

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

854A



**FROM:** TLMA - Transportation Dept.


**SUBMITTAL DATE:**  
November 9, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 103.

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

Resolution No. 2007-468 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 103 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 103.

Resolution No. 2007-469, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 103 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


JW:bd

FORM APPROVED COUNTY COUNSEL  
BY:  DALE A. GARDNER  
DATE: 11/9/07  
Departmental Concurrence

<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%				<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

BY:   
Alex Gann

County Executive Office Signature

Policy

Consent

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

Prev. Agn. Ref.

District: 1

Agenda Number:

3.53

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 103.

November 9, 2007

Page 2

1972 for the maintenance and servicing of landscaping, traffic signals and graffiti abatement; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 103, 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. 2007-468 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 103 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-469 declares the Board's intention of ordering the annexation of Zone 103 to L&LMD No. 89-1-C. Annexation of Zone 103 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and traffic signals and graffiti abatement within public right-of-way located northerly and southerly of Grand Ave and southeasterly of Riverside Dr in the Lake Elsinore and West Elsinore area and includes 136 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 103 is \$7,461.00 that will result in an assessment for fiscal year 2008-09 within Zone 103 of \$54.86 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 103 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-469, 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 103 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 103 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. 2007-468**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 103 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 103"),  
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 103 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 103; 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 103  
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 103 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 103 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way  
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,  
14 and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated  
16 with the landscaping, including but not limited to electricity for operation of the  
17 irrigation system and water for irrigation; and
- 18 (c) Providing graffiti abatement services to walls and structures with the public right-  
19 of-way including incidental costs and expenses; and
- 20 (d) Providing electricity to and the maintenance and servicing of traffic signals within  
21 the public right-of-way including incidental costs and expenses.

22 **Section 3. Boundaries and Designation.** The boundaries of Zone 103 that are  
23 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
24 described in Exhibit "A".

25 **Section 4. Report.** The Director of the Department of the County, or his designee,  
26 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board

1 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways  
2 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the  
3 levy.

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

APPROVED COUNTY COUNSEL  
*Dale A. Gardner* 10/19/07  
DATE  
DALE A. GARDNER  
Dale A. Gardner

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**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 103 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 136 parcel(s) as shown on Tract Map No. 32585 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

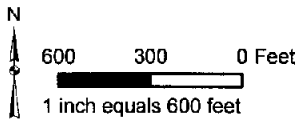
**ZONE 103**

PORTION OF SECTION 10, T6.S., R.5W.

