

738A



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

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 7, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 118 (Menifee).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-185 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 118 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 118.

Resolution No. 2008-186, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 118 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
Director of Transportation

JAW:jp

FORM APPROVED COUNTY COUNSEL
BY: Alex Gardner 3/27/08
DATE
DALE A. GARDNER
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: Tina Grande

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 118 (Menifee).

April 7, 2008

Page 2 of 2

1972 for the maintenance and servicing of streetlights 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 118, 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. 2008-185 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 118 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-186 declares the Board's intention of ordering the annexation of Zone 118 to L&LMD No. 89-1-C. Annexation of Zone 118 to L&LMD No. 89-1-C will fund the maintenance and servicing of traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located northerly and southerly of Albion Ln, northerly of Holland Rd, westerly of Hanover Ln, and easterly and westerly of Antelope Rd in the Menifee area and includes 4 commercial parcels, totaling 14.21 acre(s).

The proposed budget for fiscal year 2008-09 for Zone 118 is \$4,485.00 that will result in an assessment for fiscal year 2008-09 within Zone 118 of \$315.62 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U "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 June 3, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 118 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-186, 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 118 will be annexed to L&LMD No. 89-1-C.

2 RESOLUTION NO. 2008-185

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 118 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 118"),
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 118 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 XIID 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 118; and

23 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
24 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
25 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve
26 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 118
to L&LMD No. 89-1-C.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 118 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 364-070-007, 008, 009, and 042 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

ZONE 118

PORTION OF SECTION 2, T.6S., R.3W.

