

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

8/5/07
A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
November 9, 2007

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 113.

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2007-472 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 113 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 113.

Resolution No. 2007-473, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 113 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

George A. Johnson
Director of Transportation

FORM APPROVED COUNTY COUNSEL
BY *Alex Gann* DATE *11/9/07*
DALE A. GARDNER
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: *Alex Gann*

Alex Gann

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. | **District:** 3 | **Agenda Number:** 3.55

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 113.

November 9, 2007

Page 2 of 2

1972 for the maintenance and servicing of traffic signals and streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 113, 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. 2007-472 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 113 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-473 declares the Board's intention of ordering the annexation of Zone 113 to L&LMD No. 89-1-C. Annexation of Zone 113 to L&LMD No. 89-1-C will fund maintenance and servicing of traffic signals and providing electricity for traffic signals and streetlights within public right-of-way located northerly of McCall Blvd, southerly of Tioga Ln, and westerly of Chatham Ln in the Sun City area and includes 4 commercial parcels, totaling 9.03 acre(s).

The proposed budget for fiscal year 2008-09 for Zone 113 is \$5,258.00 that will result in an assessment for fiscal year 2008-09 within Zone 113 of \$582.28 per acre. 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 113 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-473, 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 113 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 113 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.

RESOLUTION NO. 2007-472

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 113 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 113"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 113 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution 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 113; and

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

WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil engineer, has expertise with respect to the annexation of territory to landscaping and lighting 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 113
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 113 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 113 to pay the costs of the
11 following services:

- 12 (a) Providing electricity to and the maintenance and servicing of traffic signals within
13 the public right-of-way including incidental costs and expenses; and
14 (b) Providing electricity to all streetlights within the public right-of-way including
15 incidental costs and expenses.

16 **Section 3. Boundaries and Designation.** The boundaries of Zone 113 that are
17 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
18 described in Exhibit "A".

19 **Section 4. 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 Constitution regarding said annexation and the
23 levy.

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

26
FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 11/20/07 DATE
DALE A. GARDNER

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 113 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 333-050-026 through 029 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2008-09.

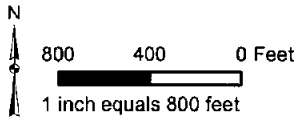
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 113

