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

**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
February 15, 2008

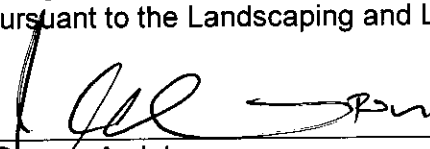
**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 110 (Lake Elsinore).

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

Resolution No. 2008-057 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 110 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 110.

Resolution No. 2008-058, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 110 to 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


  
George A. Johnson  
Director of Transportation

JW:jp

<b>FINANCIAL DATA</b>	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
<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

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:  DALE A. GARDNER  
DATE: 1/27/08  
Departmental Concurrence

Policy  
 Policy

Consent  
 Consent

Dept Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 1

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.76

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 110 (Lake Elsinore).

February 15, 2008

Page 2 of 2

1972 for the maintenance and servicing of 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 Zone 110, 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. 2008-057 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 110 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-058 declares the Board's intention of ordering the annexation of Zone 110 to L&LMD No. 89-1-C. Annexation of Zone 110 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located easterly and westerly of Patsy PI and northeasterly and southwesterly of Heers PI in the Lake Elsinore area and includes 85 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 110 is \$8,465.00 that will result in an assessment for fiscal year 2008-09 within Zone 110 of \$99.58 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 Zone 110 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-058, 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 110 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 110 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. 2008-057

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 110 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
11 "Department") of the County that said Department has received an application from the owner (the  
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 110"),  
13 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be  
14 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 110 to  
17 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
18 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 110; and

23 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of  
24 Assessment Ballot Election" allowing for the election to be held on April 15, 2008; and

25 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
26 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 110  
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 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 Zone 110 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 110 to pay the costs of the  
11 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.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 110 that are  
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
17 described in Exhibit "A".

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

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

25 FORM APPROVED COUNTY COUNSEL  
26 BY: DALE A. GARDNER 2/5/08  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 110 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 85 parcel(s) as shown on Tract Map No. 22626-1 in the County of Riverside, State of California for fiscal year 2008-09.

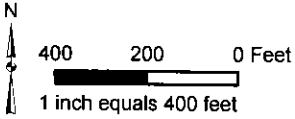
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**ZONE 110**

PORTION OF SECTION 14, T.6S., R.5W.

TRACT MAP NO. 22626-1 - 85 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 resell this map.

Printed by jpickeri on 2/4/08

**ASSESSMENT DIAGRAM**



• DENOTES MAINTAINED FOSSIL FILTER

2 RESOLUTION NO. 2008-058

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER THE ANNEXATION OF ZONE 110 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 FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;**  
8 **GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE**  
9 **ANNEXATION OF ZONE 110; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A**  
10 **MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE**  
11 **ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA**  
12 **CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE**

13 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
14 Riverside (hereinafter the "County") has adopted Resolution No. 2008-057 on February 26, 2008  
15 initiating proceedings for the annexation of Zone 110 (hereinafter "Zone 110"), as described and shown  
16 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
17 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
21 "Report") regarding the proposed annexation of Zone 110 and the assessments to be levied within  
22 Zone 110 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of fossil  
23 filters within the public right-of-way within said Zone; and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
25 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code  
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 110;  
and

**WHEREAS**, the Board of Supervisors by Resolution No. 2008-057 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 April 15, 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 110, and the assessments to be levied on parcels within Zone 110  
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 February 26, 2008 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 110 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$99.58 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 110, 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 110  
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 110 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 110 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 fossil filters authorized for Zone 110 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the  
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Zone 110 of L&LMD No. 89-1-C will be \$99.58 per parcel for fiscal year  
13 2008-09. As stated in the Report, the total budget for Zone 110 for the fiscal year 2008-09 is \$8,465.00;  
14 there are 85 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 2008. 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 110. 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 110 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 110. The boundaries of Zone 110 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 110, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 110 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9        **Section 8.    Public Hearing.** The question of whether Zone 110 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 April 15, 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 110 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 110 if there is a majority protest with regard to the annexation of Zone 110. 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 110 exceeds the assessment ballots in favor  
21 of the annexation and assessment of Zone 110.

22        **Section 10. Information.** Any property owner desiring additional information regarding  
23 Zone 110 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 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
2 (951) 955-6829.

3 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
4 annexation of Zone 110 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
7 *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing that is April 15, 2008.  
8 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall  
9 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,  
10 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of  
11 the California Elections Code to all owners of record of property within Zone 110 as shown on the last  
12 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the  
13 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on April 15, 2008.

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

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17  
18 FORM APPROVED COUNTY COUNSEL  
19 BY: DALE A. GARDNER 1/29/08  
DATE

**EXHIBIT "A"**

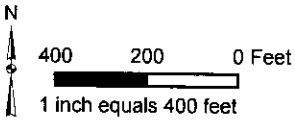
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 110**

PORTION OF SECTION 14, T.6S., R.5W.  
TRACT MAP NO. 22626-1 - 85 PARCELS



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# ASSESSMENT DIAGRAM

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• DENOTES MAINTAINED FOSSIL FILTER