

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

258A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 18, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Consideration of New Improvements for Zone 69.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2007-280 a Resolution of the County of Riverside initiating proceedings to consider New Improvements for Zone 69 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding said New Improvement.

Resolution No. 2007-281, a Resolution of the County of Riverside declaring its intent to order a New Improvement for Zone 69 of 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 additional landscaping along Haun Rd; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the New Improvement for Zone 69, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California

George A. Johnson
Director of Transportation

(continued on next page)

FORM APPROVED
COUNTY COUNSEL

JUN 1 2007

Departmental Concurrence

Date A. 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: 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		
		BY: Tina Grande		
County Executive Office Signature				

Policy

Policy

Consent

Consent

Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: 3

Agenda Number:

3.67

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Consideration of
New Improvements for Zone 69.

June 18, 2007

Page 2 of 2

Constitution.

BACKGROUND: Adoption of Resolution No. 2007-280 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed New Improvements for Zone 69 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-281 declares the Board's intention of ordering a New Improvement for Zone 69 of L&LMD No. 89-1-C. The New Improvements for Zone 69 of L&LMD No. 89-1-C are for the maintenance and servicing of additional landscaping improvements within public right-of-way located westerly of Haun Rd in the Menifee area and includes 128 single-family residential lots. These improvements were made necessary to landscape a slope area included in the final design that was not part of the original existing assessment that was approved for this project.

The proposed additional assessment for fiscal year 2008-09 on all parcels within Zone 69 is \$71.88 per parcel for the New Improvement and in addition to an existing assessment of \$324.38 for additional landscaping along Haun Rd will result in a total assessment per parcel of \$396.26. 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 August 28, 2007 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 69 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-281, 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 New Improvement and levy of the assessment exceed the ballots submitted in opposition of said New Improvement and levy, the New Improvement will be instituted for Zone 69 of L&LMD No. 89-1-C.

2 RESOLUTION NO. 2007-280

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS TO CONSIDER NEW IMPROVEMENT FOR ZONE 69 OF LANDSCAPING AND**
6 **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 NEW IMPROVEMENT**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
10 Riverside (hereinafter the "County") has by the adoption of Resolution No. 2006-346 on August 29,
11 2006, annexed Zone 69, as shown and described in Exhibit "A", which is attached hereto and made a
12 part hereof, of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter,
13 respectively, "Zone 69" and "L&LMD No. 89-1-C") of the County of Riverside, State of California,
14 pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of
15 Division 15 of the California Streets and Highways Code (hereinafter, respectively, the "Act" and the
16 Streets and Highways Code"); and

17 **WHEREAS**, the Board of Supervisors has been advised by the Transportation Department
18 (hereinafter "Department") of the County that said Department has received a request from the owner
19 of the property within Zone 69 that the Board of Supervisors initiate proceedings pursuant to Section
20 22620 et seq. of the Streets and Highways Code to allow for a new improvement to be provided by
21 Zone 69; and

22 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
23 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
24 proposed new improvement and the resulting increase in the assessment to be levied by L&LMD No.
25 89-1-C for Zone 69; and

26 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
engineer, has expertise with respect to the formation and annexation of territory to landscaping and
lighting maintenance districts, the proceedings required to add new improvements to such a district

1 and the levying of assessments for said purposes and, therefore, is able to serve as the engineer
2 (hereinafter the "Engineer") for the County with regard to the proceedings to add a new improvement
3 to Zone 69 of L&LMD No. 89-1-C.

4 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
5 Board of Supervisors of the County of Riverside assembled in regular session on June 26, 2007 as
6 follows:

7 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
8 the above recitals are true and correct.

