

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

225A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
May 5, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Location 3 to Zone 31 (East Hemet).

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2008-205, Resolution of the County of Riverside confirming the diagram and assessment for Location 3 of Zone 31 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 Location 3 of Zone 31 of Landscaping

Juan C. Perez
Director of Transportation

JW:jp

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER
DATE: 4/21/08
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's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

02/26/08, 3.75
04/15/08, 9.3

District: 3

Agenda Number:

3.41

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 3 to Zone 31 (East Hemet).

May 5, 2008

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

BACKGROUND: On April 15, 2008, a public hearing was held to receive all testimony regarding the annexation of Location 3 to Zone 31 of 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 April 16, 2008 at 10:00 a.m. in Conference Room B on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 16 parcel(s) out of a possible 16 were cast, and that 16 vote(s) (or 100%) were cast in favor of the annexation of Location 3 to Zone 31 of L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2008-09 for Location 3 of Zone 31 is \$4,000.00 that will result in an assessment for fiscal year 2008-09 within Location 3 of Zone 31 of \$250.00 per parcel. Location 3 of Zone 31 includes 16 single-family residential lots. 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.

Adoption of Resolution No. 2008-205 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2008-09 for Location 3 of Zone 31 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.

RESOLUTION NO. 2008-205

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF LOCATION 3 TO ZONE 31 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LOCATION 3 OF ZONE 31 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2008-09

WHEREAS, on February 26, 2008 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2008-056, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Location 3 to Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on April 15, 2008 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Location 3 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2008-056, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Location 3 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on April 15, 2008, as set forth in Resolution No. 2008-056, the 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 Location 3 to Zone 31

1 of 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 16 parcel(s) out of a possible 16 parcel(s) and that 16 parcel(s) (100
5 percent of the assessment ballots received) voted in favor of annexation of Location 3 to Zone 31 of
6 L&LMD No. 89-1-C and the levy of an annual assessment in said Location 3 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 Location 3 of
12 Zone 31 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 May 13, 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 Location 3 to
22 Zone 31 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 Location 3 to Zone 31 of 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 Location 3 to Zone 31 of 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 Location 3 of Zone 31 of L&LMD No. 89-1-C either
5 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 Location 3 of Zone 31 of L&LMD No. 89-1-C for the installation, maintenance
8 and servicing of landscaping and fossil filter improvements in said Location 3
9 during the fiscal year 2008-09 as contained in the report of the Director of
10 Transportation which is on file with the Clerk of the Board of Supervisors
11 (hereinafter the "Report") are based on benefits derived by such lots and parcels
12 from the availability of such landscaping and fossil filter improvements, and are
13 not based upon the ownership of such lots and parcels.

14 **Section 2. Annexation.** Location 3 of Zone 31, as proposed to be annexed to
15 L&LMD No. 89-1-C, includes all the property subject to Tract Map No. 32285 in the County of
16 Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into
17 L&LMD No. 89-1-C.

18 **Section 3. Improvements.** The improvements authorized for Location 3 of Zone 31
19 of L&LMD No. 89-1-C are:

- 20 (a) The maintenance and servicing of landscaping within the public right-of-way
21 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
22 and other ornamental vegetation; and
- 23 (b) The maintenance and servicing of irrigation and electrical facilities associated
24 with the landscaping, including but not limited to electricity for operation of the
25 irrigation system and water for irrigation; and
26

1 (c) The maintenance and servicing of fossil filters within the public right-of-way
2 including the removal of petroleum hydrocarbons and other pollutants from
3 water runoff.

4 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
5 the assessment of estimated costs for the installation, maintenance and servicing of landscaping and
6 fossil filter improvements in Location 3 of Zone 31 of L&LMD No. 89-1-C for fiscal year 2008-09 as
7 contained in the Report are confirmed.

8 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
9 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
10 installation, and maintenance or servicing of landscaping and fossil filter improvements in Location 3 of
11 Zone 31 of L&LMD No. 89-1-C during fiscal year 2008-09, as contained in the Report, and such
12 assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this
13 resolution, together with the diagram and assessment contained in the Report with the County Auditor-
14 Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways
15 Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed
16 thereupon, as shown in said assessment.

