

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

377A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
December 10, 2007

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Location 2 to Zone 111.

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

Resolution No. 2007-525 a Resolution of the County of Riverside initiating proceedings for the annexation of Location 2 to Zone 111 of Landscaping and Lighting Maintenance District No. 89 1 Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 2 to Zone 111.

Resolution No. 2007-526, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 2 to Zone 111 of 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

JW:jp

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

County Executive Office Signature

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref. | District: 2 | Agenda Number:

3.65

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 2 to Zone 111.

December 10, 2007

Page 2 of 2

1972 for the maintenance and servicing of fossil filters and 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 Location 2 to Zone 111, 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. 2007-525 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 2 to Zone 111 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2007-526 declares the Board's intention of ordering the annexation of Location 2 to Zone 111 of L&LMD No. 89-1-C. Annexation of Location 2 to Zone 111 of L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters and traffic signals and provision of electricity for traffic signals within public right-of-way located westerly of Archibald Ave and southerly of Wind River Rd in the Eastvale area and includes 37 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Location 2 is \$2,435.00 that will result in an assessment for fiscal year 2008-09 within Location 2 of \$65.82 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 Location 2 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2007-526, 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, Location 2 will be annexed to Zone 111 of L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Location 2 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.

2 RESOLUTION NO. 2007-525

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
4 PROCEEDINGS FOR THE ANNEXATION OF LOCATION 2 TO ZONE 111 OF LANDSCAPING AND  
5 LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE 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 "Location 2"),  
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 respectively, "Zone 111" and "L&LMD No. 89-1-C") of the County of Riverside, State of California, and  
15 the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for  
16 the annexation of Location 2 to Zone 111 of L&LMD No. 89-1-C pursuant to the Landscaping and  
17 Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and  
18 Highways Code (hereinafter, respectively, the "Act" 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 Location 2 of Zone 111; 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 February 5, 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 Location 2  
2 to Zone 111 of 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 Location 2 to  
9 Zone 111 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act  
10 for the purpose of levying an annual assessment on all parcels within Location 2 to pay the costs of  
11 the 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; and  
15 (b) Providing electricity to and the maintenance and servicing of traffic signals within  
16 the public right-of-way including incidental costs and expenses.

17 **Section 3. Boundaries and Designation.** The boundaries of Location 2 that are  
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
19 described in Exhibit "A".

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

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

FORM APPROVED COUNTY COUNSEL  
BY: DALE A. GARDNER 12/26/07  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Location 2 to be annexed into Zone 111 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 37 parcel(s) as shown on Tract Map No. 31643 in the County of Riverside, State of California for fiscal year 2008-09.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

**ZONE 111, LOCATION 2**

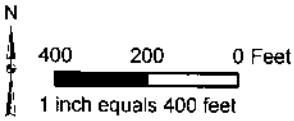
PORTION OF SECTION 3, T.3S., R.7W.

TRACT MAP NO. 31643 - 37 PARCELS



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or reuse the map.

Printed by jpickeri on 11/16/07



**ASSESSMENT DIAGRAM**



- DENOTES MAINTAINED FOSSIL FILTER
- ⚡ DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2007-526

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 2 TO ZONE 111 OF LANDSCAPING**  
5 **AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF**  
6 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE**  
7 **MAINTENANCE AND SERVICING OF FOSSIL FILTERS AND TRAFFIC SIGNALS; ADOPTING THE**  
8 **PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE**  
9 **OF THE PUBLIC HEARING ON THE ANNEXATION OF LOCATION 2 TO ZONE 111; 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 XIID 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. 2007-525 on December 18, 2007  
16 initiating proceedings for the annexation of Location 2 (hereinafter "Location 2"), as described and  
17 shown in Exhibit "A", which is attached hereto and incorporated herein, to Zone 111 of Landscaping  
18 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,  
19 (hereinafter respectively, "Zone 111" and "L&LMD No. 89-1-C") pursuant to the Landscaping and  
20 Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of  
21 Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and  
22 ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of  
23 Location 2 and the assessments to be levied within Location 2 each fiscal year beginning fiscal year  
24 2008-09 for the the maintenance and servicing of fossil filters and traffic signals, and the provision of  
25 electricity for traffic signals within the public right-of-way within said Location; and

