

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

238A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
March 3, 2008

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Street Lighting Zone 77 (North Elsinore).

**RECOMMENDED MOTION:** That the Board:

1. Adopt resolution No. 2008-124, Resolution of the County of Riverside confirming the diagram and assessment of Street Lighting Zone 77 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2008-09.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Street Lighting Zone 77 of Landscaping

*George A. Johnson*  
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*  
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *Dale A. Gardner* 2/19/08  
DATE  
DALE A. GARDNER  
Departmental Concurrence

Dept't Recomm.:  Consent  
Per Exec. Ofc.:  Consent  
 Policy  
 Policy

**Prev. Agn. Ref.** | **District:** 1 | **Agenda Number:**

**3.52**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 77 (North Elsinore).

March 3, 2008

Page 2 of 2

and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

**BACKGROUND:** On February 5, 2008, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 77 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on February 6, 2008 at 10:00 a.m. in Conference Room B on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 was cast, and that 1 vote (or 100%) was cast in favor of the annexation of Street Lighting Zone 77 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2008-09 for Street Lighting Zone 77 is \$1,320.00 that will result in an assessment for fiscal year 2008-09 within Street Lighting Zone 77 of \$309.12 per acre. Street Lighting Zone 77 includes 1 commercial parcel totaling 4.27 acre(s). The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2008.

Adoption of Resolution No. 2008-124 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2008-09 for Street Lighting Zone 77 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2008-09.

2 **RESOLUTION NO. 2008-124**

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4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**  
5 **THE ANNEXATION OF STREET LIGHTING ZONE 77 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND**  
7 **CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 77 OF**  
8 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND**  
9 **LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN**  
10 **FOR THE FISCAL YEAR 2008-09**

11 **WHEREAS**, on December 18, 2007 the Board of Supervisors (hereinafter the "Board of  
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2007-518,  
13 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the  
14 intention of the Board of Supervisors to order the annexation of Street Lighting Zone 77 to  
15 Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No.  
16 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2  
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice  
18 of and setting a public hearing for 9:30 a.m. on February 5, 2008 at the meeting room of the Board of  
19 Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all  
20 owners of property within Street Lighting Zone 77 as shown on the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by  
22 Resolution No. 2007-518, Section 22626 of the Streets and Highways Code and Sections 53753 and  
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of  
24 property within said Street Lighting Zone 77 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on February 5, 2008, as set forth in Resolution No. 2007-518, the  
26 Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be  
heard, and considered all oral statements and all written protest or communications made or filed by  
any interested persons, closed the public hearing and directed the Director of Transportation, or his  
designee, as an impartial person having no vested interest in the annexation of Street Lighting

1 Zone 77 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the  
2 assessment ballots that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely  
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the  
5 assessment ballots received) voted in favor of annexation of Street Lighting Zone 77 to L&LMD No.  
6 89-1-C and the levy of an annual assessment in said Street Lighting Zone 77 beginning fiscal year  
7 2008-09; and

8 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
9 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally  
10 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall  
11 constitute the levy of an assessment on all assessable lots and parcels of land within Street Lighting  
12 Zone 77 of L&LMD No. 89-1-C beginning fiscal year 2008-09.

13 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
14 Board of Supervisors of the County in regular session on March 11, 2008 as follows:

15 **Section 1. Findings.** The Board of Supervisors finds:

- 16 (a) the proceeding recitals are correct;
- 17 (b) compliance has been had with all the requirements of the Landscaping and  
18 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division  
19 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the  
20 Government Code;
- 21 (c) a majority protest to the annexation of and annual assessment of Street Lighting  
22 Zone 77 of L&LMD No. 89-1-C has not been filed;
- 23 (d) the tally of the assessment ballots timely received was 100 percent voted in  
24 favor of the annexation of Street Lighting Zone 77 to L&LMD No. 89-1-C and the  
25 levy of an annual assessment beginning fiscal year 2008-09, and 0 percent  
26 voted no;

- 1 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
2 annexation of Street Lighting Zone 77 to L&LMD No. 89-1-C;
- 3 (f) the Board of Supervisors may proceed to adopt a resolution confirming the  
4 diagram and assessment for Street Lighting Zone 77 of L&LMD No. 89-1-C  
5 either as originally proposed or as changed by it; and
- 6 (g) the assessments to be levied on the assessable lots and parcels of land within  
7 Street Lighting Zone 77 of L&LMD No. 89-1-C for the provision of electricity to  
8 all streetlights in said Street Lighting Zone 77 during the fiscal year 2008-09 as  
9 contained in the report of the Director of Transportation which is on file with the  
10 Clerk of the Board of Supervisors (hereinafter the "Report") are based on  
11 benefits derived by such lots and parcels from the availability of such  
12 streetlights, and are not based upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Street Lighting Zone 77, as proposed to be annexed to  
14 L&LMD No. 89-1-C, includes all the property subject to Conditional Use Permit No. 03503 in the  
15 County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is  
16 annexed into L&LMD No. 89-1-C.

17 **Section 3. Improvements.** The improvements authorized for Street Lighting  
18 Zone 77 of L&LMD No. 89-1-C are:

- 19 (a) Providing electricity to all streetlights within the public right-of-way including  
20 incidental costs and expenses.

