

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

302A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 10, 2008


SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 114 (Menifee).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-128 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 114 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 114.

Resolution No. 2008-129, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 114 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

FORM APPROVED COUNTY COUNSEL
BY: Alex Gann 2/27/08
DALE A. GARDNER DATE

Departmental Concurrence

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: Alex Gann
Alex Gann

County Executive Office Signature

Policy Policy

Consent Consent

Dept'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 Zone 114 (Menifee).

March 10, 2008

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 114, 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. 2008-128 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 114 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-129 declares the Board's intention of ordering the annexation of Zone 114 to L&LMD No. 89-1-C. Annexation of Zone 114 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and the provision of electricity for, traffic signals within public right-of-way located at the intersections of Garbani Rd and Antelope Rd, Scott Rd and Antelope Rd, Scott Rd and I-215 NB ramp, and Scott Rd and I-215 SB ramp in the Menifee area and includes 258 single-family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 114 is \$1,300.00 that will result in an assessment for fiscal year 2008-09 within Zone 114 of \$5.04 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 May 6, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 114 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-129, 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 114 will be annexed to L&LMD No. 89-1-C.

RESOLUTION NO. 2008-128

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 114 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 114"), 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 114 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 114; 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 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 114 to L&LMD No. 89-1-C.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 114 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 258 parcel(s) as shown on Tract Map Nos. 28206, 28206-1, 28206-2, and 28206-3 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

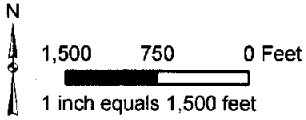
ZONE 114

PORTION OF SECTION 11, T.6S., R.3W.

