

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

246A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
September 10, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 97.

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2007-391, Resolution of the County of Riverside confirming the diagram and assessment of Zone 97 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 Zone 97 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

JW:jp

FORM APPROVED COUNTY COUNSEL
BY: *W. Gardner*
DALE A. GARDNER
DATE: 8/29/07
Departmental Concurrence

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:	2007-08

SOURCE OF FUNDS:	Landscaping and Lighting Maintenance District No. 89-1-Consolidated - 100%	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

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

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

5001255 15 BH 1: 1A

3.70

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 97.

September 10, 2007

Page 2 of 2

BACKGROUND: On August 28, 2007, a public hearing was held to receive all testimony regarding the annexation of Zone 97 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD 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 August 29, 2007 at 10:00 a.m. in Conference Room B on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 82 parcels out of a possible 132 were cast, and that 63 votes (or 77%) were cast in favor of the annexation of Zone 97 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2007-08 for Zone 97 is \$34,407.12 that will result in an assessment for fiscal year 2007-08 within Zone 97 of \$260.66 per parcel. Zone 97 includes 132 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 2007.

An agreement was reached between K Hovnanian Homes and seventy-three individual property owners, whereby K Hovnanian Homes agrees to subsidize the first two years of Zone 97's annual assessment in the amount of \$50,000.00.

Adoption of Resolution No. 2007-391 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2007-08 for Zone 97 of L&LMD 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. 2007-391

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF ZONE 97 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
6 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM**
7 **AND ASSESSMENT FOR ZONE 97 OF LANDSCAPING AND LIGHTING MAINTENANCE**
8 **DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE**
9 **LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2007-08**

10
11 **WHEREAS**, on June 26, 2007 the Board of Supervisors (hereinafter the "Board of
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2007-248,
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 Zone 97 to Landscaping and Lighting
15 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
16 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of
17 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
18 9:30 a.m. on August 28, 2007 at the meeting room of the Board of Supervisors and requiring that the
19 notice of the public hearing and assessment ballots be mailed to all owners of property within Zone 97
20 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. 2007-248, 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 Zone 97 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on August 28, 2007, as set forth in Resolution No. 2007-248, the
26 Board of 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 Zone 97 to L&LMD No.

1 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots that
2 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 82 parcels out of a possible 132 parcels and that 63 parcels (77 percent
5 of the assessment ballots received) voted in favor of annexation of Zone 97 to L&LMD No. 89-1-C and
6 the levy of an annual assessment in said Zone 97 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 Zone 97 of
11 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 Sept 18, 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 Zone 97 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 77 percent voted in favor
23 of the annexation of Zone 97 to L&LMD No. 89-1-C and the levy of an annual
24 assessment beginning fiscal year 2007-08, and 23 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 97 to 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 Zone 97 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 97 of L&LMD No. 89-1-C for the installation, maintenance and servicing of
6 landscaping and graffiti abatement improvements in said Zone 97 during the
7 fiscal year 2007-08 as contained in the report of the Director of Transportation
8 which is on file with the Clerk of the Board of Supervisors (hereinafter the
9 "Report") are based on benefits derived by such lots and parcels from the
10 availability of such landscaping and graffiti abatement improvements, and are
11 not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 97, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Tract Map Nos. 29648, 29648-1, and 33465 in the County
14 of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed
15 into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 97 of L&LMD
17 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; and
- 24 (c) Providing graffiti abatement services to walls and structures with the public right-
25 of-way including incidental costs and expenses.
- 26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 97 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of lots 1 through 73 as shown on Tract Map No. 29648, lots 1 through 45 as shown on Tract Map No. 29648-1, and lots 1 through 14 as shown on Tract Map No. 33465 in the County of Riverside, State of California for fiscal year 2007-08.

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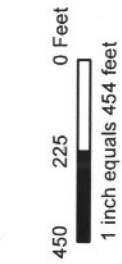
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 97

PORTION OF SECTION 8, T.4S., R.4W.

