

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

853A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
November 9, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 102.

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

Resolution No. 2007-466 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 102 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 102.

Resolution No. 2007-467, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 102 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of

George A. Johnson  
Director of Transportation

FORM APPROVED COUNTY COUNSEL  
 E. A. GARDNER  
 Departmental Concurrence  
 DATE 11/12/07

<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:	2007-08
<b>SOURCE OF FUNDS:</b> 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:   
Alex Gann

County Executive Office Signature

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref.

District: 2

Agenda Number:

3.52

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 102.

November 9, 2007

Page 2 of 2

1972 for the maintenance and servicing of fossil filters; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 102, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

**BACKGROUND:** Adoption of Resolution No. 2007-466 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 102 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-467 declares the Board's intention of ordering the annexation of Zone 102 to L&LMD No. 89-1-C. Annexation of Zone 102 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located northwesterly of Armstrong Rd in the Sunnyslope area and includes 26 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 102 is \$4,515.00 that will result in an assessment for fiscal year 2008-09 within Zone 102 of \$173.64 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 January 08, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 102 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-467, 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 102 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 102 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 January 08, 2008.

2 **RESOLUTION NO. 2007-466**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 102 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 AND ORDERING**  
7 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

8 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
9 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
10 "Department") of the County that said Department has received an application from the owner (the  
11 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 102"),  
12 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be  
13 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 102 to  
16 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
17 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
18 and the "Street and Highways Code"); and

19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
21 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 102; and

22 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of  
23 Assessment Ballot Election" allowing for the election to be held on January 08, 2008; and

24 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
25 engineer, has expertise with respect to the annexation of territory to landscaping and lighting  
26 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 102  
2 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 November 20, 2007  
5 as 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 102 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 102 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way  
13 including the removal of petroleum hydrocarbons and other pollutants from  
14 water runoff.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 102 that are  
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
17 described in Exhibit "A".

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

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

25 FORM APPROVED COUNTY COUNSEL  
26 BY: DALE A. GARDNER 10/19/07  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 102 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 26 parcel(s) as shown on Tract Map No. 32124 in the County of Riverside, State of California for fiscal year 2008-09.

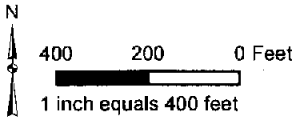
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 102**