9 **Section 2. Allowance of New Improvement.** The Board of Supervisors proposes
10 to initiate and conduct proceedings to allow for a new improvement for Zone 69 of L&LMD No. 89-1-C
11 pursuant to the Act and for increasing the annual assessment on all parcels within Zone 69 to pay the
12 costs of the new improvement:

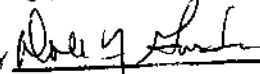
- 13 (a) The maintenance and servicing of additional landscaping within the public right-
14 of-way westerly of Haun Rd. including the trimming, fertilizing, weeding and
15 replanting of trees, shrubs, grass, and other ornamental vegetation; and
16 (b) The maintenance and servicing of irrigation and electrical facilities associated
17 with the landscaping, including but not limited to electricity for operation of the
18 irrigation system and water for irrigation.

19 **Section 3. Report.** The Director of the Department of the County, or his designee,
20 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
21 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
22 Code and Section 4 of Article XIID of the California.

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

25 FORM APPROVED
COUNTY COUNSEL

26 JUN 1 2007

BY 

Dale A. Gardner

EXHIBIT "A"

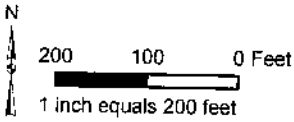
DESCRIPTION OF BOUNDARIES

The boundaries of the New Improvement in Zone 69 of the 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. 31724 in the County of Riverside, State of California for fiscal year 2008-09.

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 69

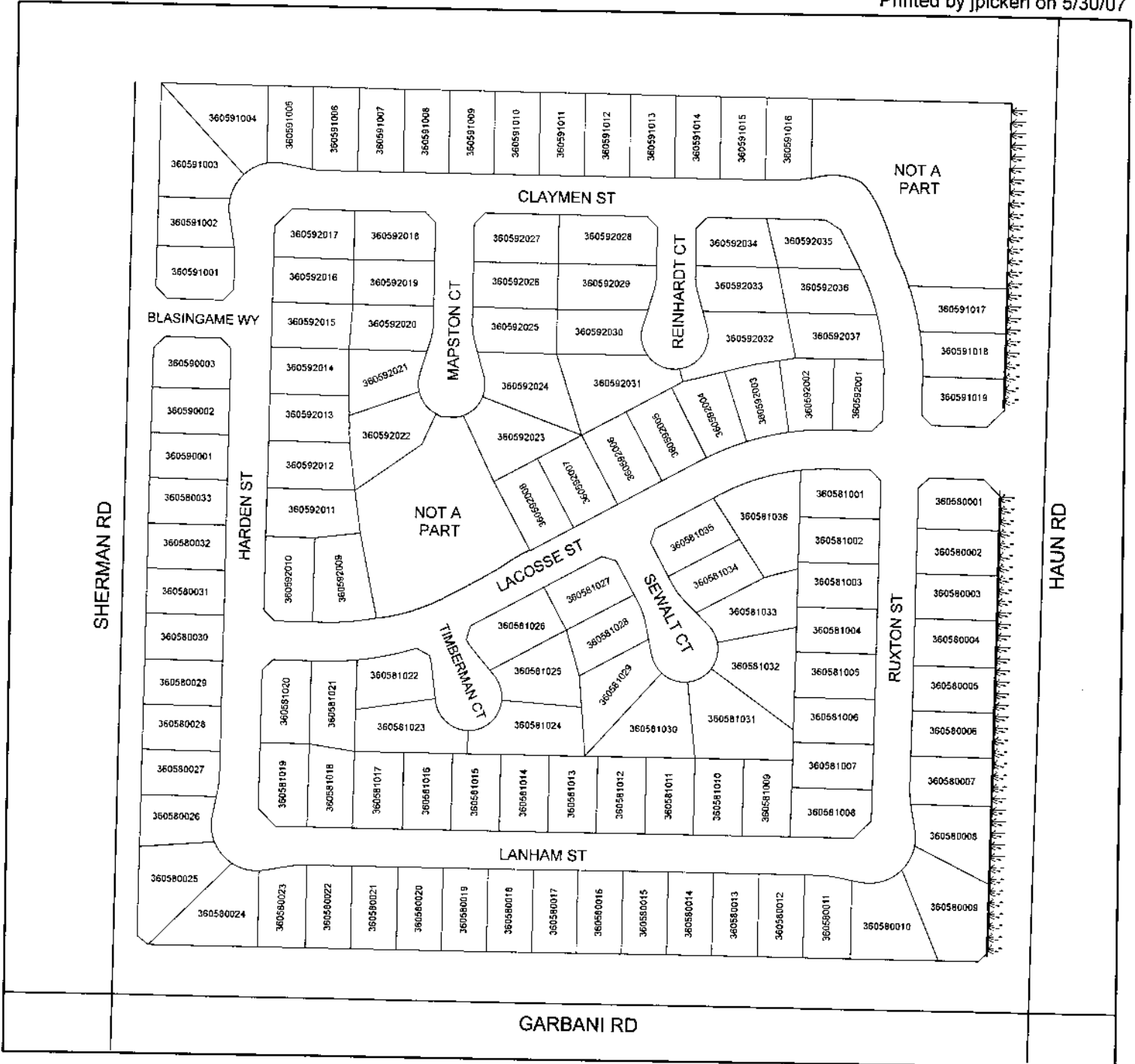
PORTION OF SECTION 10, T.6S., R.3W.
TRACT MAP NO. 31724 - 128 PARCELS



