

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

943A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 4, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Location 3 to Zone 26

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2007-238, Resolution of the County of Riverside confirming the diagram and assessment for Location 3 of Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2007-08.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Location 3 of Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

George A. Johnson
George A. Johnson
Director of Transportation

(continued on next page)

FORM APPROVED
COUNTY COUNSEL

MAY 10 2007

Departmental Conference

BY *Alisa Gardner*
Alisa Gardner
W:jp

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:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY *Tina Grande*
Tina Grande
County Executive Office Signature

Policy

Consent

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

Prev. Agn. Ref. | District: 1 | Agenda Number:

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation
of Zone 26

June 4, 2007

Page 2 of 2

BACKGROUND: On May 8, 2007, a public hearing was held to receive all testimony regarding the annexation of Location 3 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LM Dist. No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on May 9, 2007 at 11:00 a.m. in Conference Room B on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 69 parcels out of a possible 90 were cast, and that 67 votes (or 97%) were cast in favor of the annexation of Location 3 to Zone 26 of L&LM Dist. No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2007-08 for Location 3 of Zone 26 is \$10,436.00 that will result in an assessment for fiscal year 2007-08 within Location 3 of Zone 26 of \$115.96 per parcel. Location 3 of Zone 26 includes 90 single-family residential lots. 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 2006.

Adoption of Resolution No. 2007-238 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2007-08 for Location 3 of Zone 26 of L&LM Dist. No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2007-08.

2 RESOLUTION NO. 2007-238

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4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF LOCATION 3 TO ZONE 26 OF LANDSCAPING AND LIGHTING**
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND**
7 **CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LOCATION 3 OF ZONE 26 OF**
8 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND**
9 **LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN**
10 **FOR THE FISCAL YEAR 2007-08**

11 **WHEREAS**, on March 20, 2007 the Board of Supervisors (hereinafter the "Board of
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2007-085,
13 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the
14 intention of the Board of Supervisors to order the annexation of Location 3 to Zone 26 of Landscaping
15 and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the
16 County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section
17 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public
18 hearing for 9:30 a.m. on May 8, 2007 at the meeting room of the Board of Supervisors and requiring
19 that the notice of the public hearing and assessment ballots be mailed to all owners of property within
20 Location 3 as shown on the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
22 Resolution No. 2007-085, Section 22626 of the Streets and Highways Code and Sections 53753 and
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
24 property within said Location 3 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on May 8, 2007, as set forth in Resolution No. 2007-085, the Board of
26 Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and
considered all oral statements and all written protest or communications made or filed by any
interested persons, closed the public hearing and directed the Director of Transportation, or his
designee, as an impartial person having no vested interest in the annexation of Location 3 to Zone 26

1 of L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the
2 assessment ballots that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owners of 69 parcels out of a possible 90 parcels and that 67 parcels (97 percent of
5 the assessment ballots received) voted in favor of annexation of Location 3 to Zone 26 of L&LMD No.
6 89-1-C and the levy of an annual assessment in said Location 3 beginning fiscal year 2007-08; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Location 3 of
11 Zone 26 of L&LMD No. 89-1-C beginning fiscal year 2007-08.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on June 12, 2007 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Location 3 to
21 Zone 26 of L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 97 percent voted in favor
23 of the annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C and the levy of
24 an annual assessment beginning fiscal year 2007-08, and 3 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Location 3 to Zone 26 of L&LMD No. 89-1-C;

- 1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Location 3 of Zone 26 of L&LMD No. 89-1-C either
3 as originally proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Location 3 of Zone 26 of L&LMD No. 89-1-C for the installation, maintenance
6 and servicing of landscaping improvements in said Location 3 during the fiscal
7 year 2007-08 as contained in the report of the Director of Transportation which
8 is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
9 based on benefits derived by such lots and parcels from the availability of such
10 landscaping improvements, and are not based upon the ownership of such lots
11 and parcels.

12 **Section 2. Annexation.** Location 3 of Zone 26, as proposed to be annexed to
13 L&LMD No. 89-1-C, includes all the property subject to Tract Map No. 29622-3 in the County of
14 Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into
15 L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Location 3 of Zone 26
17 of L&LMD No. 89-1-C are:

- 18 (a) The maintenance and servicing of landscaping within the public right-of-way
19 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
20 and other ornamental vegetation; and
- 21 (b) The maintenance and servicing of irrigation and electrical facilities associated
22 with the landscaping, including but not limited to electricity for operation of the
23 irrigation system and water for irrigation.

24 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
25 the assessment of estimated costs for the installation, maintenance and servicing of landscaping
26

1 improvements in Location 3 of Zone 26 of L&LMD No. 89-1-C for fiscal year 2007-08 as contained in
2 the Report are confirmed.

3 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
4 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
5 installation, and maintenance or servicing of landscaping improvements in Location 3 of Zone 26 of
6 L&LMD No. 89-1-C during fiscal year 2007-08, as contained in the Report, and such assessment is
7 levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution,
8 together with the diagram and assessment contained in the Report with the County Auditor-Controller
9 of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall
10 enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as
11 shown in said assessment.

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

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18 FORM APPROVED
COUNTY COUNSEL

MAY 10 2007

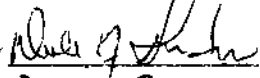
19
20 BY 
DALE A. GARNER

EXHIBIT "A"

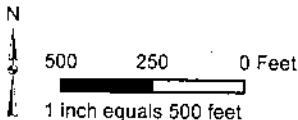
DESCRIPTION OF BOUNDARIES

The boundaries of Location 3 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 90 parcel(s) as shown on Tract Map No. 29622-3 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 26, LOCATION 03

PORTION OF SECTION 36, T.3S., R.5W.
TRACT MAP NO. 29622-3 - 90 PARCELS



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information contained on this map is subject to change, modification 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

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