PORTION OF SECTIONS 5 & 8, T2.S., R.5W.  
TR 32124 NO. - 26 PARCELS

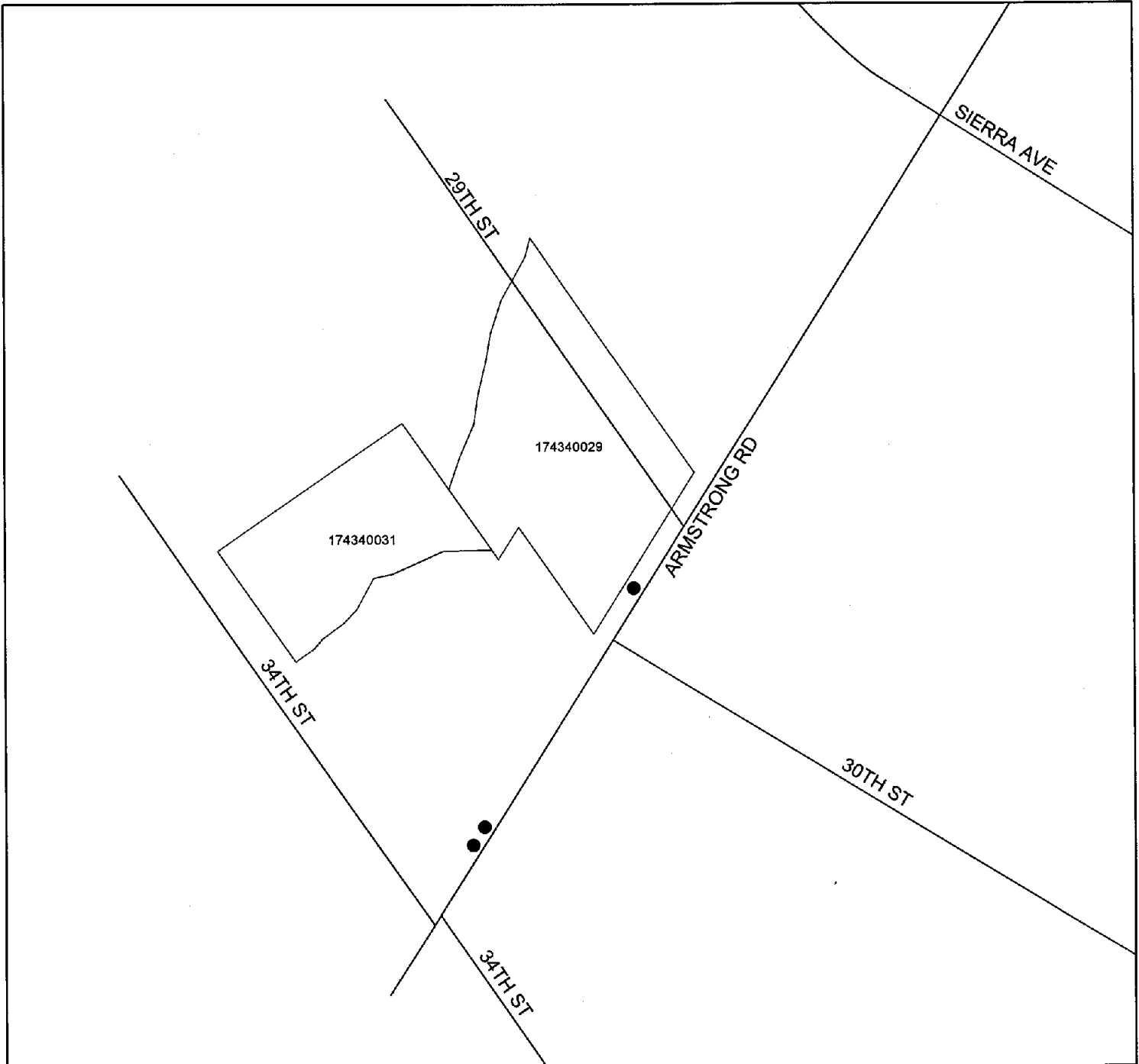


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**ASSESSMENT DIAGRAM**

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● DENOTES MAINTAINED FOSSIL FILTER

RESOLUTION NO. 2007-467

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 102 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 FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 102; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

**WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2007-466 on November 20, 2007 initiating proceedings for the annexation of Zone 102 (hereinafter "Zone 102"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 102 and the assessments to be levied within Zone 102 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of fossil filters within the public right-of-way within said Zone; and

**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 102; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2007-466 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 Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
6 Ballot Election" allowing for the election to be held on January 08, 2008; 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 annexation of Zone 102, and the assessments to be levied on parcels within Zone 102  
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 November 20, 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 annual assessment for fiscal year 2008-09 on all parcels within Zone 102 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$173.64 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 102, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
23 collect an annual assessment on all assessable lots and parcels of property within Zone 102  
24 commencing with the fiscal year 2008-09 as set forth in the Report. The Report expressly states that  
25 there are no parcels or lots within Zone 102 that are owned by a federal, state or other local  
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

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

4 **Section 3. Boundaries.** All the property within boundaries of Zone 102 is proposed to be  
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
8 fossil filters authorized for Zone 102 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the  
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Zone 102 of L&LMD No. 89-1-C will be \$173.64 per parcel for fiscal  
13 year 2008-09. As stated in the Report, the total budget for Zone 102 for the fiscal year 2008-09 is  
14 \$4,515.00; there are 26 parcels that are to be assessed. The annual assessment will be increased by  
15 the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price  
16 Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California  
17 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the  
18 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative  
19 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2007.  
20 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority  
21 approval of all the property owners within Zone 102. The Board of Supervisors will levy the assessment  
22 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the  
23 dissolution of Zone 102 of L&LMD No. 89-1-C. The annual assessment will fund the services described  
24 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in  
25 the Office of the Clerk of the Board of Supervisors.

26

1           **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
2 89-1-C is Zone 102. The boundaries of Zone 102 are located within the unincorporated area of the  
3 County and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Zone 102, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 102 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Zone 102 shall be annexed into  
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09 shall be  
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 08, 2008, at  
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup>  
13 Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Zone 102 is to receive  
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
18 Zone 102 if there is a majority protest with regard to the annexation of Zone 102. A majority protest  
19 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted  
20 in opposition to the annexation and assessment of Zone 102 exceeds the assessment ballots in favor  
21 of the annexation and assessment of Zone 102.