TRACT MAP NOS. 28206, 28206-1, 28206-2, & 28206-3
258 PARCELS

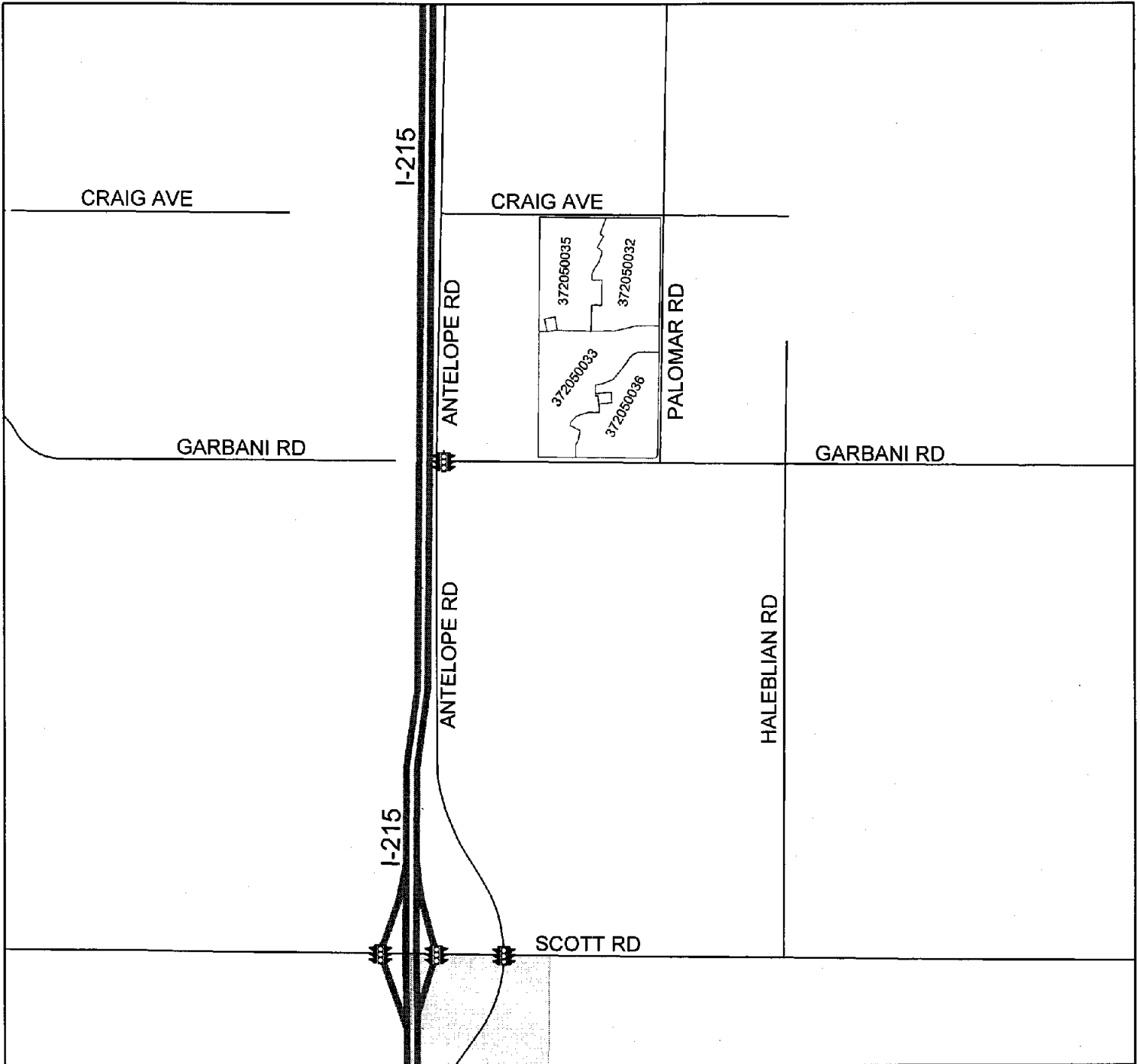


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ASSESSMENT DIAGRAM

Printed by jpickeri on 2/11/08



 DENOTES MAINTAINED TRAFFIC SIGNAL

2 **RESOLUTION NO. 2008-129**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**
4 **ITS INTENT TO ORDER THE ANNEXATION OF ZONE 114 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 TRAFFIC SIGNALS; 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 114; 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. 2008-128 on March 18, 2008 initiating
15 proceedings for the annexation of Zone 114 (hereinafter "Zone 114"), as described and shown in
16 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 114 and the assessments to be levied within
22 Zone 114 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of, and
23 the provision of electricity for, traffic signals 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 114;
and

WHEREAS, the Board of Supervisors by Resolution No. 2008-128 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**, it is necessary that the Board of Supervisors adopt a resolution of intention
6 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
7 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
8 Report, the annexation of Zone 114, and the assessments to be levied on parcels within Zone 114
9 beginning in fiscal year 2008-09;

10 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
11 Board of Supervisors in regular session assembled on March 18, 2008 as follows:

12 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 13 (a) The foregoing recitals are true and correct;
- 14 (b) The Report contains all matters required by Sections 22565 through 22574 of the
15 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
16 approved by the Board of Supervisors;
- 17 (c) The annual assessment for fiscal year 2008-09 on all parcels within Zone 114 proposed
18 to be annexed to L&LMD No. 89-1-C will be \$5.04 per parcel.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Zone 114, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
21 collect an annual assessment on all assessable lots and parcels of property within Zone 114
22 commencing with the fiscal year 2008-09 as set forth in the Report. The Report expressly states that
23 there are no parcels or lots within Zone 114 that are owned by a federal, state or other local
24 governmental agency that will benefit from the services to be financed by the annual assessments. The
25 annual assessments will be collected at the same time and in the same manner as property taxes are

1 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
2 collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Zone 114 is proposed to be
4 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
5 County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The maintenance and servicing of,
7 and the provision of electricity for, traffic signals authorized for Zone 114 of L&LMD No. 89-1-C are:

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

10 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
11 benefits from the annexation of Zone 114 of L&LMD No. 89-1-C will be \$5.04 per parcel for fiscal year
12 2008-09. As stated in the Report, the total budget for Zone 114 for the fiscal year 2008-09 is \$1,300.00;
13 there are 258 parcels that are to be assessed. The annual assessment will be increased by the greater
14 of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all
15 Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
16 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
17 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
18 the Index as it stands on March of each year over the base Index for March of 2008. Any increase
19 larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the
20 property owners within Zone 114. The Board of Supervisors will levy the assessment in each
21 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of
22 Zone 114 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4
23 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of
24 the Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Zone 114. The boundaries of Zone 114 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 114, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 114 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 114 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 May 6, 2008, at 9:30
12 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
13 Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 114 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 114 if there is a majority protest with regard to the annexation of Zone 114. 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 114 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 114.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 114 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 114 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 May 6, 2008.
6 Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall
7 also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel,
8 assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of
9 the California Elections Code to all owners of record of property within Zone 114 as shown on the last
10 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the
11 U. S. Post Office at least forty-five (45) days prior to the Public Hearing on May 6, 2008.

12 **Section 12. Effective Date.** This Resolution shall take effect from and after its date of
13 adoption.
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24 FORM APPROVED COUNTY COUNSEL
25 BY DALE A. GARDNER 2/27/08 DATE
26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 114 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 258 parcel(s) as shown on Tract Map Nos. 28206, 28206-1, 28206-2, and 28206-3 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

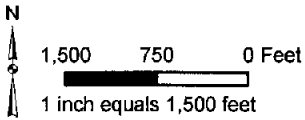
ZONE 114

PORTION OF SECTION 11, T.6S., R.3W.

TRACT MAP NOS. 28206, 28206-1, 28206-2, & 28206-3
258 PARCELS

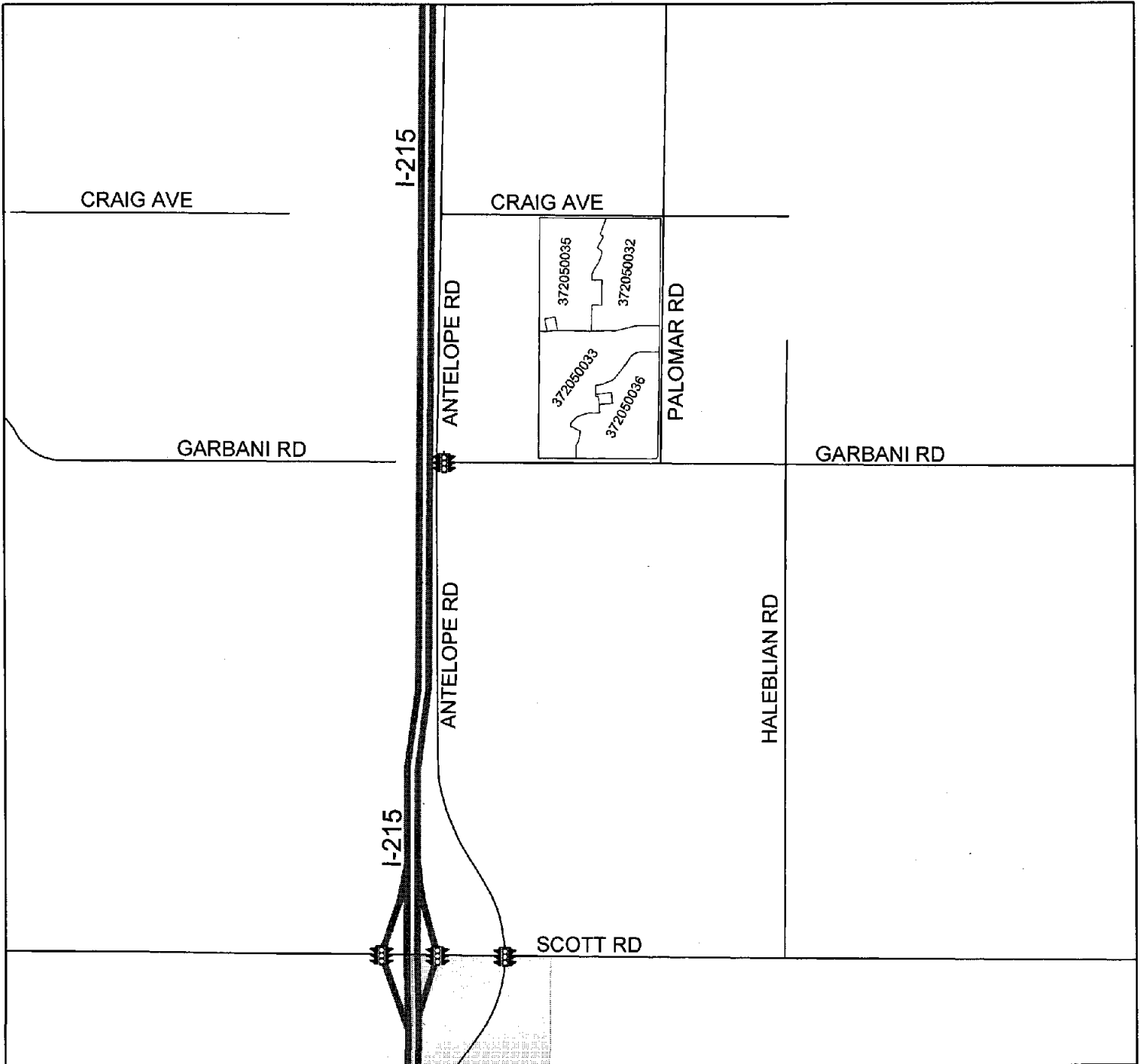


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