

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

979A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
February 15, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Location 3 to Zone 31 (East Hemet).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-055 a Resolution of the County of Riverside initiating proceedings for the annexation of Location 3 to Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 3 to Zone 31.

Resolution No. 2008-056, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 3 to Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of

Juan C. Perez
Deputy Director of Transportation

[Signature]
George A. Johnson
Director of Transportation

JW:jp

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	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: *[Signature]*
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 1/21/08
DALE A. GARDNER
DATE
Departmental Concurrence

Policy Policy

Consent Consent

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

Prev. Agn. Ref.

District: 3

Agenda Number:

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 3 to Zone 31 (East Hemet).

February 15, 2008

Page 2 of 2

1972 for the maintenance and servicing of landscaping and 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 Location 3 to Zone 31, 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. 2008-055 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 3 to Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-056 declares the Board's intention of ordering the annexation of Location 3 to Zone 31 of L&LMD No. 89-1-C. Annexation of Location 3 to Zone 31 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and fossil filters, within public right-of-way located southerly of Stetson Avenue in the East Hemet area and includes 16 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Location 3 is \$4,000.00 that will result in an assessment for fiscal year 2008-09 within Location 3 of \$250.00 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 2008.

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 April 15, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 3 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-056, 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 3 will be annexed to Zone 31 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 3 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 April 15, 2008.

2 **RESOLUTION NO. 2008-055**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
4 **PROCEEDINGS FOR THE ANNEXATION OF LOCATION 3 TO ZONE 31 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 3"),
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 31" 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 3 to Zone 31 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 3 of Zone 31; 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 April 15, 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 3
2 to Zone 31 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 February 26, 2008
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 3 to
9 Zone 31 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 3 to pay the costs of
11 the 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) The maintenance and servicing of fossil filters within the public right-of-way
19 including the removal of petroleum hydrocarbons and other pollutants from
20 water runoff.

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

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

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

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER DATE 1/27/88

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Location 3 to be annexed into Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 16 parcel(s) as shown on Tract Map No. 32285 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

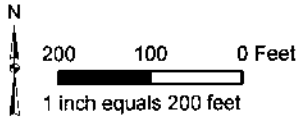
ZONE 31, LOCATION 3

PORTION OF SECTION 23, T.5S., R.1W.