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 5/30/07



DENOTES ADDITIONAL LANDSCAPED AND MAINTAINED PARKWAY

2 RESOLUTION NO. 2007-281

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER A NEW IMPROVEMENT FOR ZONE 69 OF LANDSCAPING AND
5 LIGHTING 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 ADDITIONAL LANDSCAPING ALONG HAUN RD; ADOPTING THE
8 PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE
9 OF THE PUBLIC HEARING ON THE NEW IMPROVEMENT FOR ZONE 69; 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 SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND
13 SECTION 4000 OF 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. 2007-280 on June 26, 2007 initiating
16 proceedings to consider the addition of the the maintenance and servicing of additional landscaping
17 improvements along Haun Rd (hereinafter the "New Improvement") within the public right-of-way of
18 Zone 69 as described and shown in Exhibit "A", which is attached hereto and incorporated herein, of
19 Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State
20 of California, (hereinafter, respectively, "Zone 69" and "L&LMD No. 89-1-C") pursuant to the
21 Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section
22 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"),
23 and ordering the preparation of a report (hereinafter the "Report") regarding said New Improvement to
24 Zone 69 and the additional assessments to be levied within Zone 69 each fiscal year beginning fiscal
25 year 2008-09 for the New Improvement within the public right-of-way 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 additional assessment to be levied by L&LMD No. 89-1-C for Zone 69;
and

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2007-280 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**, 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 New Improvement, and the additional assessments to be levied on parcels within Zone 69
11 beginning in fiscal year 2008-09;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on June 26, 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 additional assessment for fiscal year 2008-09 on all parcels within Zone 69 will be
20 \$71.88 per parcel for the New Improvement and result in a total assessment per parcel
21 of \$396.26.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the New
23 Improvement for Zone 69 of L&LMD No. 89-1-C, and to levy and collect an annual assessment on all
24 assessable lots and parcels of property within Zone 69 commencing with the fiscal year 2008-09 as set
25 forth in the Report. The Report expressly states that there are no parcels or lots within Zone 69 that are
26 owned by a federal, state or other local governmental agency that will benefit from the services to be

1 | financed by the annual assessments. The annual assessments will be collected at the same time and in
2 | the same manner as property taxes are collected, and all laws providing for the collection and
3 | enforcement of property taxes shall apply to the collection and enforcement of said assessments.

4 | **Section 3. Boundaries.** All the property within the boundaries of Zone 69 of L&LMD No.
5 | 89-1-C are proposed to be annually assessed for the New Improvement and shall include that property
6 | in the unincorporated area of the County as described and shown in Exhibit "A".

