within said Zone; 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 Zone 92;  
and

1       **WHEREAS**, the Board of Supervisors by Resolution No. 2007-218 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 92, and the assessments to be levied on parcels within Zone 92  
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 92 proposed to  
22             be annexed to L&LMD No. 89-1-C will be \$606.54 per parcel.

23       **Section 2.     Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Zone 92, 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 92  
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 92 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 92 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 multi-purpose trail improvements and graffiti abatement authorized for Zone 92 of  
11 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.

20 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
21 benefits from the annexation of Zone 92 of L&LMD No. 89-1-C will be \$606.54 per parcel for fiscal year  
22 2007/08. As stated in the Report, the total budget for Zone 92 for the fiscal year 2007/08 is \$13,344.00;  
23 there are 22 parcels that are to be assessed. The annual assessment will be increased by the greater  
24 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all  
25 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard  
26 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States

1 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in  
2 the Index as it stands on March of each year over the base Index for March of 2007. Any increase  
3 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the  
4 property owners within Zone 92. The Board of Supervisors will levy the assessment in each subsequent  
5 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 92 of  
6 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this  
7 Resolution. For further particulars, reference is to be made to the Report on file in the Office of the  
8 Clerk of the Board of Supervisors.

9 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.  
10 89-1-C is Zone 92. The boundaries of Zone 92 are located within the unincorporated area of the County  
11 and are described and shown in the Report and Exhibit "A".

12 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
13 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
14 the Report for a full and detailed description of the services, the boundaries of Zone 92, and the annual  
15 assessment to be levied upon assessable lots and parcels within Zone 92 proposed to be annexed to  
16 L&LMD No. 89-1-C.

17 **Section 8. Public Hearing.** The question of whether Zone 92 shall be annexed into L&LMD  
18 No. 89-1-C and an annual assessment levied beginning with fiscal year 2007/08 shall be considered at  
19 a public hearing (hereinafter the "Public Hearing") to be held on July 17, 2007, at 9:30 a.m. at the  
20 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
21 California.

22 **Section 9. Majority Protest.** Each owner of record of property within Zone 92 is to receive  
23 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
24 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
25 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
26 Zone 92 if there is a majority protest with regard to the annexation of Zone 92. A majority protest exists

1 if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in  
2 opposition to the annexation and assessment of Zone 92 exceeds the assessment ballots in favor of  
3 the annexation and assessment of Zone 92.

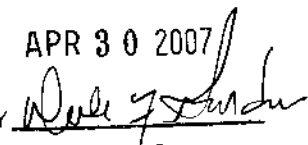
4 **Section 10. Information.** Any property owner desiring additional information regarding  
5 Zone 92 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
6 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
7 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
8 (951) 955-6829.

9 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
10 annexation of Zone 92 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
11 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
12 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
13 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is July 17, 2007.  
14 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall  
15 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
16 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of  
17 the California Elections Code to all owners of record of property within Zone 92 as shown on the last  
18 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
19 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on July 17, 2007.

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

22  
23 FORM APPROVED  
COUNTY COUNSEL

24 APR 30 2007

25 BY   
26 Dale Gardner

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 92 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 22 parcel(s) as shown on Tract Map No. 29423 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 92**

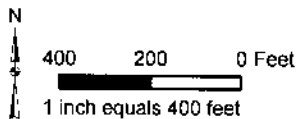
PORTION OF SECTION 13, T.6S., R.7E

TRACT MAP NO. 29423 - 22 PARCELS

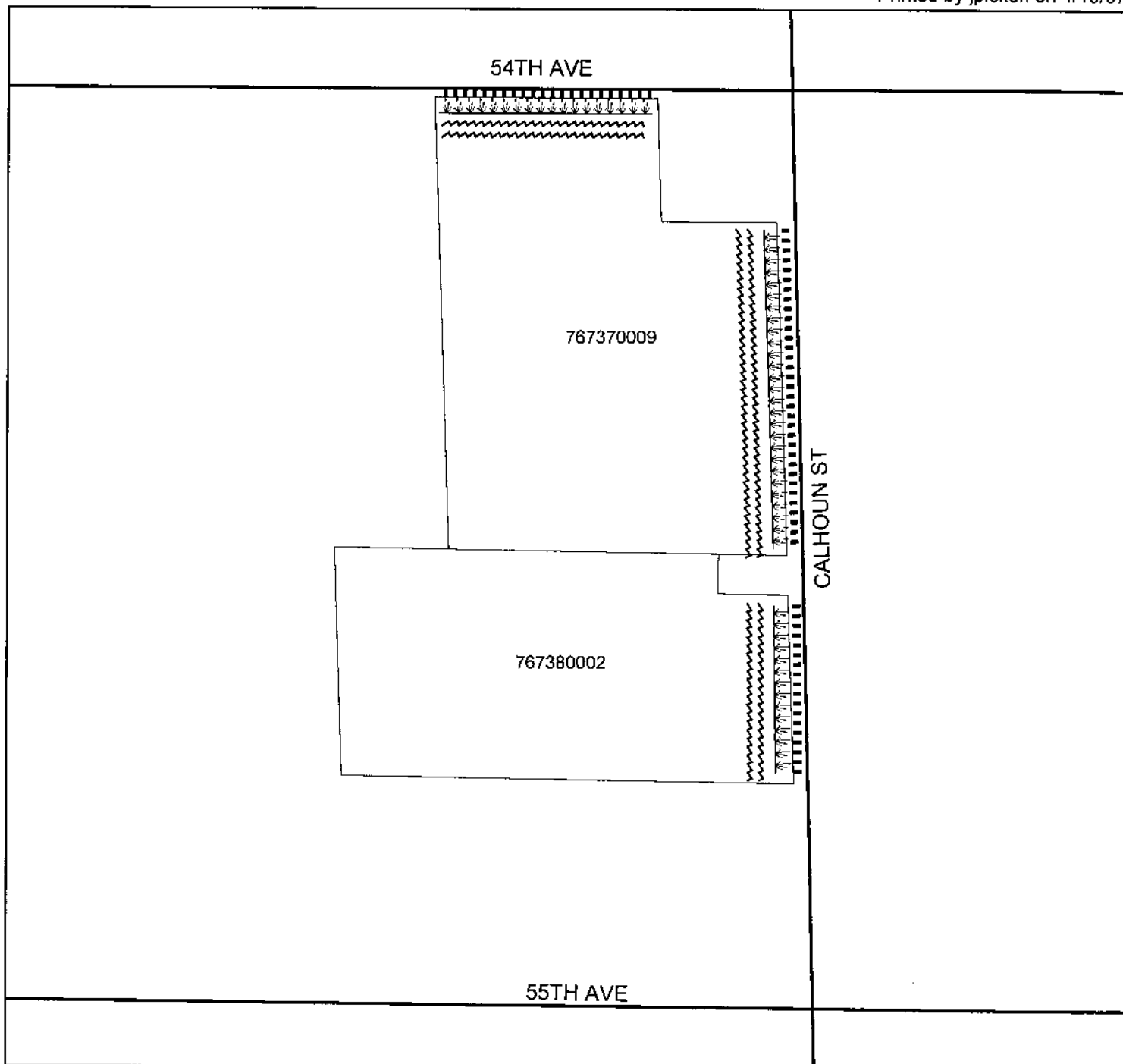


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**ASSESSMENT DIAGRAM**



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED MULTI-PURPOSE TRAIL

DENOTES MAINTAINED GRAFFITI ABATEMENT