

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

304A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 10, 2008

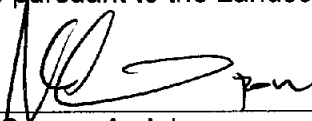
SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 85 (French Valley)

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-130 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 85 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 85.

Resolution No. 2008-131, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 85 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

Departmental Concurrence

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

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

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

Prev. Agn. Ref.

District: 3

Agenda Number:

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 85 (French Valley).

March 10, 2008

Page 2 of 2

1972 for the maintenance and servicing of streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 85, 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. 2008-130 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 85 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-131 declares the Board's intention of ordering the annexation of Street Lighting Zone 85 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 85 to L&LMD No. 89-1-C will fund providing electricity for streetlights within public right-of-way located southerly of SH-79/Winchester Rd in the French Valley area and includes 1 commercial parcel totaling 5.58 acre(s).

The proposed budget for fiscal year 2008-09 for Street Lighting Zone 85 is \$660.00 that will result in an assessment for fiscal year 2008-09 within Street Lighting Zone 85 of \$118.28 per acre. 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.

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 Street Lighting Zone 85 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-131, 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, Street Lighting Zone 85 will be annexed to L&LMD No. 89-1-C.

2 **RESOLUTION NO. 2008-130**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
4 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 85 TO 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 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 Street Lighting
12 "Zone 85"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to
13 be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Street
16 Lighting Zone 85 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,
18 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 Street Lighting Zone 85; and

22 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
23 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
24 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve
25 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street
26 Lighting Zone 85 to L&LMD No. 89-1-C.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 85 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 957-330-038 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2008-09.

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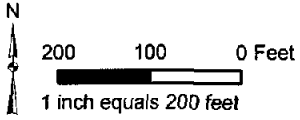
STREET LIGHTING ZONE 85

PORTION OF SECTION 13, T.7S., R.3W.

PLOT PLAN NO. 17680 - 1 PARCEL



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ASSESSMENT DIAGRAM

Printed by jpickeri on 2/22/08



2 **RESOLUTION NO. 2008-131**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**
4 **ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 85 TO 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 STREETLIGHTS; ADOPTING THE PRELIMINARY**
8 **ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE**
9 **PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING ZONE 85; ORDERING AN**
10 **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. 2008-130 on March 18, 2008 initiating
16 proceedings for the annexation of Street Lighting Zone 85 (hereinafter "Street Lighting Zone 85"), as
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping
18 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,
19 (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter
20 the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways
21 Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 85 and the
23 assessments to be levied within Street Lighting Zone 85 each fiscal year beginning fiscal year 2008-09
24 for providing electricity for streelights within the public right-of-way within said Zone; and

25 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
26 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 Street
Lighting Zone 85; and

WHEREAS, the Board of Supervisors by Resolution No. 2008-130 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

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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 Street Lighting Zone 85, and the assessments to be levied on parcels within
9 Street Lighting Zone 85 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 Street Lighting
18 Zone 85 proposed to be annexed to L&LMD No. 89-1-C will be \$118.28 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Street Lighting Zone 85, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
21 and to levy and collect an annual assessment on all assessable lots and parcels of property within
22 Street Lighting Zone 85 commencing with the fiscal year 2008-09 as set forth in the Report. The Report
23 expressly states that there are no parcels or lots within Street Lighting Zone 85 that are owned by a
24 federal, state or other local governmental agency that will benefit from the services to be financed by
25 the annual assessments. The annual assessments will be collected at the same time and in the same
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1 manner as property taxes are collected, and all laws providing for the collection and enforcement of
2 property taxes shall apply to the collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 85 is
4 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
5 area of the County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The service authorized for Street
7 Lighting Zone 85 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
8 right-of-way including incidental costs and expenses.

9 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
10 benefits from the annexation of Street Lighting Zone 85 of L&LMD No. 89-1-C will be \$118.28 per acre
11 for fiscal year 2008-09. As stated in the Report, the total budget for Street Lighting Zone 85 for the
12 fiscal year 2008-09 is \$660.00; there is 1 parcel(s) that is to be assessed that aggregates to 5.58
13 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the
14 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U")
15 for "electricity" for the Los Angeles-Riverside-Orange County California Standard Metropolitan
16 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of
17 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it
18 stands on March of each year over the base Index for March of 2008. Any increase larger than the
19 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners
20 within Street Lighting Zone 85. The Board of Supervisors will levy the assessment in each subsequent
21 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting
22 Zone 85 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of
23 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
24 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 Street Lighting Zone 85. The boundaries of Street Lighting Zone 85 are located within the
3 unincorporated area of the 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 Street Lighting Zone 85,
7 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting
8 Zone 85 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 85 shall be
10 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on May 6, 2008, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting
15 Zone 85 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be
17 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property
18 within the boundaries of Street Lighting Zone 85 if there is a majority protest with regard to the
19 annexation of Street Lighting Zone 85. A majority protest exists if, upon the conclusion of the Public
20 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and
21 assessment of Street Lighting Zone 85 exceeds the assessment ballots in favor of the annexation and
22 assessment of Street Lighting Zone 85.

23 **Section 10. Information.** Any property owner desiring additional information regarding Street
24 Lighting Zone 85 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
25 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
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1 County of 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 Street Lighting Zone 85 to L&LMD No. 89-1-C shall be given consistent with Section
5 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
6 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
7 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing
8 that is May 6, 2008. Publication of this Resolution is to be effected by the Clerk of the Board of
9 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
10 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
11 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
12 Street Lighting Zone 85 as shown on the last equalized assessment roll of the County. Mailing is to be
13 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
14 Public Hearing on May 6, 2008.

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

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20 FORM APPROVED COUNTY COUNSEL.
21 BY DALE A. GARDNER 2/27/08 DATE
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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 85 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 957-330-038 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2008-09.

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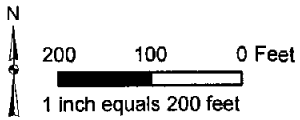
STREET LIGHTING ZONE 85

PORTION OF SECTION 13, T.7S., R.3W.

PLOT PLAN NO. 17680 - 1 PARCEL



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ASSESSMENT DIAGRAM

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 DENOTES MAINTAINED STREETLIGHT