TRACT MAP NO. 32585 - PARCELS

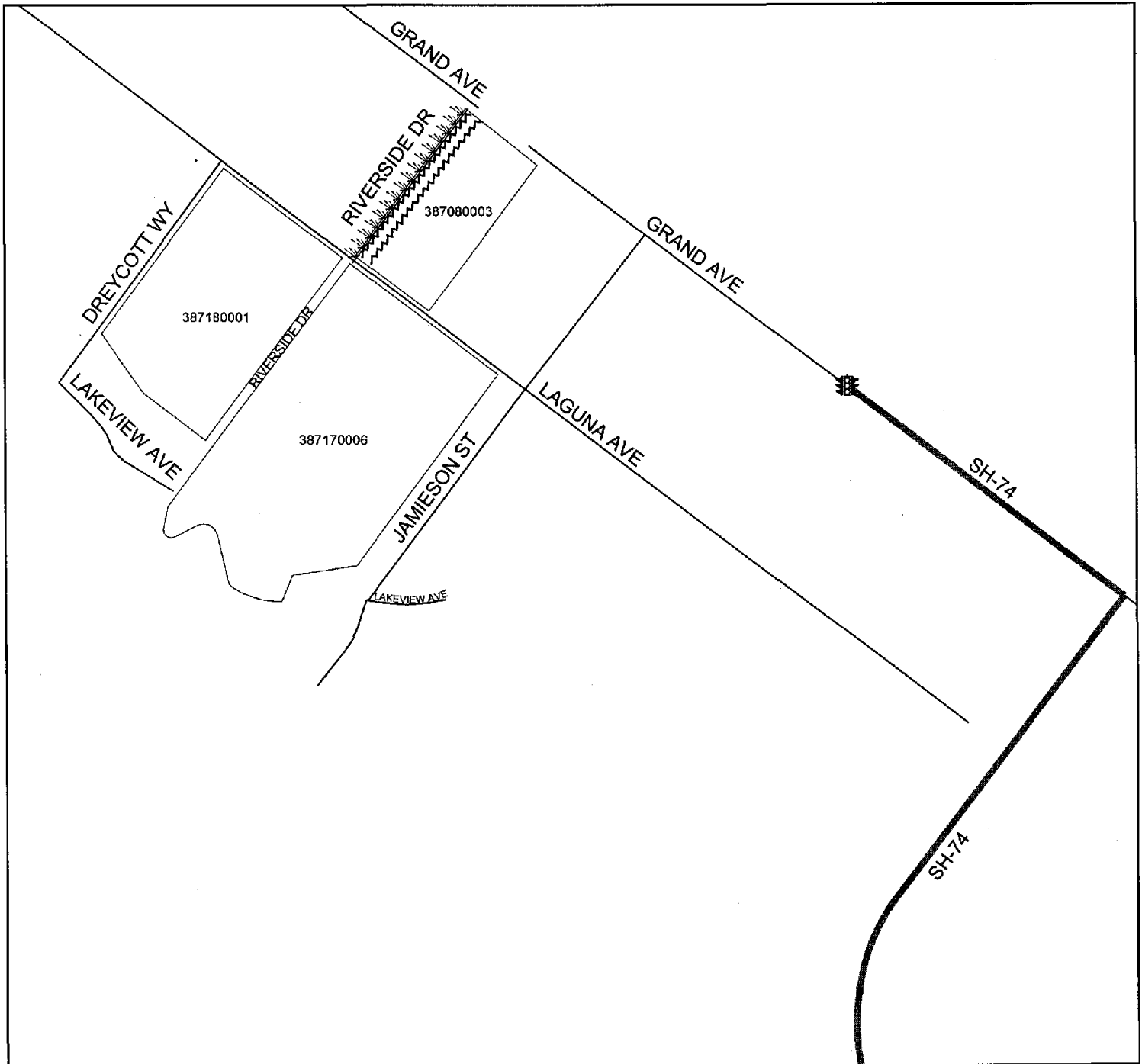


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 10/24/07



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED TRAFFIC SIGNAL

DENOTES MAINTAINED GRAFFITI ABATEMENT

2 RESOLUTION NO. 2007-469

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 103 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 FOR THE MAINTENANCE  
7 AND SERVICING OF LANDSCAPING, TRAFFIC SIGNALS AND GRAFFITI ABATEMENT;  
8 ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE  
9 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 103; ORDERING  
10 AN 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 XIIID 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. 2007-468 on November 20, 2007  
16 initiating proceedings for the annexation of Zone 103 (hereinafter "Zone 103"), as described and shown  
17 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
18 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
21 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
22 "Report") regarding the proposed annexation of Zone 103 and the assessments to be levied within  
23 Zone 103 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of  
24 landscaping and traffic signals and graffiti abatement within the public right-of-way within said Zone;  
25 and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the  
California Constitution (hereinafter "Article XIIID:."), 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 103;  
and

1       **WHEREAS**, the Board of Supervisors by Resolution No. 2007-468 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**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
8 Ballot Election" allowing for the election to be held on January 08, 2008; 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 Zone 103, and the assessments to be levied on parcels within Zone 103  
13 beginning in fiscal year 2008-09;

14       **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on November 20, 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 2008-09 on all parcels within Zone 103 proposed  
22             to be annexed to L&LMD No. 89-1-C will be \$54.86 per parcel.

