

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

378A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
December 10, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 109.

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

Resolution No. 2007-515 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 109 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 109.

Resolution No. 2007-516, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 109 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:jp

<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:

Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 11/26/07  
DATE  
Departmental Concurrence

Policy

Consent

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

Prev. Agn. Ref.

District: 3

Agenda Number:

**3.60**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 109.

December 10, 2007

Page 2 of 2

1972 for the maintenance and servicing of traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 109, 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. 2007-515 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 109 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-516 declares the Board's intention of ordering the annexation of Zone 109 to L&LMD No. 89-1-C. Annexation of Zone 109 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and provision of electricity for, traffic signals within public right-of-way located at the intersections of Winchester Rd/SR79 and Pourroy Rd, Leon Rd and Whisper Heights Way, and Leon Rd and Scott Rd in the French Valley area and includes 426 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 109 is \$2,599.00 that will result in an assessment for fiscal year 2008-09 within Zone 109 of \$6.10 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 February 5, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 109 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-516, 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 109 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 109 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 February 5, 2008.

RESOLUTION NO. 2007-515

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 109 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 109"), 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 109 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 109; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on February 5, 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 109  
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 December 18, 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 109 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 109 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.

14 **Section 3. Boundaries and Designation.** The boundaries of Zone 109 that are  
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
16 described in Exhibit "A".

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

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

24  
25 FORM APPROVED COUNTY CC  
26 BY *Dale A. Gardner* 11/26/07  
DALE A. GARDNER

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 109 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 426 parcel(s) as shown on Tract Map No. 32185 in the County of Riverside, State of California for fiscal year 2008-09.

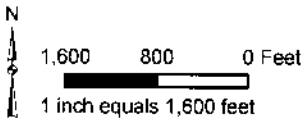
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**ZONE 109**

PORTION OF SECTION 29, T.6S., R.2W.