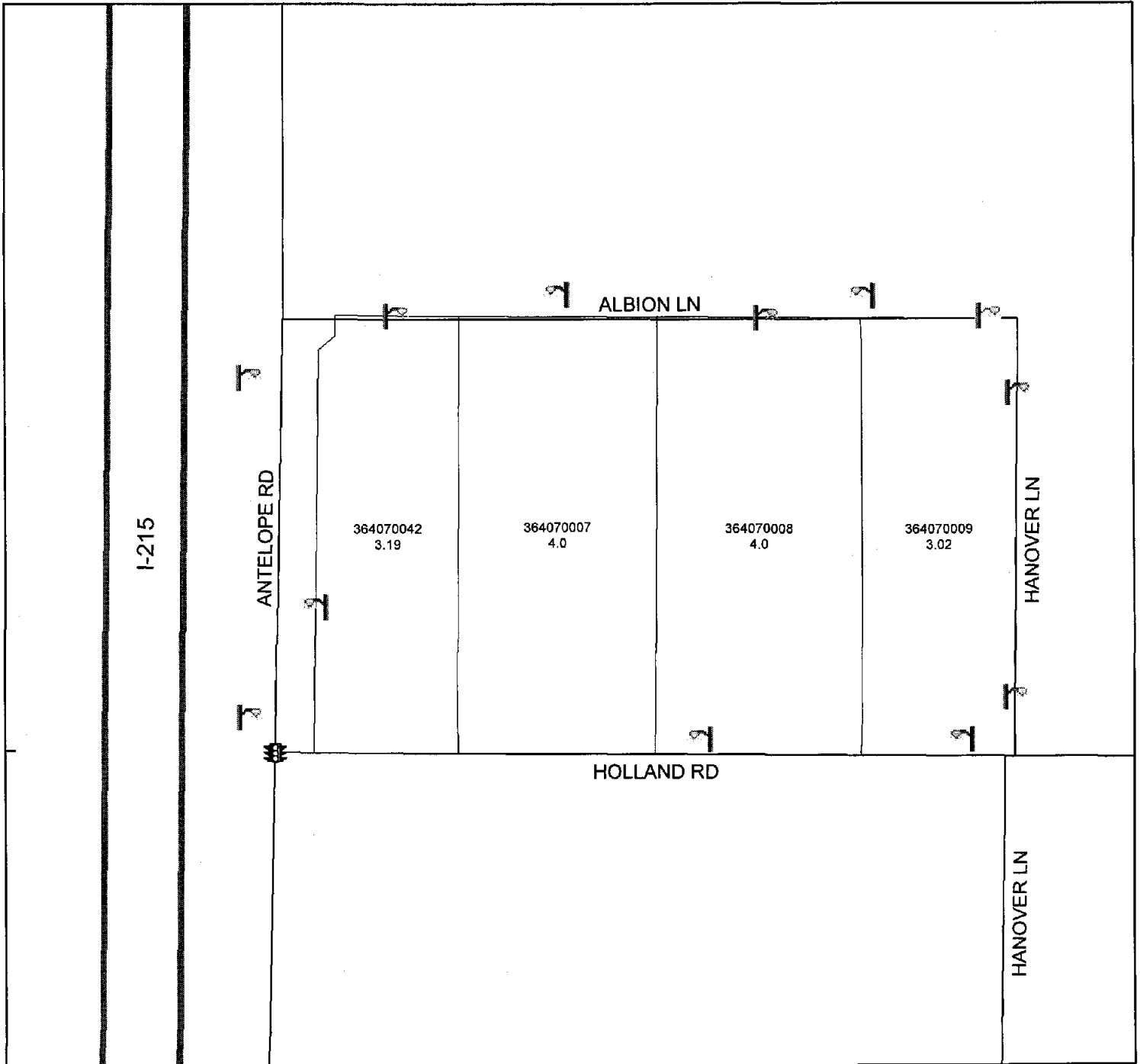
PLOT PLAN NO. 22338 - 4 PARCELS



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ASSESSMENT DIAGRAM

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 DENOTES MAINTAINED STREETLIGHT

 DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2008-186

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 118 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 STREETLIGHTS 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 118; 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. 2008-185 on April 15, 2008 initiating
15 proceedings for the annexation of Zone 118 (hereinafter "Zone 118"), 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 118 and the assessments to be levied within
22 Zone 118 each fiscal year beginning fiscal year 2008-09 for the the maintenance and servicing of traffic
23 signals, and the provision of electricity for streetlights and 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 118;
and

WHEREAS, the Board of Supervisors by Resolution No. 2008-185 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 118, and the assessments to be levied on parcels within Zone 118
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 118 proposed
18 to be annexed to L&LMD No. 89-1-C will be \$315.62 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Zone 118, 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 118
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 118 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
26

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 118 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 traffic signals, and the provision of electricity for streetlights and traffic signals authorized for Zone 118
8 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
10 public right-of-way including incidental costs and expenses; and
11 (b) Providing electricity to all streetlights within the public right-of-way including incidental
12 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 118 of L&LMD No. 89-1-C will be \$315.62 per acre for fiscal year
15 2008-09. As stated in the Report, the total budget for Zone 118 for the fiscal year 2008-09 is \$4,485.00;
16 there are 4 parcels that are to be assessed that aggregate to 14.21 acres. The annual assessment will
17 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
18 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-Riverside-
19 Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of
20 Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based
21 on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index
22 for March of 2008. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment
23 requires a majority approval of all the property owners within Zone 118. The Board of Supervisors will
24 levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes
25 proceedings for the dissolution of Zone 118 of L&LMD No. 89-1-C. The annual assessment will fund the
26 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the

1 Report on file in the Office of the Clerk of the Board of Supervisors.

2 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
3 89-1-C is Zone 118. The boundaries of Zone 118 are located within the unincorporated area of the
4 County and are described and shown in the Report and Exhibit "A".

5 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
6 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
7 the Report for a full and detailed description of the services, the boundaries of Zone 118, and the
8 annual assessment to be levied upon assessable lots and parcels within Zone 118 proposed to be
9 annexed to L&LMD No. 89-1-C.

10 **Section 8. Public Hearing.** The question of whether Zone 118 shall be annexed into
11 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2008-09 shall be
12 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 3, 2008, at 9:30
13 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
14 Riverside, California.

15 **Section 9. Majority Protest.** Each owner of record of property within Zone 118 is to receive
16 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
17 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
18 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
19 Zone 118 if there is a majority protest with regard to the annexation of Zone 118. A majority protest
20 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
21 in opposition to the annexation and assessment of Zone 118 exceeds the assessment ballots in favor
22 of the annexation and assessment of Zone 118.

23 **Section 10. Information.** Any property owner desiring additional information regarding
24 Zone 118 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
25 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
26

EXHIBIT "A"

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The boundaries of Zone 118 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 364-070-007, 008, 009, and 042 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2008-09.