PORTION OF SECTION 22, T.5S., R.3W.
CONDITIONAL USE PERMIT NO. 03515 - 4 PARCELS

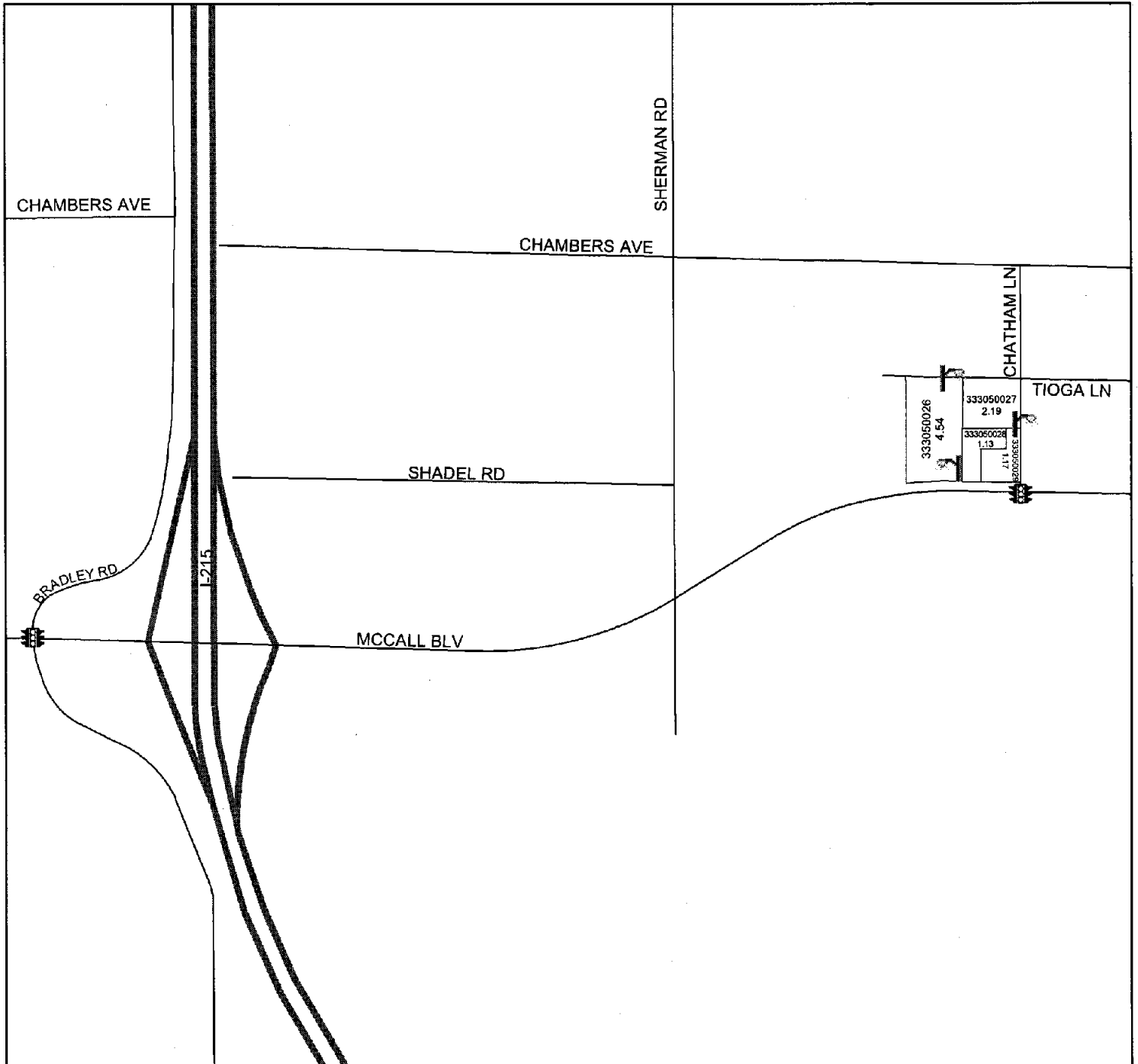


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ASSESSMENT DIAGRAM

Printed by jpickeri on 10/19/07



- DENOTES MAINTAINED STREETLIGHT
- DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2007-473

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 113 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 TRAFFIC SIGNALS AND STREETLIGHTS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 113; 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. 2007-472 on November 20, 2007 initiating proceedings for the annexation of Zone 113 (hereinafter "Zone 113"), 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 113 and the assessments to be levied within Zone 113 each fiscal year beginning fiscal year 2008-09 for the maintenance and servicing of traffic signals and providing electricity for traffic signals and streetlights 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 113; and

WHEREAS, the Board of Supervisors by Resolution No. 2007-472 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

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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 113, and the assessments to be levied on parcels within Zone 113
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 113 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$582.28 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 113, 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 113
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 113 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 113 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.** Maintenance and servicing of traffic
8 signals and providing electricity for traffic signals and streetlights authorized for Zone 113 of L&LMD
9 No. 89-1-C are:

- 10 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
11 public right-of-way including incidental costs and expenses; and
- 12 (b) Providing electricity to all streetlights within the public right-of-way including incidental
13 costs and expenses.

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
15 benefits from the annexation of Zone 113 of L&LMD No. 89-1-C will be \$582.28 per acre for fiscal year
16 2008-09. As stated in the Report, the total budget for Zone 113 for the fiscal year 2008-09 is \$5,258.00;
17 there are 4 parcels that are to be assessed that aggregate to 9.03 acres. The annual assessment will
18 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
19 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
20 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
21 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
22 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
23 March of 2007. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
24 majority approval of all the property owners within Zone 113. The Board of Supervisors will levy the
25 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
26 the dissolution of Zone 113 of L&LMD No. 89-1-C. The annual assessment will fund the services

1 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
2 on file in the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
4 89-1-C is Zone 113. The boundaries of Zone 113 are located within the unincorporated area of the
5 County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
8 the Report for a full and detailed description of the services, the boundaries of Zone 113, and the
9 annual assessment to be levied upon assessable lots and parcels within Zone 113 proposed to be
10 annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 113 shall be annexed into
12 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09 shall be
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 08, 2008, at
14 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st
15 Floor, Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 113 is to receive
17 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
18 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
19 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
20 Zone 113 if there is a majority protest with regard to the annexation of Zone 113. A majority protest
21 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
22 in opposition to the annexation and assessment of Zone 113 exceeds the assessment ballots in favor
23 of the annexation and assessment of Zone 113.