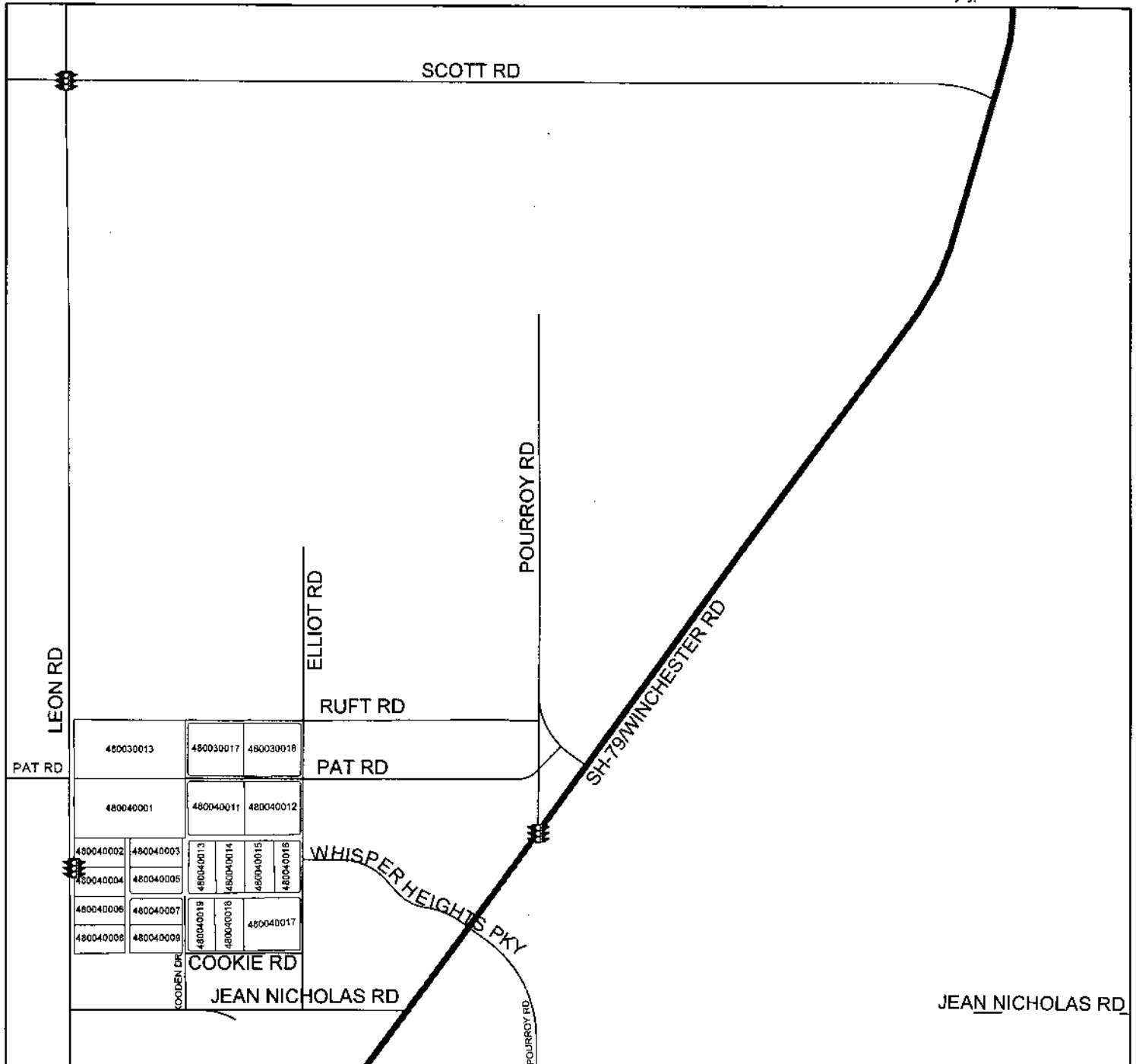
TRACT MAP NO. 32185 - 426 PARCELS



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Printed by jpickeri on 11/15/07

**ASSESSMENT DIAGRAM**



DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2007-516

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 109 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; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 109; 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. 2007-515 on December 18, 2007 initiating proceedings for the annexation of Zone 109 (hereinafter "Zone 109"), 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 109 and the assessments to be levied within Zone 109 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of, and the provision of electricity for, traffic signals 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 109; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2007-515 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 February 5, 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 109, and the assessments to be levied on parcels within Zone 109  
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 December 18, 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 109 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$6.10 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 109, 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 109  
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 109 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 109 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 and the provision of electricity for, traffic signals authorized for Zone 109 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the  
10 public right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Zone 109 of L&LMD No. 89-1-C will be \$6.10 per parcel for fiscal year  
13 2008-09. As stated in the Report, the total budget for Zone 109 for the fiscal year 2008-09 is \$2,599.00;  
14 there are 426 parcels that are to be assessed. The annual assessment will be increased by the greater  
15 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all  
16 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard  
17 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States  
18 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in  
19 the Index as it stands on March of each year over the base Index for March of 2007. Any increase  
20 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the  
21 property owners within Zone 109. The Board of Supervisors will levy the assessment in each  
22 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of  
23 Zone 109 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4  
24 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of  
25 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 109. The boundaries of Zone 109 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 109, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 109 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9        **Section 8. Public Hearing.** The question of whether Zone 109 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 February 5, 2008, at 9:30  
12 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor,  
13 Riverside, California.

14        **Section 9. Majority Protest.** Each owner of record of property within Zone 109 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 109 if there is a majority protest with regard to the annexation of Zone 109. 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 109 exceeds the assessment ballots in favor  
21 of the annexation and assessment of Zone 109.

22        **Section 10. Information.** Any property owner desiring additional information regarding  
23 Zone 109 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.

1 < Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the  
2 annexation of Zone 109 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
3 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
5 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is February 5,  
6 2008. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
7 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
8 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
9 Section 4000 of the California Elections Code to all owners of record of property within Zone 109 as  
10 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
11 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on  
12 February 5, 2008.