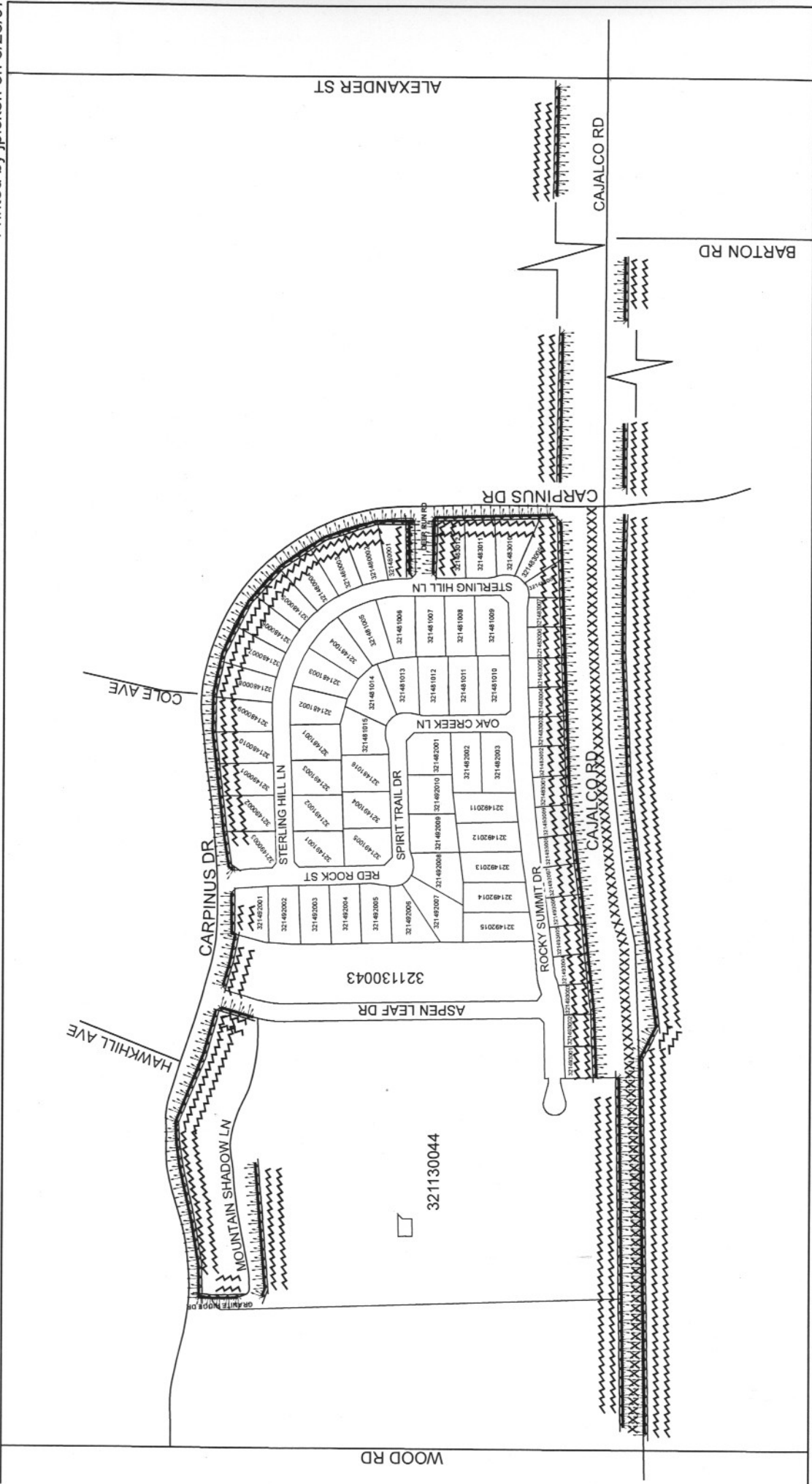
TRACT MAP NOS. 29648, 29648-1, & 33465 - 132 PARCELS

ASSESSMENT DIAGRAM



The County of Riverside assumes no warranty or legal responsibility for the accuracy of the information presented on this map. It is subject to update and modification. This map is for informational purposes only. Do not copy or resale this map.

Printed by jpicken on 6/26/07



--- DENOTES LANDSCAPED AND MAINTAINED PARKWAY AND FUTURE LANDSCAPED AND MAINTAINED PARKWAY ON CAJALCO RD CORRIDOR

~~~~~ DENOTES MAINTAINED GRAFFITI ABATEMENT AND FUTURE MAINTAINED GRAFFITI ABATEMENT ON CAJALCO RD CORRIDOR

XXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN