

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

636A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
May 7, 2007

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

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

Resolution No. 2007-224 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 76 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 76.

Resolution No. 2007-225, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 76 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 76, ordering a mailed ballot election; and directing notice of the public

George A. Johnson  
Director of Transportation

W:jp

(continued on next page)

FORM APPROVED  
COUNTY COUNSEL

APR 30 2007

(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

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 2

Agenda Number:

3.43

The Honorable Board of Supervisors

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

May 7, 2007

Page 2 of 2

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

**BACKGROUND:** Adoption of Resolution No. 2007-224 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 76 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-225 declares the Board's intention of ordering the annexation of Street Lighting Zone 76 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 76 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located northwest of Magnolia Ave in the Home Gardens area and includes 1 commercial parcel totaling 1.03 acre(s).

The proposed budget for fiscal year 2007/08 for Street Lighting Zone 76 is \$330.00 that will result in an assessment for fiscal year 2007/08 within Street Lighting Zone 76 of \$320.38 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", 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 Street Lighting Zone 76 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-225, 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, Street Lighting Zone 76 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 76 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on July 17, 2007.

2 RESOLUTION NO. 2007-224

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 76 TO LANDSCAPING**  
6 **AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF**  
7 **RIVERSIDE 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 Street Lighting  
13 "Zone 76"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to  
14 be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Street  
17 Lighting Zone 76 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2  
18 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,  
19 respectively, the "Act" and the "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 Street Lighting Zone 76; and

23 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of  
24 Assessment Ballot Election" allowing for the election to be held on 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 Street  
2 Lighting Zone 76 to 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 Street  
9 Lighting Zone 76 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to  
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 76  
11 to pay the costs of the following services:

- 12 (a) Providing electricity to all streetlights within the public right-of-way including  
13 incidental costs and expenses.

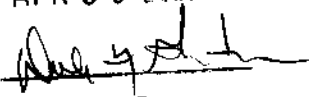
14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting  
15 Zone 76 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as  
16 shown and described in Exhibit "A".

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

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

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FORM APPROVED  
COUNTY COMMISSIONER

APR 30 2007

BY   
Dale Gardner

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 76 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 172-110-006 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2007/08.

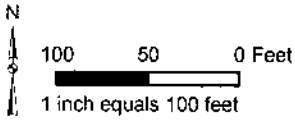
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**STREET LIGHTING ZONE 76**

