

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

739A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 7, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 117 (Menifee).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-183 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 117 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 117.

Resolution No. 2008-184, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 117 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of

[Signature]

Juan C. Perez
Director of Transportation

JAW: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: Dalea Gardner 3/25/08
DATE: 3/25/08
Departmental Concurrence

Dept't Recomm.: Consent
Per Exec. Ofc.: Consent
 Policy
 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 Zone 117 (Menifee).

April 7, 2008

Page 2 of 2

1972 for the maintenance and servicing of fossil filters and 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 117, 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. 2008-183 appoints the *Director of the Transportation Department* as the Engineer to prepare a Report regarding the proposed annexation of Zone 117 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-184 declares the Board's intention of ordering the annexation of Zone 117 to L&LMD No. 89-1-C. Annexation of Zone 117 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for traffic signals within public right-of-way located northerly of Simpson Rd, southerly of Grand Ave, easterly of Lindenberger Rd, and westerly of Briggs Rd in the Menifee area and includes 483 single family residential lots.

The proposed budget for fiscal year 2008-09 for Zone 117 is \$11,875.00 that will result in an assessment for fiscal year 2008-09 within Zone 117 of \$24.58 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 June 3, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 117 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-184, 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 117 will be annexed to L&LMD No. 89-1-C.

RESOLUTION NO. 2008-183

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 117 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 117"), 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 117 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 117; 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 117 to L&LMD No. 89-1-C.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 117 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of lots 1 through 110 as shown on Tract Map No. 34180, of lots 1 through 180 as shown on Tract Map No. 34180-2, of lots 1 through 73 as shown on Tract Map No. 34180-3, and of lots 1 through 120 as shown on Tract Map No. 34180-4 in the County of Riverside, State of California for fiscal year 2008-09.

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

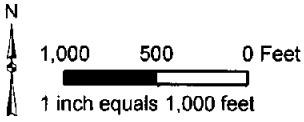
ZONE 117

PORTION OF SECTIONS 24 & 25, T.5S., R.3W.