23       **Section 2.     Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Zone 103, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
25 collect an annual assessment on all assessable lots and parcels of property within Zone 103  
26 commencing with the fiscal year 2008-09 as set forth in the Report. The Report expressly states that

1 there are no parcels or lots within Zone 103 that are owned by a federal, state or other local  
2 governmental agency that will benefit from the services to be financed by the annual assessments. The  
3 annual assessments will be collected at the same time and in the same manner as property taxes are  
4 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
5 collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Zone 103 is proposed to be  
7 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
8 County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
10 landscaping and traffic signals and graffiti abatement authorized for Zone 103 of L&LMD No. 89-1-C  
11 are:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way including  
13 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
14 ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
16 landscaping, including but not limited to electricity for operation of the irrigation system  
17 and water for irrigation; and
- 18 (c) Providing graffiti abatement services to walls and structures with the public right-of-way  
19 including incidental costs and expenses; and
- 20 (d) Providing electricity to and the maintenance and servicing of traffic signals within the  
21 public right-of-way including incidental costs and expenses.

22 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
23 benefits from the annexation of Zone 103 of L&LMD No. 89-1-C will be \$54.86 per parcel for fiscal year  
24 2008-09. As stated in the Report, the total budget for Zone 103 for the fiscal year 2008-09 is \$7,461.00;  
25 there are 136 parcels that are to be assessed. The annual assessment will be increased by the greater  
26 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all

1 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard  
2 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States  
3 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in  
4 the Index as it stands on March of each year over the base Index for March of 2007. Any increase  
5 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the  
6 property owners within Zone 103. The Board of Supervisors will levy the assessment in each  
7 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of  
8 Zone 103 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4  
9 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of  
10 the Clerk of the Board of Supervisors.

11 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.  
12 89-1-C is Zone 103. The boundaries of Zone 103 are located within the unincorporated area of the  
13 County and are described and shown in the Report and Exhibit "A".

14 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
15 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
16 the Report for a full and detailed description of the services, the boundaries of Zone 103, and the  
17 annual assessment to be levied upon assessable lots and parcels within Zone 103 proposed to be  
18 annexed to L&LMD No. 89-1-C.

19 **Section 8. Public Hearing.** The question of whether Zone 103 shall be annexed into  
20 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09 shall be  
21 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 08, 2008, at  
22 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup>  
23 Floor, Riverside, California.

24 **Section 9. Majority Protest.** Each owner of record of property within Zone 103 is to receive  
25 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
26 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the

1 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
2 Zone 103 if there is a majority protest with regard to the annexation of Zone 103. A majority protest  
3 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted  
4 in opposition to the annexation and assessment of Zone 103 exceeds the assessment ballots in favor  
5 of the annexation and assessment of Zone 103.

6 **Section 10. Information.** Any property owner desiring additional information regarding  
7 Zone 103 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
8 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
9 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
10 (951) 955-6829.

11 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
12 annexation of Zone 103 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
13 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
14 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
15 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is January 08,  
16 2008. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
17 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
18 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
19 Section 4000 of the California Elections Code to all owners of record of property within Zone 103 as  
20 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
21 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on  
22 January 08, 2008.

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

25 URM APPROVED COUNTY COUNSEL  
26 DALE A. GARDNER 10/19/07  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 103 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 136 parcel(s) as shown on Tract Map No. 32585 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

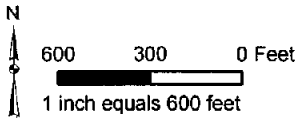
**ZONE 103**

PORTION OF SECTION 10, T6.S., R.5W.