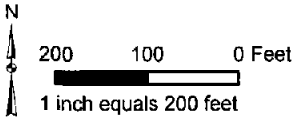
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 118

PORTION OF SECTION 2, T.6S., R.3W.

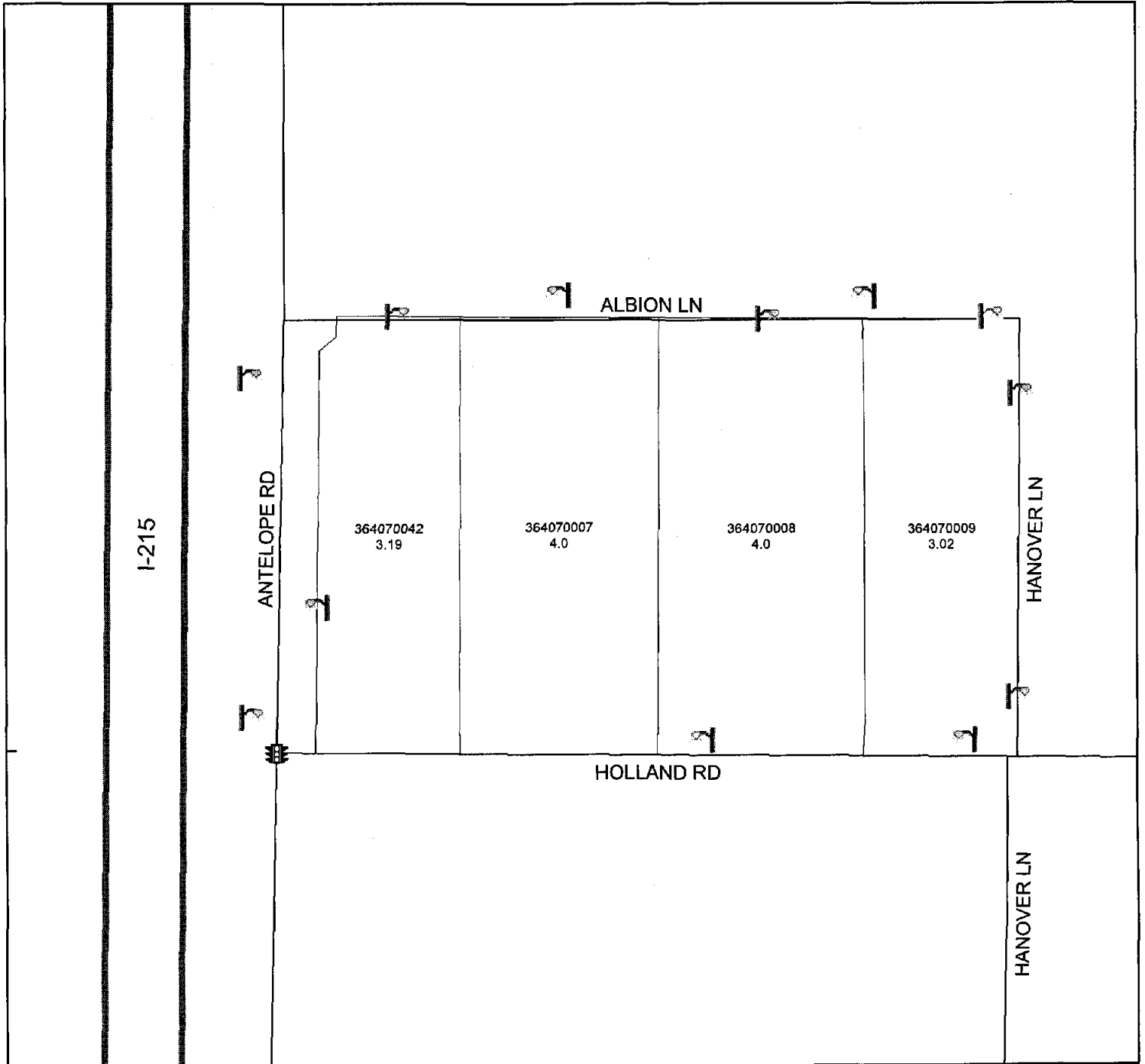
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 DENOTES MAINTAINED TRAFFIC SIGNAL