

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

711A



**FROM:** TLMA - Transportation Dept.

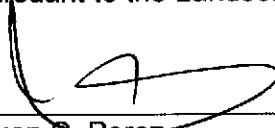
**SUBMITTAL DATE:**  
September 29, 2008

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Location 2 to Zone 36 (Mecca).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2008-422 a Resolution of the County of Riverside initiating proceedings for the annexation of Location 2 to Zone 36 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 2 to Zone 36.

Resolution No. 2008-423, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 2 to Zone 36 of 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: Dale A. Gardner DATE: 9/17/08  
DALE A. GARDNER Departmental Concurrence

<b>FINANCIAL DATA</b>	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:	2008-09
<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%				<b>Positions To Be Deleted Per A-30</b> <input type="checkbox"/>
				<b>Requires 4/5 Vote</b> <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.

District: 4

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.40

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 2 to Zone 36 (Mecca).

September 29, 2008

Page 2 of 2

1972 for the maintenance and servicing of landscaping; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Location 2 to Zone 36, 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. 2008-422 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 2 to Zone 36 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-423 declares the Board's intention of ordering the annexation of Location 2 to Zone 36 of L&LMD No. 89-1-C. Annexation of Location 2 to Zone 36 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping within public right-of-way located southerly of 65th avenue and easterly of Home Ave in the Mecca area and includes 41 single-family residential lots.

The proposed budget for fiscal year 2009-10 for Location 2 is \$3,014.00 that will result in an assessment for fiscal year 2009-10 within Location 2 of \$73.52 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 November 25, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 2 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-423, 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, Location 2 will be annexed to Zone 36 of L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Location 2 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on November 25, 2008.

**RESOLUTION NO. 2008-422**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF LOCATION 2 TO ZONE 36 OF 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 "Location 2"), 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 respectively, "Zone 36" and "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 Location 2 to Zone 36 of 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 Location 2 of Zone 36; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on November 25, 2008; 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

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Location 2  
2 to Zone 36 of L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
4 Board of Supervisors of the County of Riverside assembled in regular session on October 7, 2008 as  
5 follows:

6 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all  
7 the above recitals are true and correct.

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Location 2 to  
9 Zone 36 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act  
10 for the purpose of levying an annual assessment on all parcels within Location 2 to pay the costs of  
11 the following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way  
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,  
14 and other ornamental vegetation; and  
15 (b) The maintenance and servicing of irrigation and electrical facilities associated  
16 with the landscaping, including but not limited to electricity for operation of the  
17 irrigation system and water for irrigation.

18 **Section 3. Boundaries and Designation.** The boundaries of Location 2 that are  
19 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
20 described in Exhibit "A".

21 **Section 4. Report.** The Director of the Department of the County, or his designee,  
22 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board  
23 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways  
24 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the  
25 levy.  
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**Section 5. Effective Date.** This Resolution shall take effect from and after its date of adoption.

FORM APPROVED COUNTY COUNSEL  
BY DALE A. GARDNER 9/17/08  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Location 2 to be annexed into Zone 36 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 41 parcel(s) as shown on Tract Map No. 34120 in the County of Riverside, State of California for fiscal year 2009-10.

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

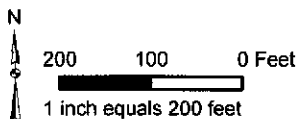
**ZONE 36, LOCATION 2**

PORTION OF SECTION 8, T.7S., R.9E.