TRACT MAP NO. 32585 - PARCELS

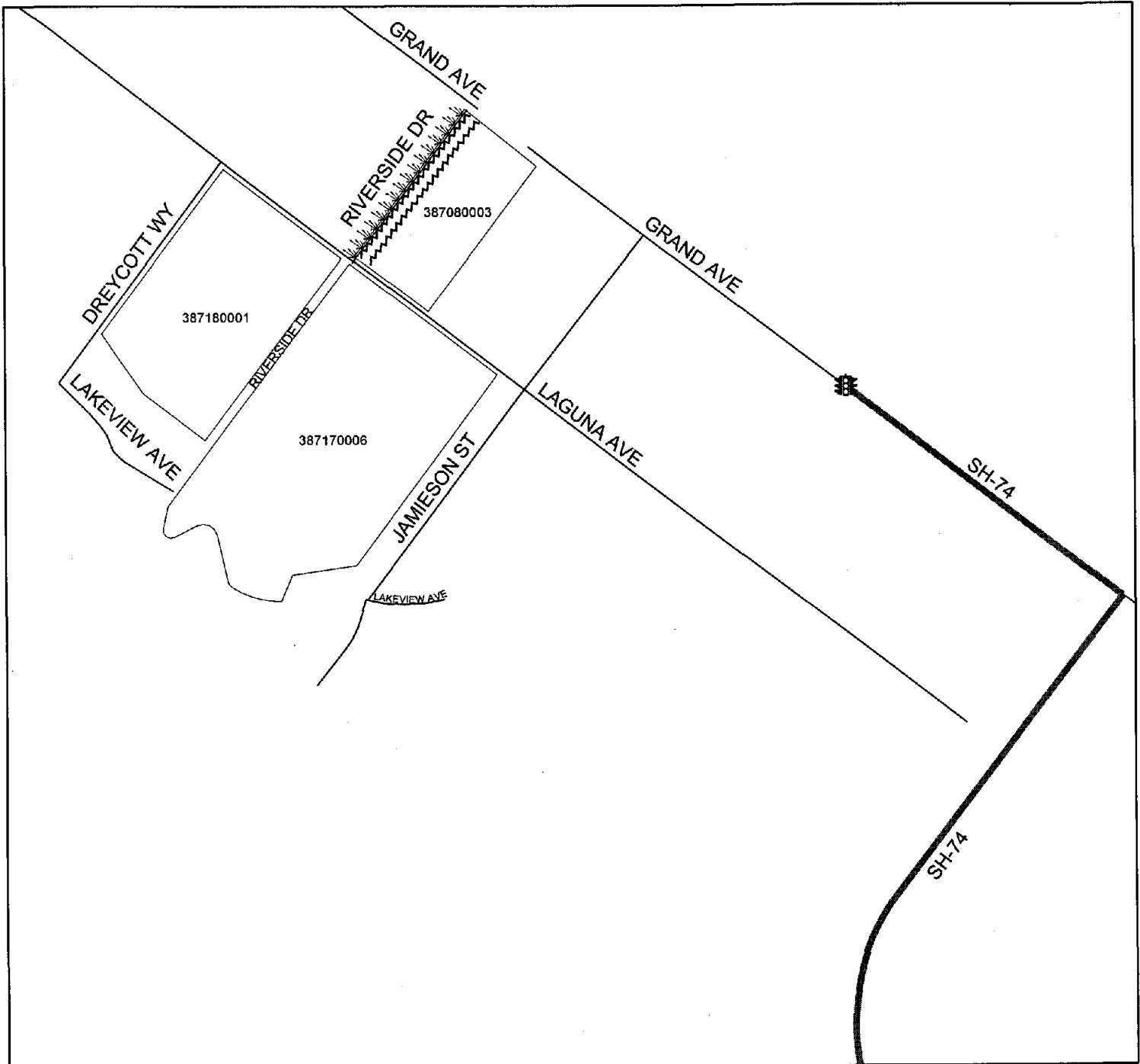


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 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

 DENOTES MAINTAINED TRAFFIC SIGNAL

 DENOTES MAINTAINED GRAFFITI ABATEMENT