

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

537A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 2, 2008

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

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2008-236, Resolution of the County of Riverside confirming the diagram and assessment of Zone 114 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 Zone 114 of Landscaping and Lighting

Juan C. Perez
Director of Transportation

JW: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
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY DALE A. GARDNER
DATE 5/14/08
Departmental Concurrence

Policy Policy

Consent Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.
03/18/08, 3.40
05/06/08, 9.6

District: 3

Agenda Number:

3.45

The Honorable Board of Supervisors

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

June 2, 2008

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

BACKGROUND: On May 6, 2008, a public hearing was held to receive all testimony regarding the annexation of Zone 114 to 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 May 7, 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 258 parcel(s) out of a possible 258 were cast, and that 258 vote(s) (or 100%) were cast in favor of the annexation of Zone 114 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

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. Zone 114 includes 258 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 for "electricity", if any, as it stands as of March of each year over the base index for March of 2008.

Adoption of Resolution No. 2008-236 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2008-09 for Zone 114 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. 2008-236

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 114 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 114 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 March 18, 2008 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2008-129, 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 Zone 114 to 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 May 6, 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 Zone 114 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2008-129, 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 Zone 114 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 6, 2008, as set forth in Resolution No. 2008-129, 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 Zone 114 to L&LMD

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 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 owners of 258 parcels out of a possible 258 parcels and that 258 parcels (100
5 percent of the assessment ballots received) voted in favor of annexation of Zone 114 to L&LMD No.
6 89-1-C and the levy of an annual assessment in said Zone 114 beginning fiscal year 2008-09; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 114 of
11 L&LMD No. 89-1-C beginning fiscal year 2008-09.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on June 10, 2008 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 114 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 114 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2008-09, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 114 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 114 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 114 of L&LMD No. 89-1-C for the installation, maintenance and servicing
6 of traffic signal improvements in said Zone 114 during the fiscal year 2008-09 as
7 contained in the report of the Director of Transportation which is on file with the
8 Clerk of the Board of Supervisors (hereinafter the "Report") are based on
9 benefits derived by such lots and parcels from the availability of such traffic
10 signal improvements, and are not based upon the ownership of such lots and
11 parcels.

12 **Section 2. Annexation.** Zone 114, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Tract Map Nos. 28206, 28206-1, 28206-2, and 28206-3 in
14 the County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is
15 annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 114 of L&LMD
17 No. 89-1-C are:

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

20 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
21 the assessment of estimated costs for the installation, maintenance and servicing of traffic signal
22 improvements in Zone 114 of L&LMD No. 89-1-C for fiscal year 2008-09 as contained in the Report
23 are confirmed.

24 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
25 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
26 installation, and maintenance or servicing of traffic signal improvements in Zone 114 of L&LMD No.

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

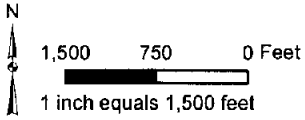
ZONE 114

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

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

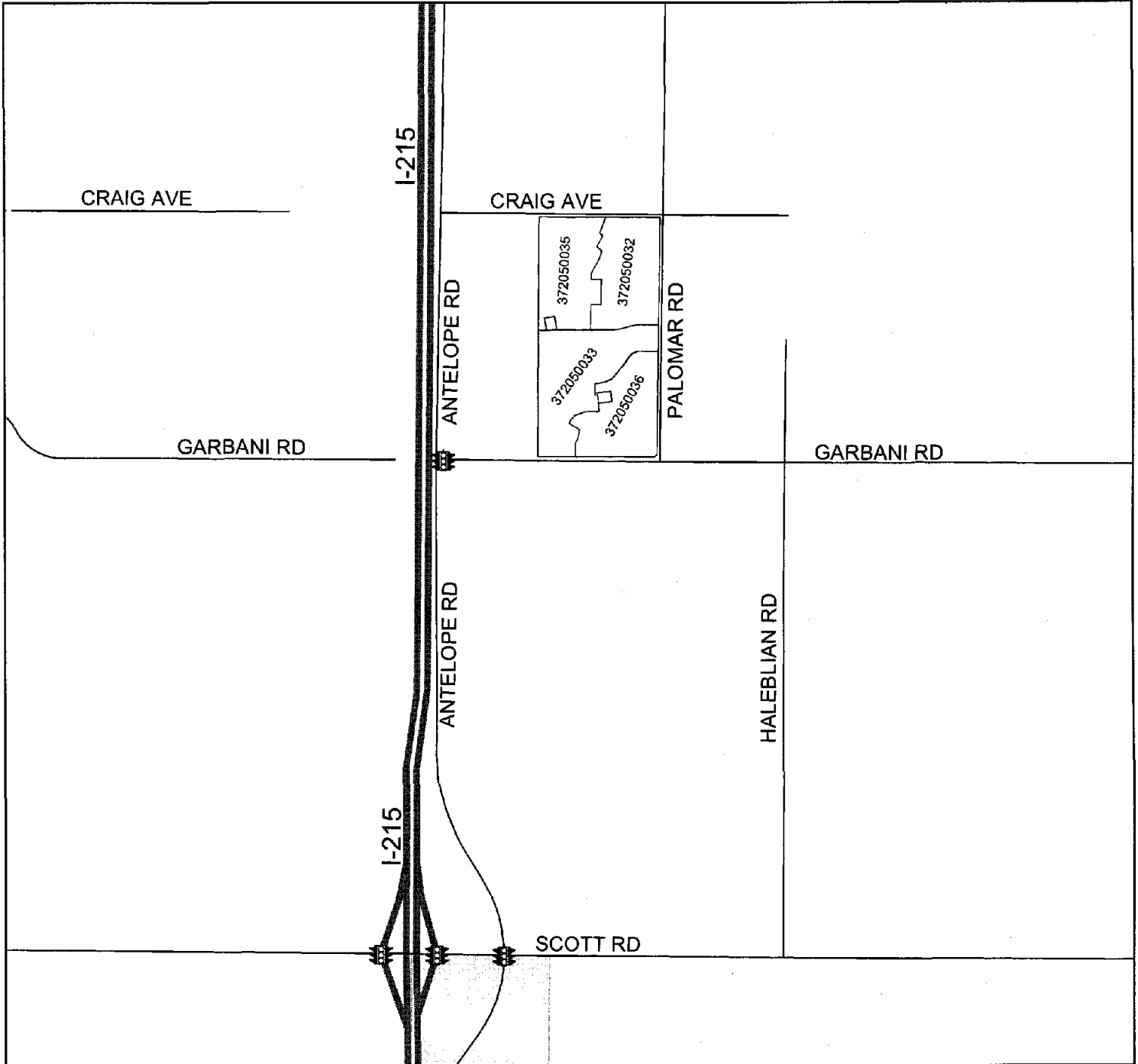


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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED TRAFFIC SIGNAL