TRACT MAP NO. 34120 - 41 PARCELS

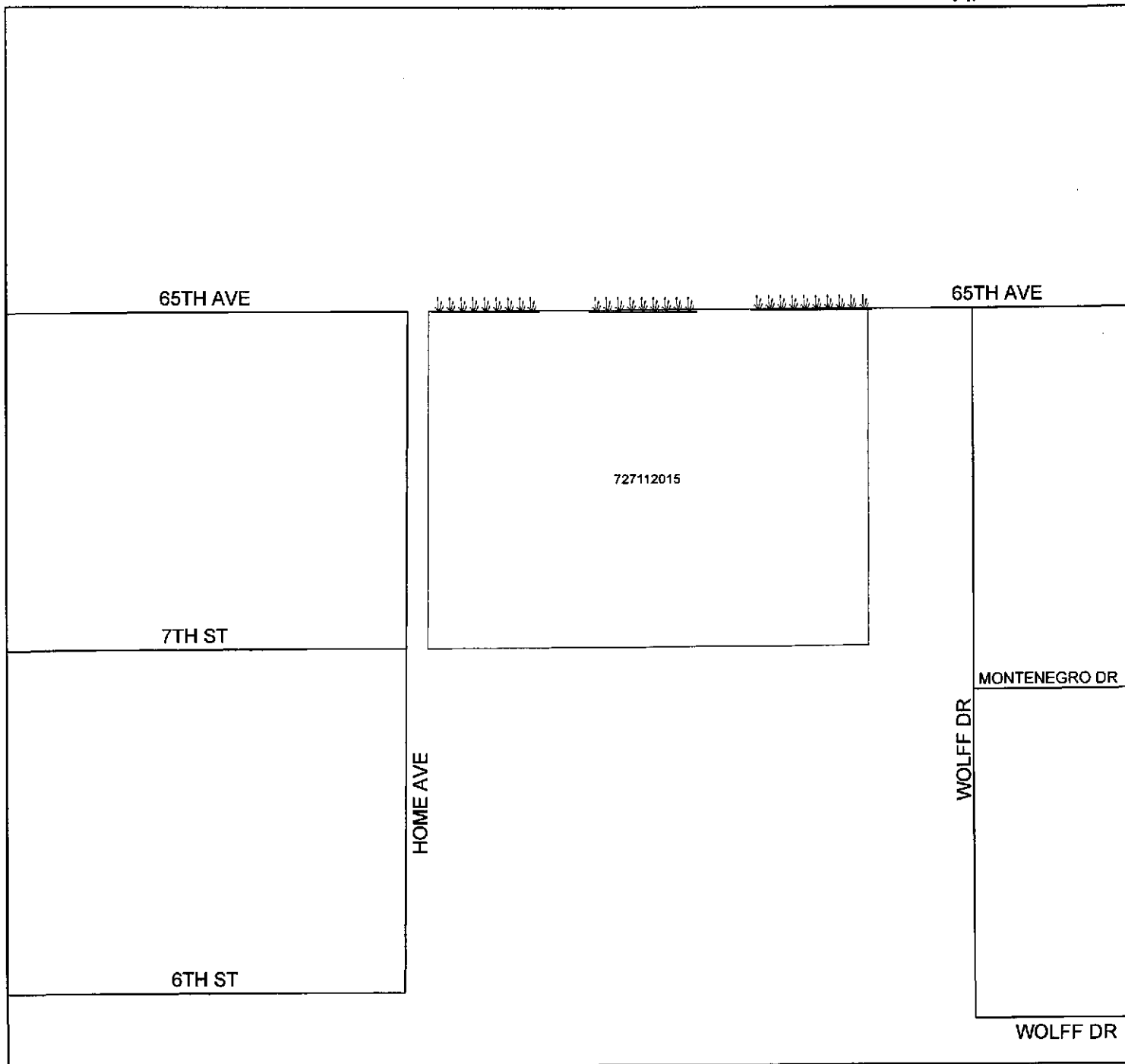


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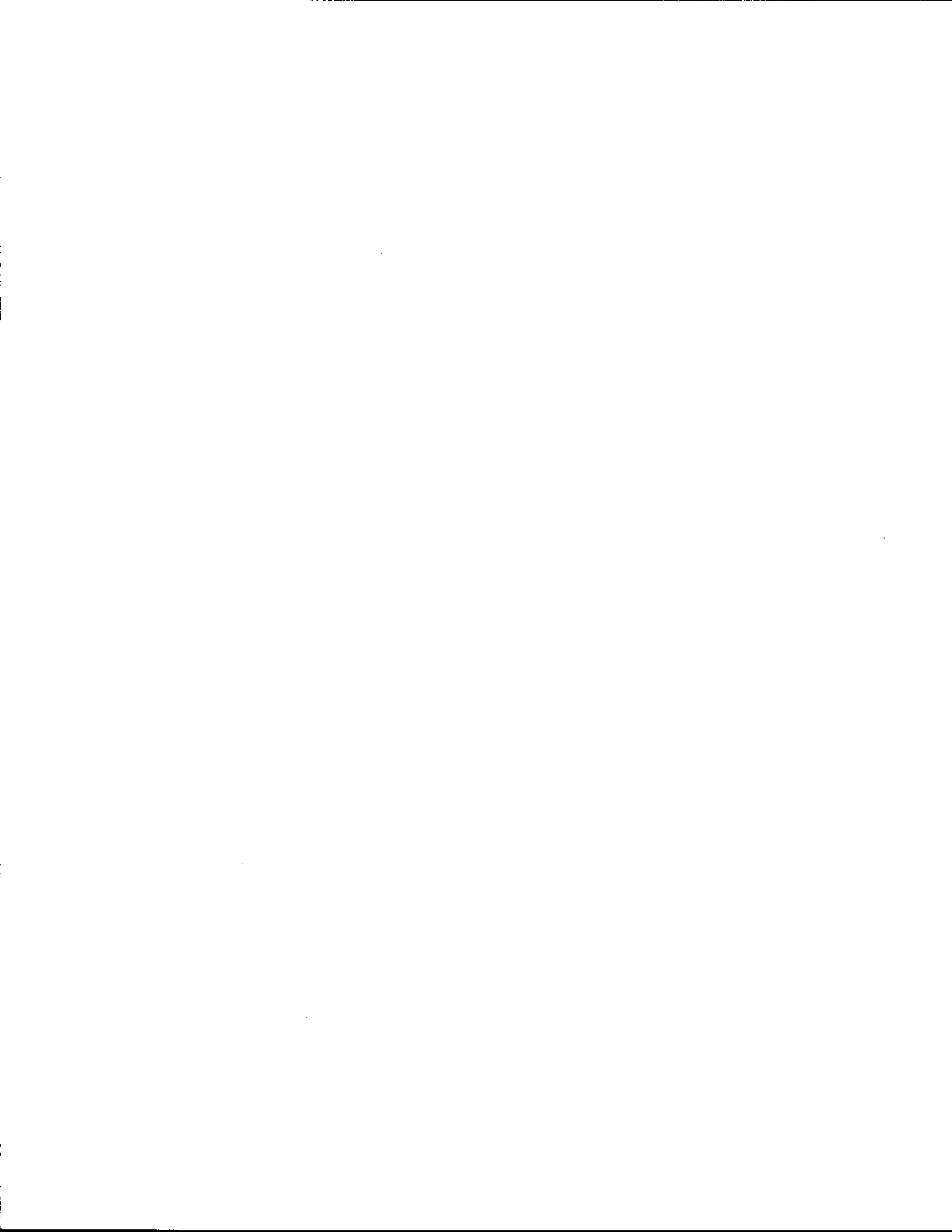


**ASSESSMENT DIAGRAM**

Printed by jpickeri on 9/5/08



DENOTES LANDSCAPED AND MAINTAINED PARKWAY



2 RESOLUTION NO. 2008-423

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
4 DECLARING ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 2 TO ZONE 36  
5 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
6 OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT  
7 OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING;  
8 ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING  
9 THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF  
10 LOCATION 2 TO ZONE 36; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED  
11 BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE  
12 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA  
13 CONSTITUTION AND SECTION 4000 OF 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. 2008-422 on October 7, 2008 initiating  
16 proceedings for the annexation of Location 2 (hereinafter "Location 2"), as described and shown in  
17 Exhibit "A", which is attached hereto and incorporated herein, to Zone 36 of Landscaping and Lighting  
18 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 respectively, "Zone 36" and "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of  
20 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the  
21 Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation  
22 of a report (hereinafter the "Report") regarding the proposed annexation of Location 2 and the  
23 assessments to be levied within Location 2 each fiscal year beginning fiscal year 2009-10 for the the  
24 maintenance and servicing of landscaping within the public right-of-way within said Location; 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 Location 2  
of Zone 36; and