PORTION OF SECTION 28, T.3S., R.6W

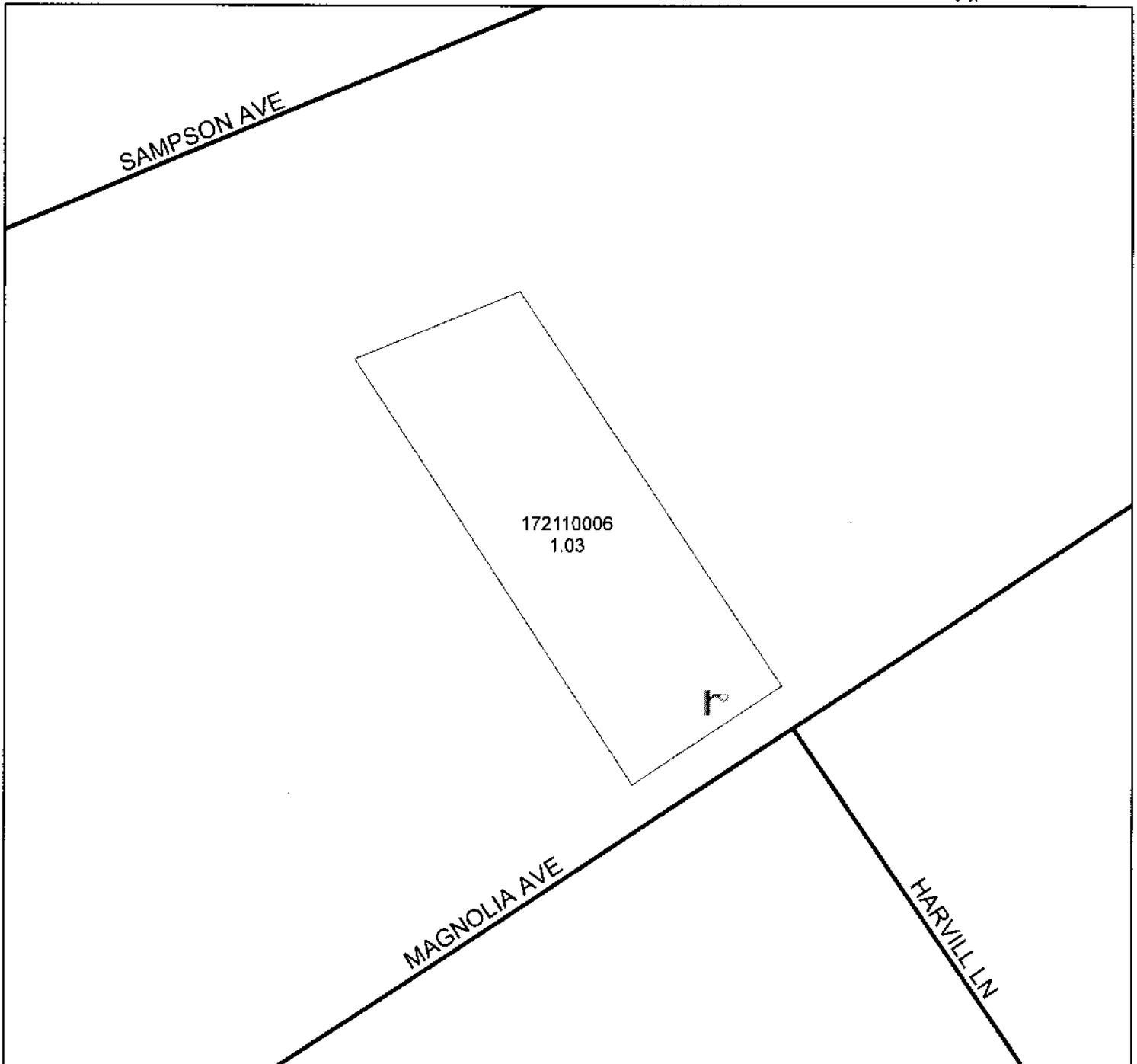
PLOT PLAN NO. 21157 - 1 PARCEL



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Printed by jpickeri on 4/12/07

**ASSESSMENT DIAGRAM**



2 RESOLUTION NO. 2007-225

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 76 TO LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE  
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; ADOPTING THE PRELIMINARY  
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE  
9 PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING ZONE 76; ORDERING AN  
10 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. 2007-224 on May 15, 2007 initiating  
16 proceedings for the annexation of Street Lighting Zone 76 (hereinafter "Street Lighting Zone 76"), as  
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping  
18 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,  
19 (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter  
20 the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways  
21 Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report  
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 76 and the  
23 assessments to be levied within Street Lighting Zone 76 each fiscal year beginning fiscal year 2007/08  
24 for providing electricity for streelights within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 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 Street  
Lighting Zone 76; and

WHEREAS, the Board of Supervisors by Resolution No. 2007-224 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 sole owner of property within the proposed boundaries of Street Lighting  
6 Zone 76 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent  
7 Regarding Date of Assessment Ballot Election" allowing for the election to be held on July 17, 2007;  
8 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 Street Lighting Zone 76, and the assessments to be levied on parcels within  
13 Street Lighting Zone 76 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 Street Lighting  
22 Zone 76 proposed to be annexed to L&LMD No. 89-1-C will be \$320.38 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Street Lighting Zone 76, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
25 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
26 Street Lighting Zone 76 commencing with the fiscal year 2007/08 as set forth in the Report. The Report

1 expressly states that there are no parcels or lots within Street Lighting Zone 76 that are owned by a  
2 federal, state or other local governmental agency that will benefit from the services to be financed by  
3 the annual assessments. The annual assessments will be collected at the same time and in the same  
4 manner as property taxes are collected, and all laws providing for the collection and enforcement of  
5 property taxes shall apply to the collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 76 is  
7 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated  
8 area of the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The service authorized for Street  
10 Lighting Zone 76 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public  
11 right-of-way including incidental costs and expenses.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
13 benefits from the annexation of Street Lighting Zone 76 of L&LMD No. 89-1-C will be \$320.38 per acre  
14 for fiscal year 2007/08. As stated in the Report, the total budget for Street Lighting Zone 76 for the fiscal  
15 year 2007/08 is \$330.00; there is 1 parcel(s) that is to be assessed that aggregates to 1.03 acre(s). The  
16 annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage  
17 increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for "electricity" for the  
18 Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index")  
19 published by the Bureau of Labor Statistics of the United States Department of Labor. The annual  
20 CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of  
21 each year over the base Index for March of 2007. Any increase larger than the greater of 2.0% or the  
22 CPI-U annual adjustment requires a majority approval of all the property owners within Street Lighting  
23 Zone 76. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the  
24 Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 76 of L&LMD  
25 No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution. For  
26

1 further particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of  
2 Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.  
4 89-1-C is Street Lighting Zone 76. The boundaries of Street Lighting Zone 76 are located within the  
5 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
8 the Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 76,  
9 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone  
10 76 proposed to be annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 76 shall be  
12 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2007/08  
13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on July 17, 2007, at  
14 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
15 1<sup>st</sup> Floor, Riverside, California.