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

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20
21 FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER 4/21/08
DALE A. GARDNER DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Location 3 to be annexed into Zone 31 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 16 parcel(s) as shown on Tract Map No. 32285 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

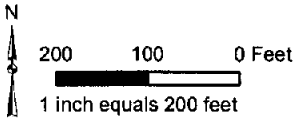
ZONE 31, LOCATION 3

PORTION OF SECTION 23, T.5S., R.1W.

TRACT MAP NO. 32285 - 16 PARCELS

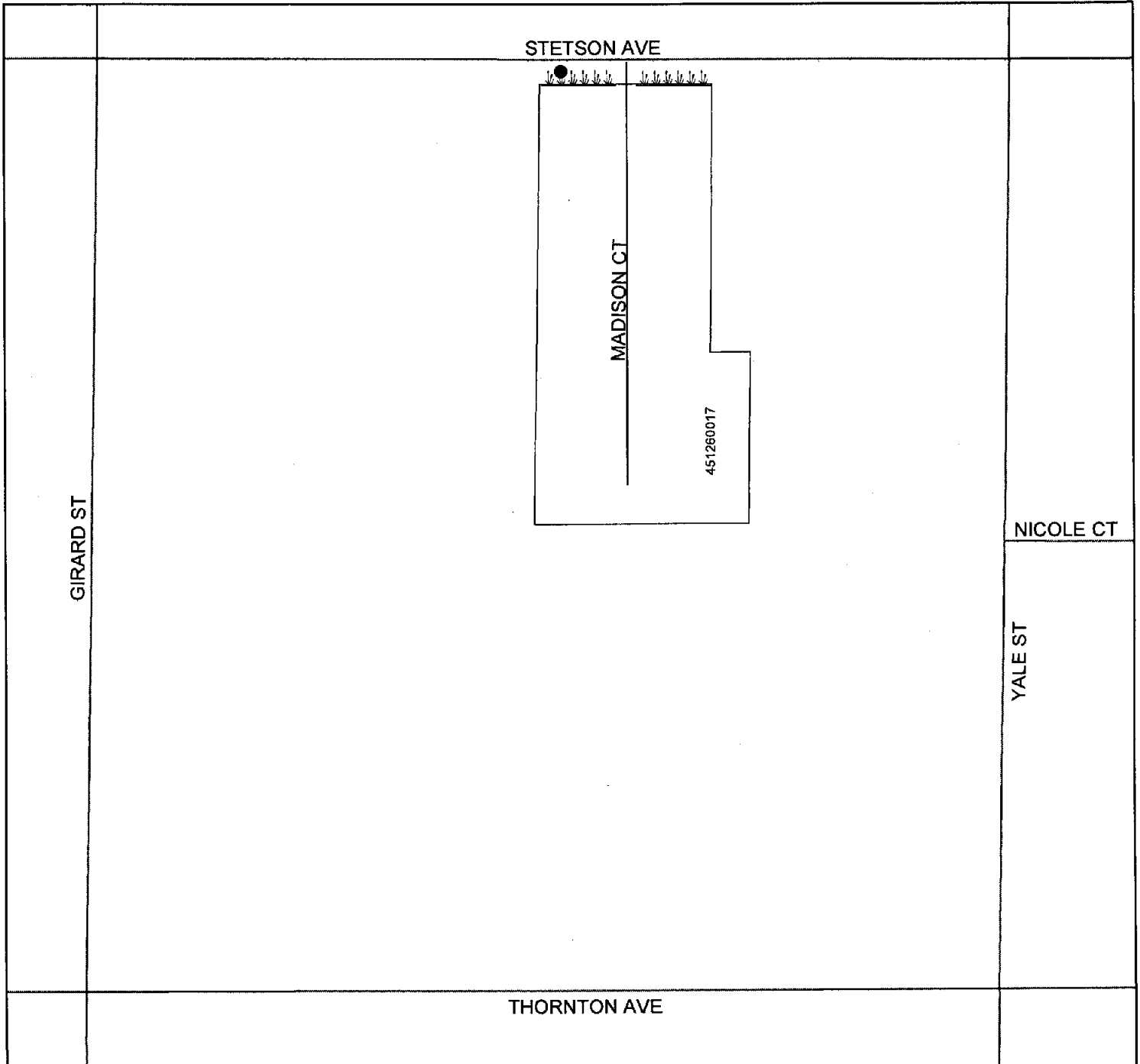


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ASSESSMENT DIAGRAM

Printed by jpicker on 1/11/08



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED FOSSIL FILTER