21 **Section 4. Confirmation of Report.** The Report and the assessment diagram and  
22 the assessment of estimated costs for the provision of electricity to all streetlights in Street Lighting  
23 Zone 77 of L&LMD No. 89-1-C for fiscal year 2008-09 as contained in the Report are confirmed.

24 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and  
25 Highways Code the adoption of this resolution constitutes the levy of the assessment for the provision  
26 of electricity to all streetlights in Street Lighting Zone 77 of L&LMD No. 89-1-C during fiscal year

1 2008-09, as contained in the Report, and such assessment is levied. The Clerk of the Board of  
2 Supervisors is directed to file a certified copy of this resolution, together with the diagram and  
3 assessment contained in the Report with the County Auditor-Controller of the County of Riverside,  
4 who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll  
5 opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

6 **Section 6. Effective Date.** This Resolution shall take effect from and after its date  
7 of adoption.

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FORM APPROVED COUNTY COUNSEL

BY: Walter G. Gardner 2/19/08  
DALE A. GARDNER DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 77 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 377-090-041 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

**STREET LIGHTING ZONE 77**

PORTION OF SECTION 31, T.5S., R.4W.

CONDITIONAL USE PERMIT NO. 03503 - 1 PARCEL

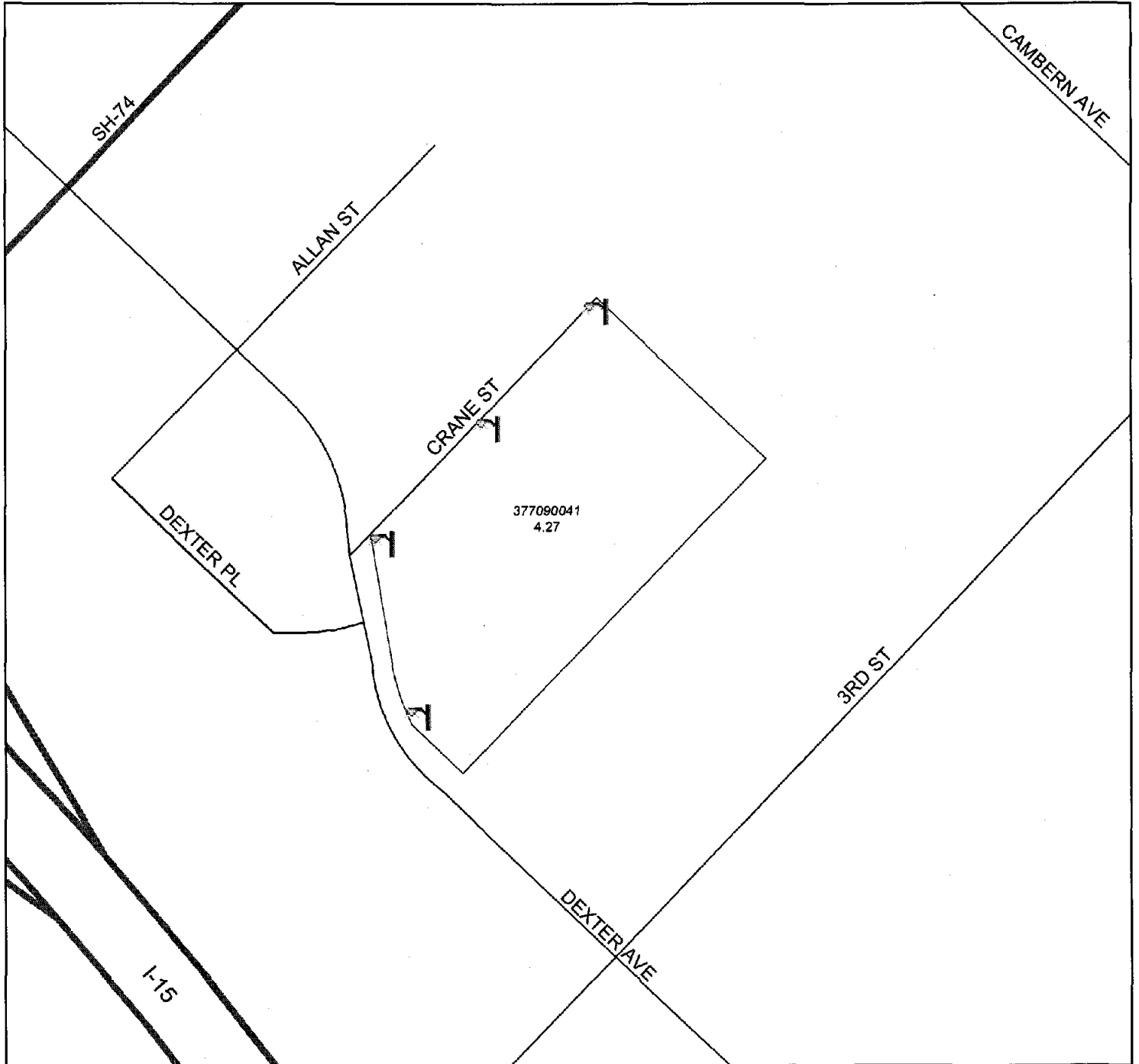


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**ASSESSMENT DIAGRAM**

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 DENOTES MAINTAINED STREETLIGHT