7 | **Section 4. Description of New Improvement.** Additional landscaping and improvements
8 | along Haun Rd authorized for Zone 69 of L&LMD No. 89-1-C are:

- 9 | (a) The maintenance and servicing of additional landscaping within the public right-of-way
10 | westerly of Haun Rd. including the trimming, fertilizing, weeding and replanting of trees,
11 | shrubs, grass, and other 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 New Improvement for Zone 69 of L&LMD No. 89-1-C will be \$71.88 per parcel and
17 | will result in an aggregate assessment per parcel of \$396.26 for fiscal year 2008-09. As stated in the
18 | Report, the total budget for the New Improvement for the fiscal year 2008-09 is \$9,200.00; there are
19 | 128 parcels that are to be assessed. The aggregate annual assessment will be increased by the
20 | greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price
21 | Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
22 | Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
23 | United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative
24 | increase, if any, in the Index as it stands on March of each year over the base Index for March of 2007.
25 | Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority
26 | approval of all the property owners within Zone 69. The Board of Supervisors will levy the aggregate

1 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
2 the dissolution of Zone 69 of L&LMD No. 89-1-C. The aggregate annual assessment will fund, in part,
3 the New Improvement described in Section 4 of this Resolution. For further particulars, reference is to
4 be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

5 **Section 6. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
6 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
7 the Report for a full and detailed description of the New Improvement for Zone 69, and the increase in
8 the annual assessment to be levied upon assessable lots and parcels within Zone 69 of L&LMD No. 89-
9 1-C as a result of the New Improvement.

10 **Section 7. Public Hearing.** The question of whether the New Improvement should be
11 provided for Zone 69 of L&LMD No. 89-1-C and an increase in the annual assessment levied should
12 occur beginning with fiscal year 2008-09 shall be considered at a public hearing (hereinafter the "Public
13 Hearing") to be held on August 28, 2007, at 9:30 a.m. at the meeting room of the Board of Supervisors
14 of the County at 4080 Lemon Street, 1st Floor, Riverside, California.

15 **Section 8. Majority Protest.** Each owner of record of property within Zone 69 is to receive
16 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
17 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
18 Public Hearing. L&LMD No. 89-1-C shall not impose the increased assessment on property within the
19 boundaries of Zone 69 if there is a majority protest with regard to the provision of the New
20 Improvement. A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of
21 the assessment ballots submitted in opposition to the New Improvement and increased assessment
22 exceeds the assessment ballots in favor of providing the New Improvement and the increased
23 assessment for Zone 69.

24 **Section 9. Information.** Any property owner desiring additional information regarding the
25 New Improvement for Zone 69 of L&LMD No. 89-1-C, the Report, or the proposed increase in
26 assessment is to contact Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor,

1 Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside,
2 California, 92501 or by telephone at (951) 955-6829.

3 **Section 10. Notice of the Public Hearing.** Notice of Public Hearing with regard to the New
4 Improvement for Zone 69 of L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
7 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is August 28,
8 2007. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
9 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
10 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
11 Section 4000 of the California Elections Code to all owners of record of property within Zone 69 as
12 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
13 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on August
14 28, 2007.

15 **Section 11. Effective Date.** This Resolution shall take effect from and after its date of
16 adoption.

17
18 FORM APPROVED
COUNTY COUNSEL

19 JUN 1 2007

20 BY

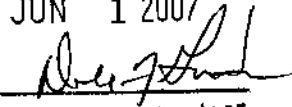

Dale A. Gardner

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of the New Improvement in Zone 69 of the 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. 31724 in the County of Riverside, State of California for fiscal year 2008-09.

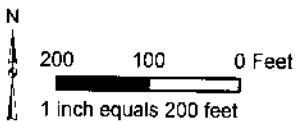
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

ZONE 69

PORTION OF SECTION 10, T.6S., R.3W.