22           **Section 10. Information.** Any property owner desiring additional information regarding  
23 Zone 102 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
24 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
25 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
26 (951) 955-6829.



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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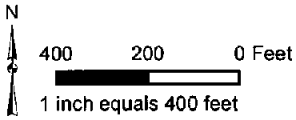
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 102**

PORTION OF SECTIONS 5 & 8, T2.S., R.5W.  
TR 32124 NO. - 26 PARCELS

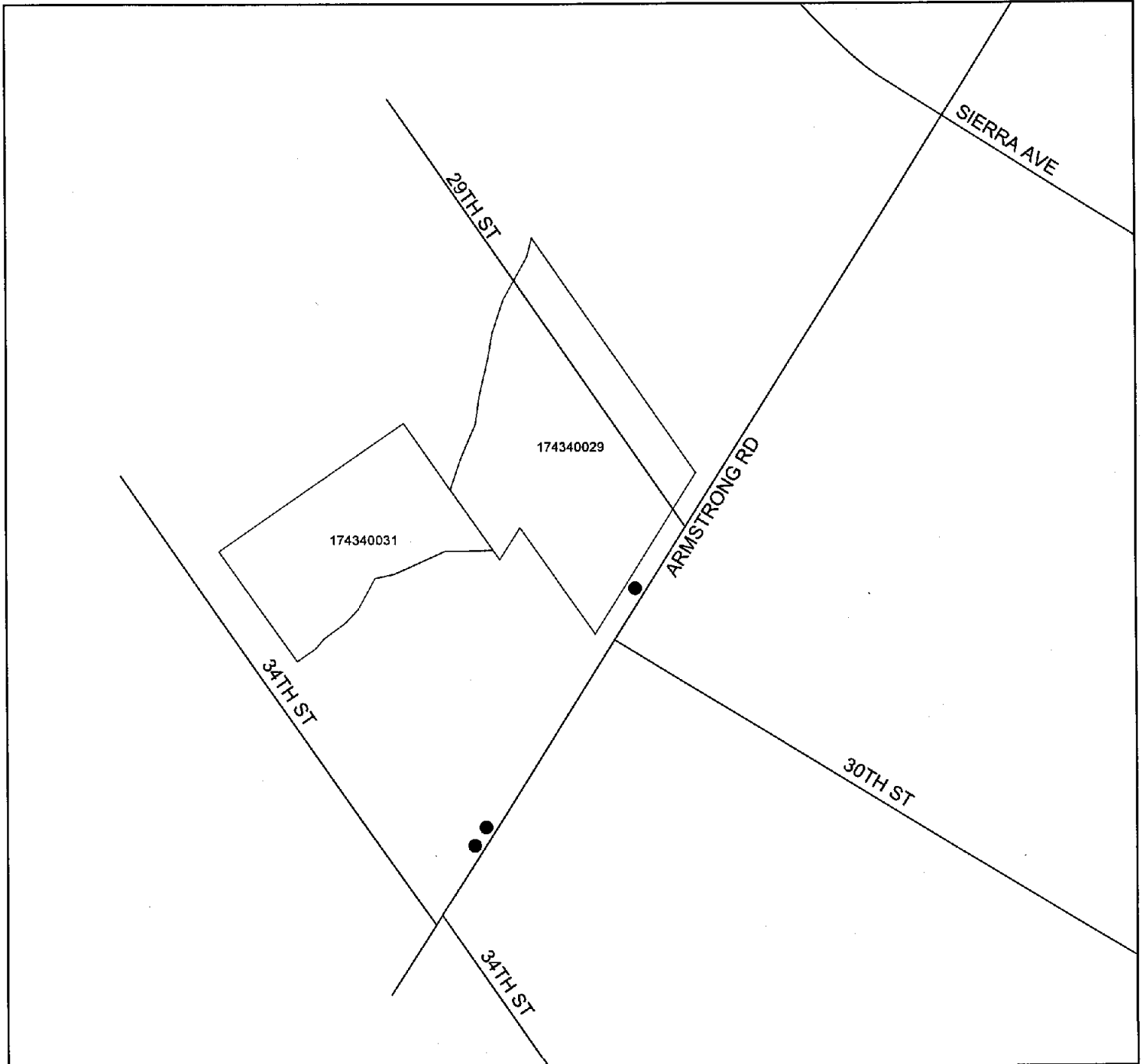


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