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

25 **Section 10. Information.** Any property owner desiring additional information regarding Street  
26 Lighting Zone 76 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the  
2 County of 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 Street Lighting Zone 76 to L&LMD No. 89-1-C shall be given consistent with Section  
6 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
7 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
8 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing  
9 that is July 17, 2007. Publication of this Resolution is to be effected by the Clerk of the Board of  
10 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as  
11 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of  
12 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within  
13 Street Lighting Zone 76 as shown on the last equalized assessment roll of the County. Mailing is to be  
14 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
15 Public Hearing on July 17, 2007.

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

18  
19  
20 FORM APPROVED  
COUNTY COUNSEL

21 APR 30 2007

22 BY Dale Gardner  
23 Dale Gardner  
24  
25  
26

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 76 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 172-110-006 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2007/08.

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

**STREET LIGHTING ZONE 76**

PORTION OF SECTION 28, T.3S., R.6W

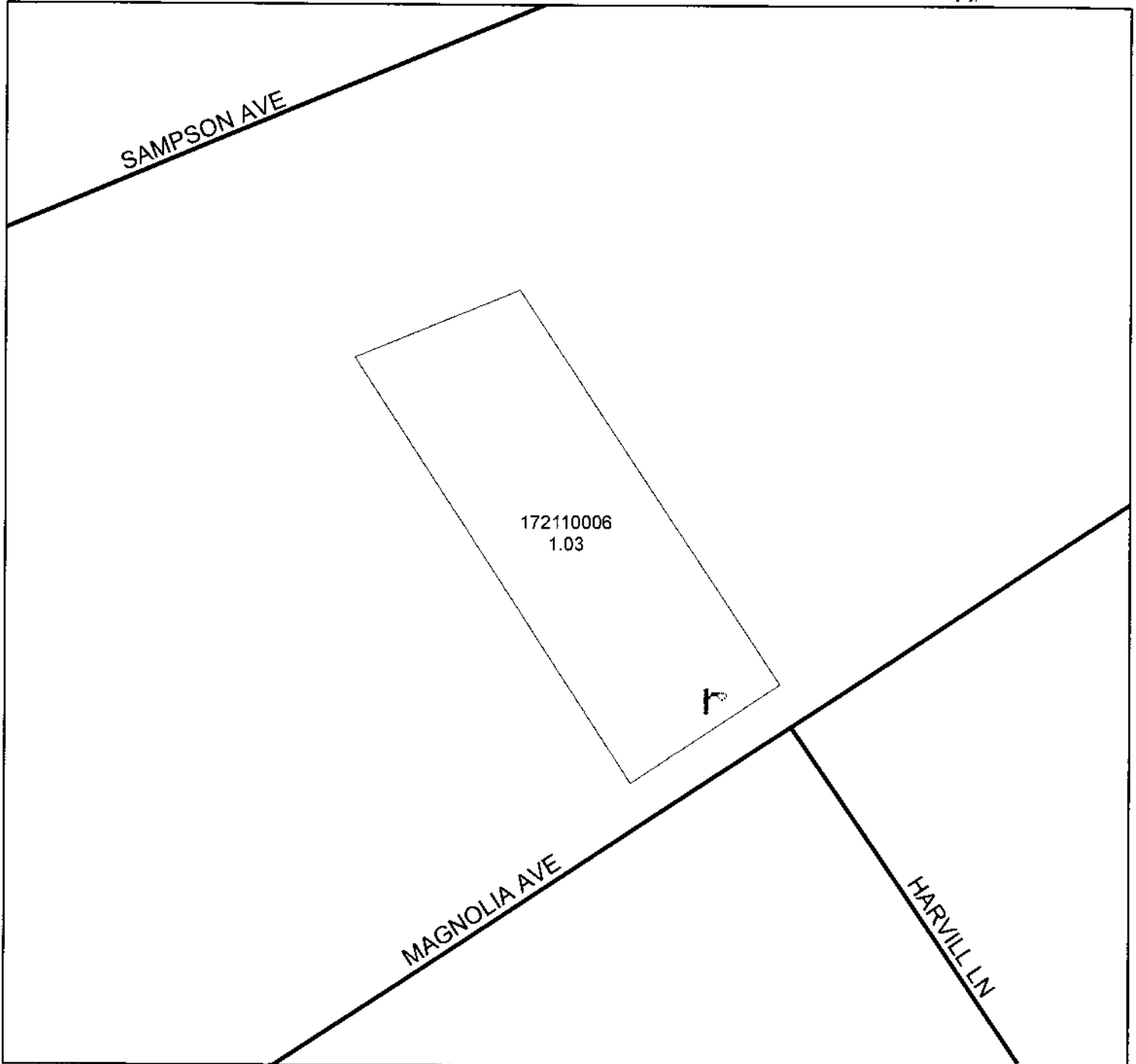
PLOT PLAN NO. 21157 - 1 PARCEL



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**ASSESSMENT DIAGRAM**

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 DENOTES MAINTAINED STREETLIGHT