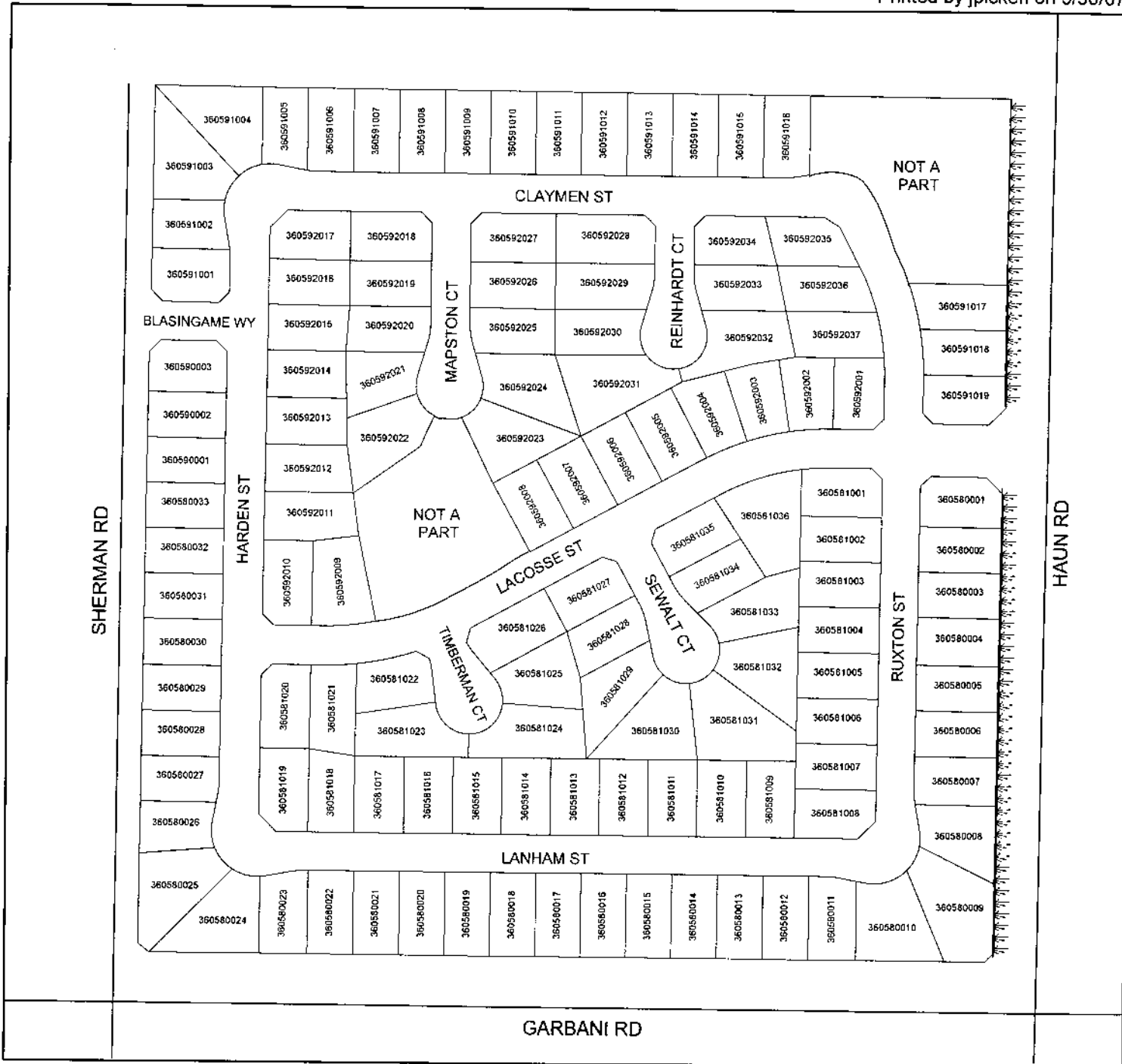
TRACT MAP NO. 31724 - 128 PARCELS



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 consulted for the most current information. Do not copy or reuse this map.

ASSESSMENT DIAGRAM

Printed by jpickeri on 5/30/07



DENOTES ADDITIONAL LANDSCAPED AND MAINTAINED PARKWAY