TRACT MAP NOS. 34180, 34180-2, 34180-3, & 34180-4
483 PARCELS

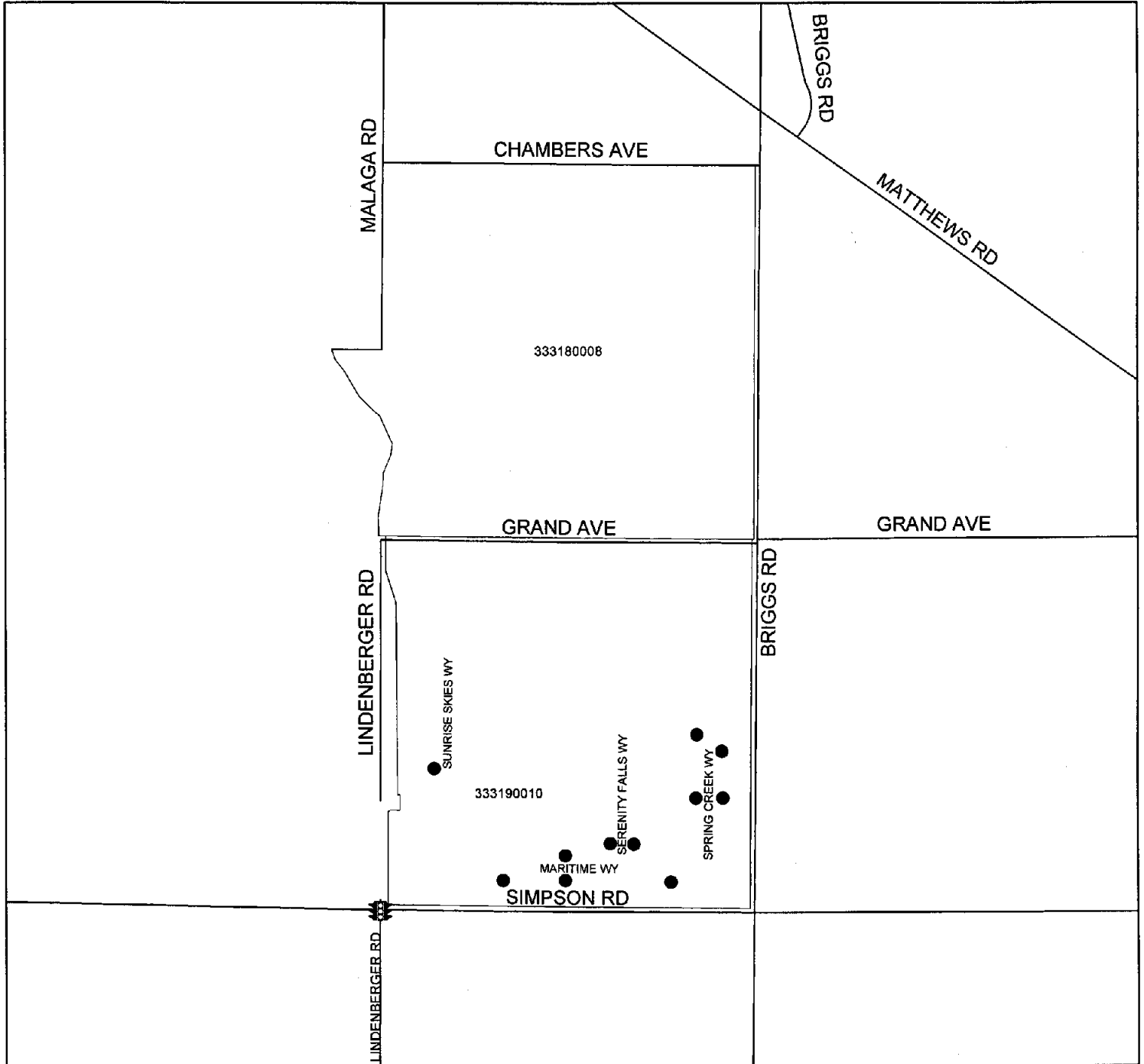


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ASSESSMENT DIAGRAM

Printed by jpickeri on 3/21/08



- DENOTES MAINTAINED FOSSIL FILTER
- ⚡ DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2008-184

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 117 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 AND TRAFFIC SIGNALS; 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 ZONE 117; ORDERING AN ASSESSMENT
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE
12 XIIID OF THE CALIFORNIA 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. 2008-183 on April 15, 2008 initiating
15 proceedings for the annexation of Zone 117 (hereinafter "Zone 117"), 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 117 and the assessments to be levied within
22 Zone 117 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of fossil
23 filters and traffic signals, and the provision of electricity for traffic signals within the public right-of-way
24 within said Zone; and

25 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIID of the
26 California Constitution (hereinafter "Article XIIID:"), 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 Zone 117;
and

WHEREAS, the Board of Supervisors by Resolution No. 2008-183 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 117, and the assessments to be levied on parcels within Zone 117
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 April 15, 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 117 proposed
18 to be annexed to L&LMD No. 89-1-C will be \$21.18 per parcel.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Zone 117, 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 117
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 117 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

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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 117 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 fossil filters and traffic signals, and the provision of electricity for traffic signals authorized for Zone 117
8 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; and
- 11 (b) Providing electricity to and the maintenance and servicing of traffic signals within the
12 public right-of-way including incidental costs and expenses.

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
14 benefits from the annexation of Zone 117 of L&LMD No. 89-1-C will be \$24.58 per parcel for fiscal year
15 2008-09. As stated in the Report, the total budget for Zone 117 for the fiscal year 2008-09 is
16 \$11,875.00; there are 483 parcels that are to be assessed. The annual assessment will be increased
17 by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer
18 Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
19 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
20 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative
21 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2008.
22 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority
23 approval of all the property owners within Zone 117. The Board of Supervisors will levy the assessment
24 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the
25 dissolution of Zone 117 of L&LMD No. 89-1-C. The annual assessment will fund the services described
26

1 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in
2 the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
4 89-1-C is Zone 117. The boundaries of Zone 117 are located within the unincorporated area of the
5 County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
8 the Report for a full and detailed description of the services, the boundaries of Zone 117, and the
9 annual assessment to be levied upon assessable lots and parcels within Zone 117 proposed to be
10 annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 117 shall be annexed into
12 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09 shall be
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 3, 2008, at 9:30
14 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
15 Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 117 is to receive
17 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
18 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
19 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
20 Zone 117 if there is a majority protest with regard to the annexation of Zone 117. A majority protest
21 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
22 in opposition to the annexation and assessment of Zone 117 exceeds the assessment ballots in favor
23 of the annexation and assessment of Zone 117.

24 **Section 10. Information.** Any property owner desiring additional information regarding
25 Zone 117 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
26 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of

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 117 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 June 3, 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 117 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 June 3, 2008.