WHEREAS, the Board of Supervisors by Resolution No. 2008-422 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**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
6 Ballot Election" allowing for the election to be held on November 25, 2008; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
10 Report, the annexation of Location 2, and the assessments to be levied on parcels within Location 2  
11 beginning in fiscal year 2009-10;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors in regular session assembled on October 7, 2008 as follows:

14 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the  
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2009-10 on all parcels within Location 2 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$73.52 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Location 2, as described and shown in Exhibit "A", to Zone 36 of L&LMD No. 89-1-C, and  
23 to levy and collect an annual assessment on all assessable lots and parcels of property within  
24 Location 2 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly  
25 states that there are no parcels or lots within Location 2 that are owned by a federal, state or other local  
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

1 annual assessments will be collected at the same time and in the same manner as property taxes are  
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
3 collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Location 2 is proposed to be  
5 annexed into Zone 36 of L&LMD No. 89-1-C and shall include that property in the unincorporated area  
6 of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
8 landscaping authorized for Location 2 of Zone 36 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of landscaping within the public right-of-way including  
10 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
11 ornamental vegetation; and
- 12 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
13 landscaping, including but not limited to electricity for operation of the irrigation system  
14 and water for irrigation.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
16 benefits from the annexation of Location 2 to Zone 36 of L&LMD No. 89-1-C will be \$73.52 per parcel  
17 for fiscal year 2009-10. As stated in the Report, the total budget for Location 2 for the fiscal year  
18 2009-10 is \$3,014.00; there are 41 parcels that are to be assessed. The annual assessment will be  
19 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
20 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange  
21 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor  
22 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the  
23 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for  
24 March of 2008. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a  
25 majority approval of all the property owners within Location 2. The Board of Supervisors will levy the  
26 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for

1 the dissolution of Location 2 of Zone 36 of L&LMD No. 89-1-C. The annual assessment will fund the  
2 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the  
3 Report on file in the Office of the Clerk of the Board of Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed into Zone 36 of  
5 L&LMD No. 89-1-C is Location 2. The boundaries of Location 2 are located within the unincorporated  
6 area of the County and are described and shown in the Report and Exhibit "A".

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
9 the Report for a full and detailed description of the services, the boundaries of Location 2, and the  
10 annual assessment to be levied upon assessable lots and parcels within Location 2 proposed to be  
11 annexed to Zone 36 of L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Location 2 shall be annexed into  
13 Zone 36 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10  
14 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on November 25,  
15 2008, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon  
16 Street, 1<sup>st</sup> Floor, Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Location 2 is to  
18 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID  
19 and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to  
20 the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the  
21 boundaries of Location 2 if there is a majority protest with regard to the annexation of Location 2. A  
22 majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment  
23 ballots submitted in opposition to the annexation and assessment of Location 2 exceeds the  
24 assessment ballots in favor of the annexation and assessment of Location 2.

25 **Section 10. Information.** Any property owner desiring additional information regarding  
26 Location 2 of Zone 36 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Location 2 to be annexed into Zone 36 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 41 parcel(s) as shown on Tract Map No. 34120 in the County of Riverside, State of California for fiscal year 2009-10.

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

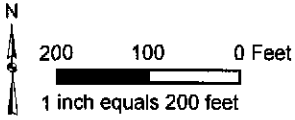
**ZONE 36, LOCATION 2**

PORTION OF SECTION 8, T.7S., R.9E.