24 **Section 10. Information.** Any property owner desiring additional information regarding
25 Zone 113 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
26 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of

EXHIBIT "A"

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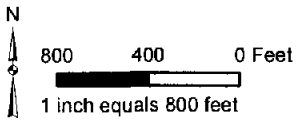
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 113

PORTION OF SECTION 22, T.5S., R.3W.
CONDITIONAL USE PERMIT NO. 03515 - 4 PARCELS

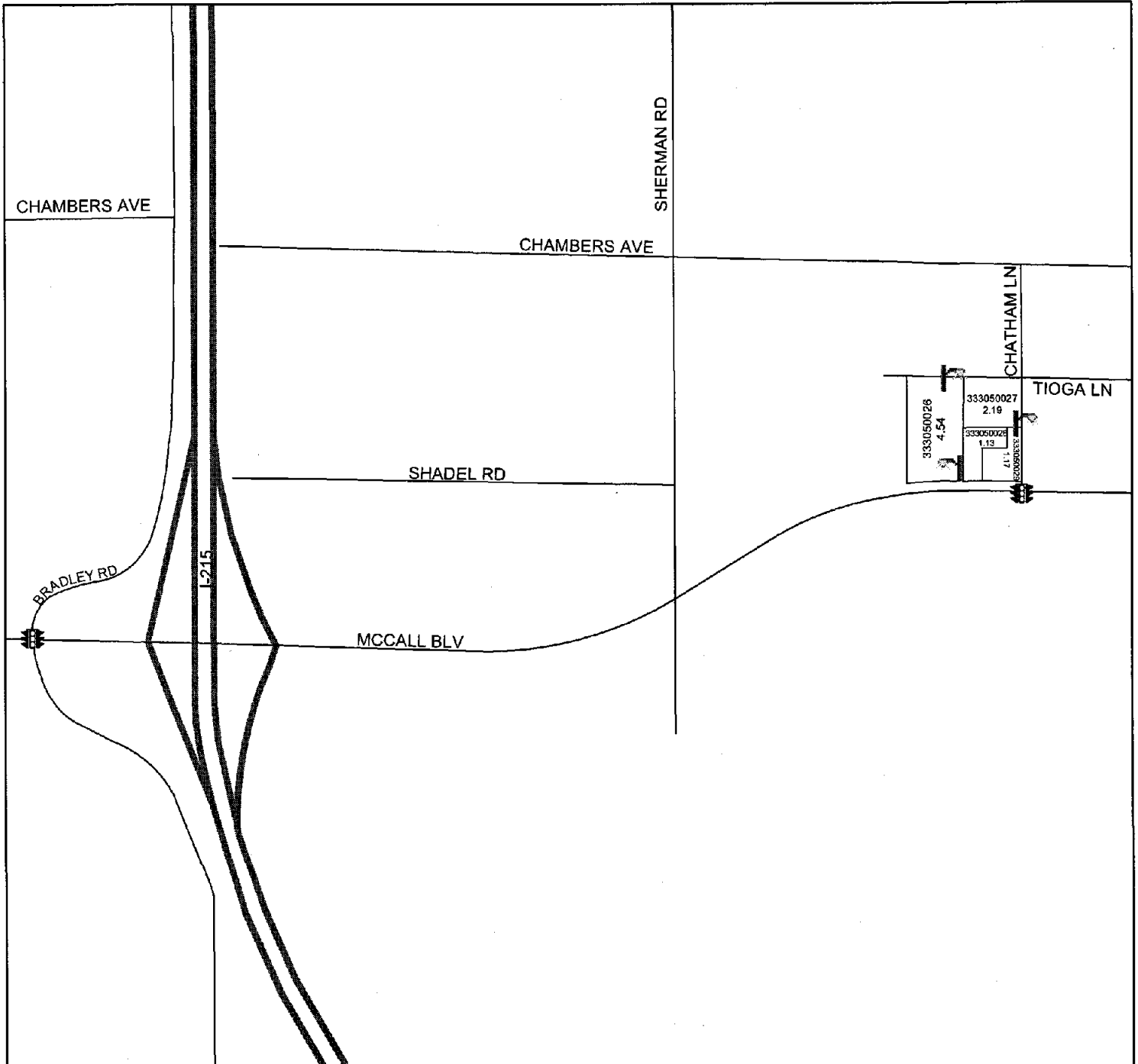


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