26 **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 Location 2  
of Zone 111; and

1       **WHEREAS**, the Board of Supervisors by Resolution No. 2007-525 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 February 5, 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 Location 2, and the assessments to be levied on parcels within Location 2  
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 December 18, 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 Location 2 proposed  
22           to be annexed to L&LMD No. 89-1-C will be \$65.82 per parcel.

23       **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Location 2, as described and shown in Exhibit "A", to Zone 111 of L&LMD No. 89-1-C,  
25 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
26 Location 2 commencing with the fiscal year 2008-09 as set forth in the Report. The Report expressly

1 states that there are no parcels or lots within Location 2 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 Location 2 is proposed to be  
7 annexed into Zone 111 of L&LMD No. 89-1-C and shall include that property in the unincorporated area  
8 of the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
10 fossil filters and traffic signals, and the provision of electricity for traffic signals authorized for Location 2  
11 of Zone 111 of L&LMD No. 89-1-C are:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way including the  
13 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 14 (b) Providing electricity to and the maintenance and servicing of traffic signals within the  
15 public right-of-way including incidental costs and expenses.

16 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
17 benefits from the annexation of Location 2 to Zone 111 of L&LMD No. 89-1-C will be \$65.82 per parcel  
18 for fiscal year 2008-09. As stated in the Report, the total budget for Location 2 for the fiscal year  
19 2008-09 is \$2,435.00; there are 37 parcels that are to be assessed. The annual assessment will be  
20 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
21 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange  
22 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor  
23 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the  
24 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for  
25 March of 2007. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a  
26 majority approval of all the property owners within Location 2. The Board of Supervisors will levy the

1 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for  
2 the dissolution of Location 2 of Zone 111 of L&LMD No. 89-1-C. The annual assessment will fund the  
3 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the  
4 Report on file in the Office of the Clerk of the Board of Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed into Zone 111 of  
6 L&LMD No. 89-1-C is Location 2. The boundaries of Location 2 are located within the unincorporated  
7 area of the County and are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
10 the Report for a full and detailed description of the services, the boundaries of Location 2, and the  
11 annual assessment to be levied upon assessable lots and parcels within Location 2 proposed to be  
12 annexed to Zone 111 of L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Location 2 shall be annexed into  
14 Zone 111 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09  
15 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on February 5,  
16 2008, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon  
17 Street, 1<sup>st</sup> Floor, Riverside, California.

18 **Section 9. Majority Protest.** Each owner of record of property within Location 2 is to  
19 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID  
20 and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to  
21 the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the  
22 boundaries of Location 2 if there is a majority protest with regard to the annexation of Location 2. A  
23 majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment  
24 ballots submitted in opposition to the annexation and assessment of Location 2 exceeds the  
25 assessment ballots in favor of the annexation and assessment of Location 2.

26



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Location 2 to be annexed into Zone 111 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 37 parcel(s) as shown on Tract Map No. 31643 in the County of Riverside, State of California for fiscal year 2008-09.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

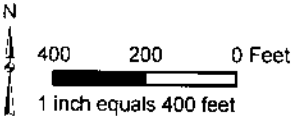
**ZONE 111, LOCATION 2**

PORTION OF SECTION 3, T.3S., R.7W.

TRACT MAP NO. 31643 - 37 PARCELS



The County of Elbert assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map.



**ASSESSMENT DIAGRAM**

Printed by jpickeri on 11/16/07



- DENOTES MAINTAINED FOSSIL FILTER
- ⚡ DENOTES MAINTAINED TRAFFIC SIGNAL