TRACT MAP NO. 32285 - 16 PARCELS

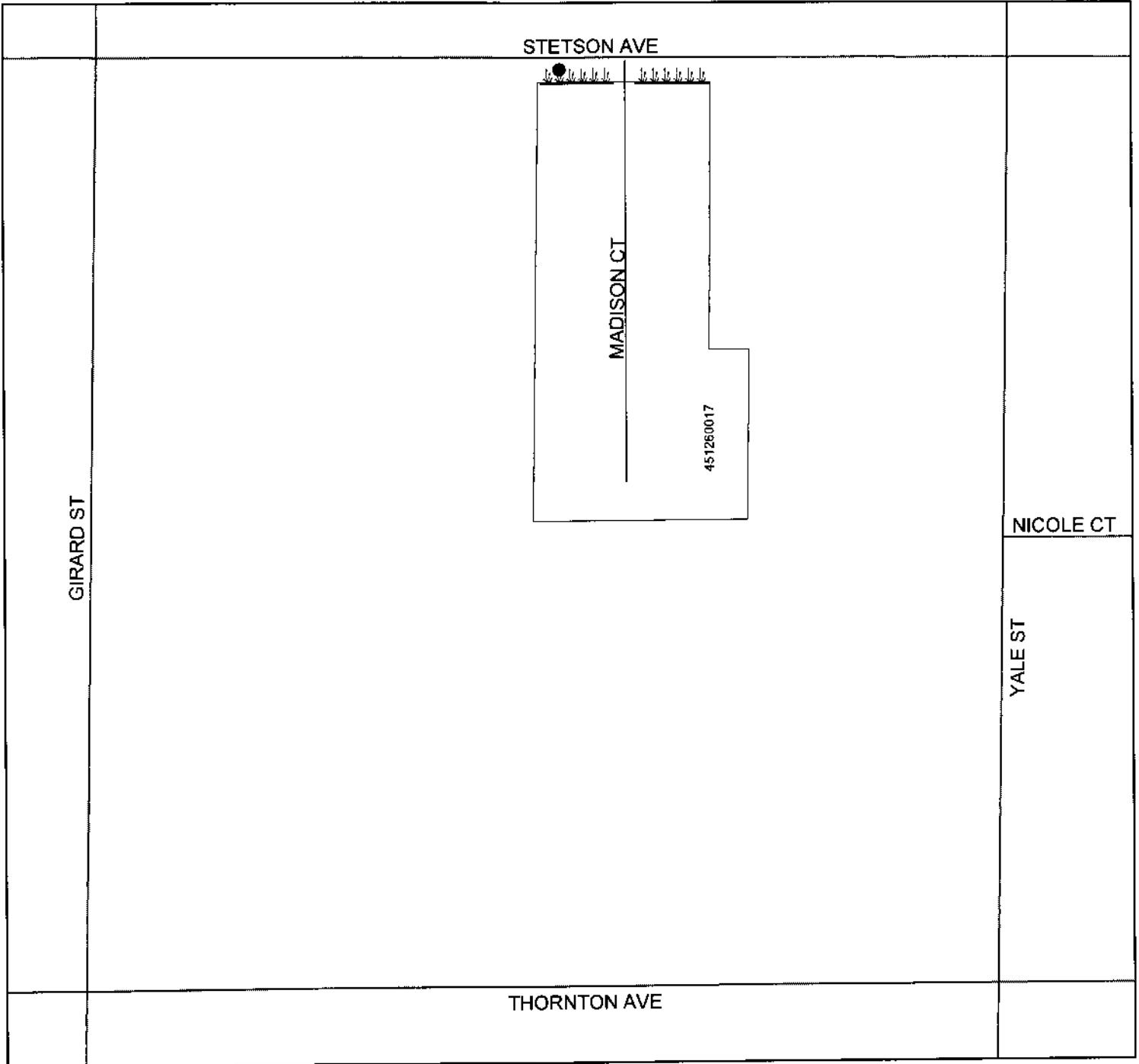


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ASSESSMENT DIAGRAM

Printed by jpickeri on 1/11/08



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED FOSSIL FILTER

RESOLUTION NO. 2008-056

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 3 TO ZONE 31 OF 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 LANDSCAPING AND 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 LOCATION 3 TO ZONE 31; 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. 2008-055 on February 26, 2008 initiating proceedings for the annexation of Location 3 (hereinafter "Location 3"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Zone 31 of Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter respectively, "Zone 31" and "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 Location 3 and the assessments to be levied within Location 3 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of landscaping and fossil filters within the public right-of-way within said Location; 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 Location 3 of Zone 31; and

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2008-055 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 April 15, 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 3, and the assessments to be levied on parcels within Location 3
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 February 26, 2008 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 3 proposed
22 to be annexed to L&LMD No. 89-1-C will be \$250.00 per parcel.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Location 3, as described and shown in Exhibit "A", to Zone 31 of L&LMD No. 89-1-C, and
25 to levy and collect an annual assessment on all assessable lots and parcels of property within
26 Location 3 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 3 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 3 is proposed to be
7 annexed into Zone 31 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 landscaping and fossil filters authorized for Location 3 of Zone 31 of L&LMD No. 89-1-C are:

- 11 (a) The maintenance and servicing of landscaping within the public right-of-way including
12 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
13 ornamental vegetation; and
- 14 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
15 landscaping, including but not limited to electricity for operation of the irrigation system
16 and water for irrigation; and
- 17 (c) The maintenance and servicing of fossil filters within the public right-of-way including the
18 removal of petroleum hydrocarbons and other pollutants from water runoff.

19 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
20 benefits from the annexation of Location 3 to Zone 31 of L&LMD No. 89-1-C will be \$250.00 per parcel
21 for fiscal year 2008-09. As stated in the Report, the total budget for Location 3 for the fiscal year
22 2008-09 is \$4,000.00; there are 16 parcels that are to be assessed. The annual assessment will be
23 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
24 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
25 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
26 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the

1 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
2 March of 2008. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
3 majority approval of all the property owners within Location 3. The Board of Supervisors will levy the
4 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
5 the dissolution of Location 3 of Zone 31 of L&LMD No. 89-1-C. The annual assessment will fund the
6 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the
7 Report on file in the Office of the Clerk of the Board of Supervisors.

8 **Section 6. The Property to be Annexed.** The property to be annexed into Zone 31 of
9 L&LMD No. 89-1-C is Location 3. The boundaries of Location 3 are located within the unincorporated
10 area of the County and are described and shown in the Report and Exhibit "A".

11 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
12 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
13 the Report for a full and detailed description of the services, the boundaries of Location 3, and the
14 annual assessment to be levied upon assessable lots and parcels within Location 3 proposed to be
15 annexed to Zone 31 of L&LMD No. 89-1-C.

16 **Section 8. Public Hearing.** The question of whether Location 3 shall be annexed into
17 Zone 31 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09
18 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on April 15, 2008, at
19 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
20 1st Floor, Riverside, California.

21 **Section 9. Majority Protest.** Each owner of record of property within Location 3 is to
22 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID
23 and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to
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1 the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the
2 boundaries of Location 3 if there is a majority protest with regard to the annexation of Location 3. A
3 majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment
4 ballots submitted in opposition to the annexation and assessment of Location 3 exceeds the
5 assessment ballots in favor of the annexation and assessment of Location 3.