13 Section 12. Effective Date. This Resolution shall take effect from and after its date of  
14 adoption.

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19 FORM APPROVED COUNTY COUNSEL  
BY: *DALE A. GARDNER* 11/26/07  
DALE A. GARDNER DATE

**EXHIBIT "A"**

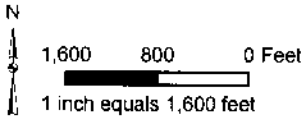
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# LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED ZONE 109

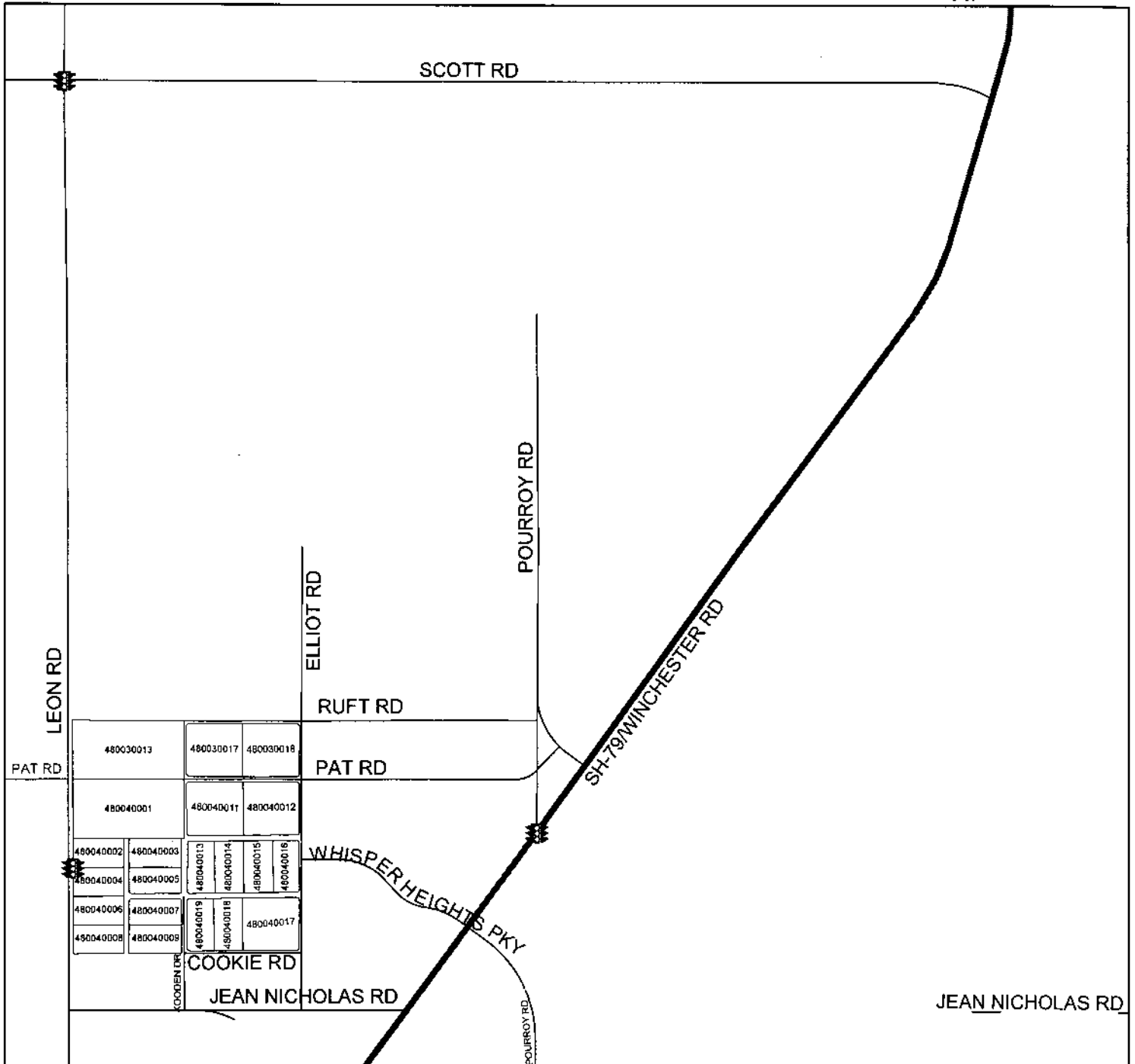
PORTION OF SECTION 29, T.6S., R.2W.  
TRACT MAP NO. 32185 - 426 PARCELS



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## ASSESSMENT DIAGRAM



 DENOTES MAINTAINED TRAFFIC SIGNAL