TRACT MAP NO. 34120 - 41 PARCELS

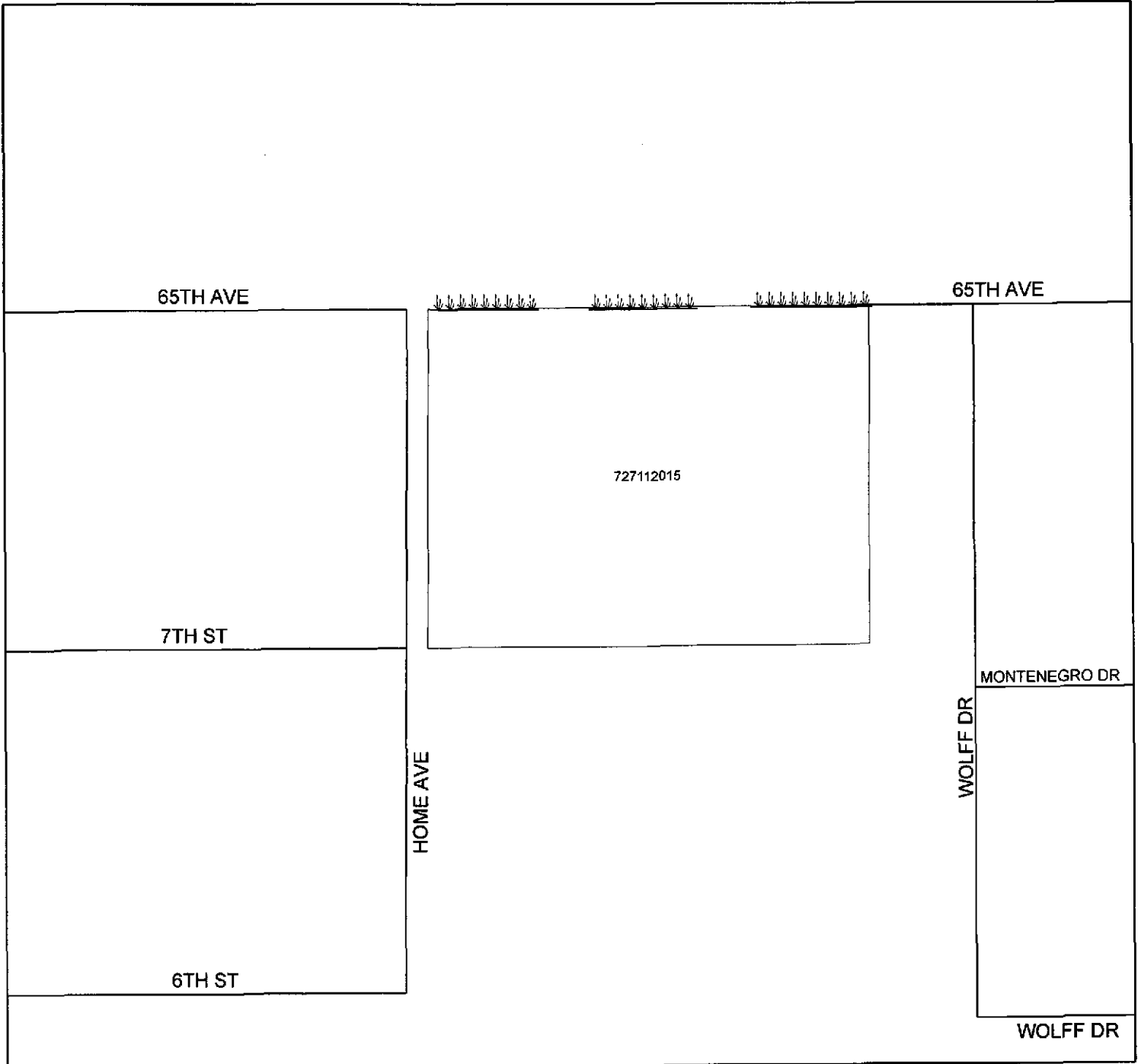


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**ASSESSMENT DIAGRAM**

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