6 **Section 10. Information.** Any property owner desiring additional information regarding
7 Location 3 of Zone 31 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
8 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
9 County of 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 Location 3 to Zone 31 of L&LMD No. 89-1-C shall be given consistent with Section 22626
13 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors
14 shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published
15 once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is
16 April 15, 2008. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors.
17 Notice 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 Location 3 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 April 15,
22 2008.

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

25 FORM APPROVED COUNTY COUNSEL
26 BY: DALE A. GARDNER 1/21/08
DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Location 3 to be annexed into Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 16 parcel(s) as shown on Tract Map No. 32285 in the County of Riverside, State of California for fiscal year 2008-09.

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

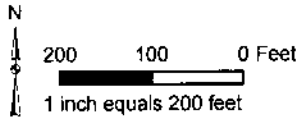
ZONE 31, LOCATION 3

PORTION OF SECTION 23, T.5S., R.1W.

TRACT MAP NO. 32285 - 16 PARCELS

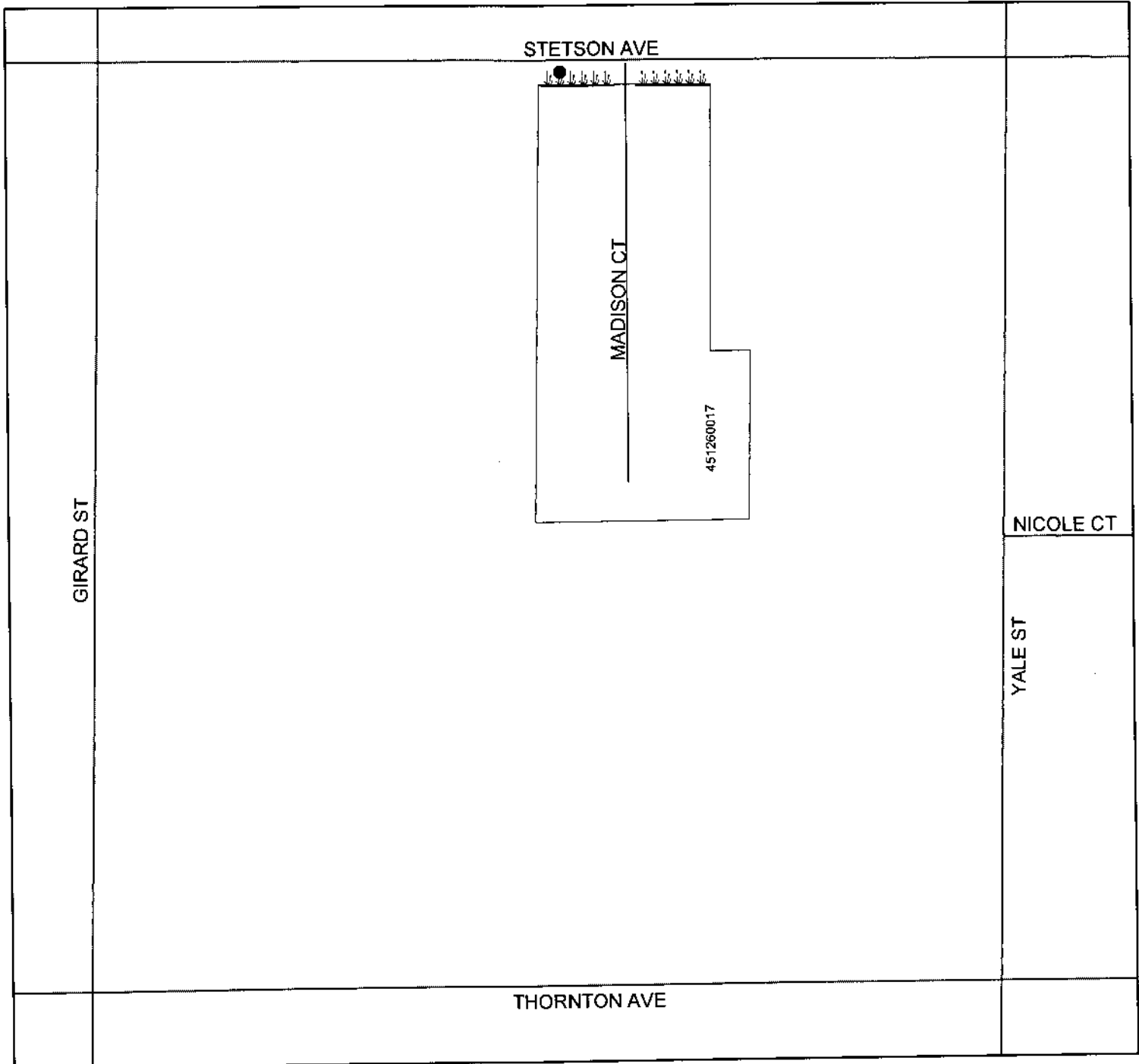


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