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

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18
19 FORM APPROVED COUNTY COUNSEL
20 BY: Dale A. Gardner 3/25/08
21 DALE A. GARDNER DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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

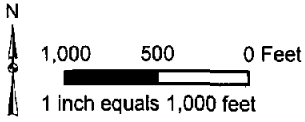
ZONE 117

PORTION OF SECTIONS 24 & 25, T.5S., R.3W.

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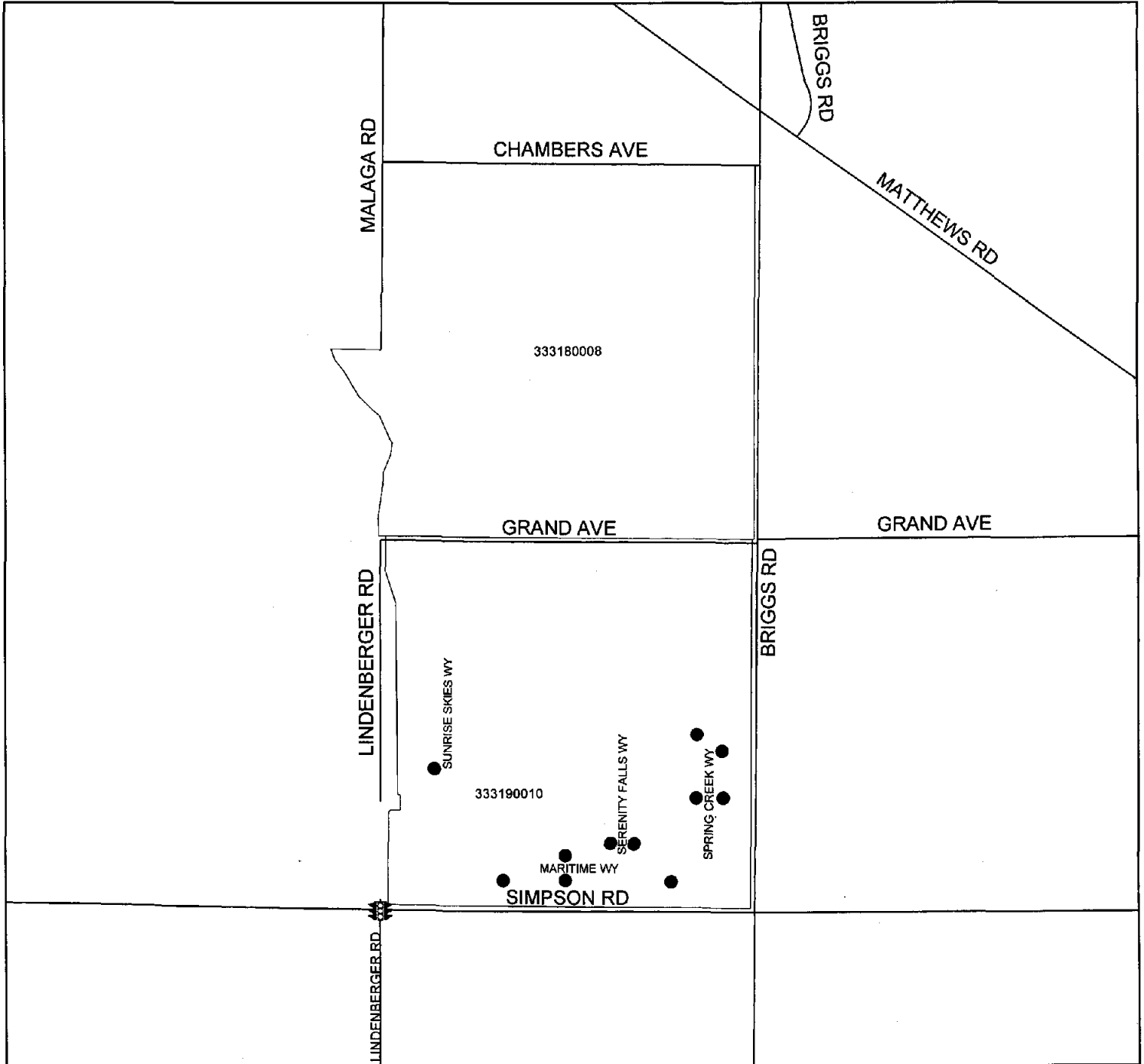


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