

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

714A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
September 29, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 128 (Rubidoux/Sunnyslope).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2008-424 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 128 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 128.

Resolution No. 2008-425, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 128 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

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:	2008-09

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: 7/19/07
Departmental Concurrence

Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.

District: 2

Agenda Number:

3.41

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 128 (Rubidoux/Sunnyslope).

September 29, 2008

Page 2 of 2

1972 for the maintenance and servicing of fossil filters; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 128, 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. 2008-424 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 128 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-425 declares the Board's intention of ordering the annexation of Zone 128 to L&LMD No. 89-1-C. Annexation of Zone 128 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located northerly of Granite Hill Dr and easterly of Camino Real in the Rubidoux/Sunnyslope area and includes 192 condominium parcels.

The proposed budget for fiscal year 2009-10 for Zone 128 is \$4,515.00 that will result in an assessment for fiscal year 2009-10 within Zone 128 of \$23.52 per condominium parcel as shown as lots 1 through 11 on Tract Map No. 28851. 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 Zone 128 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-425, 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 128 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 128 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. 2008-424

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 128 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 128"), 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 128 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 128; 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 Zone 128
2 to 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 Zone 128 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 128 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way
13 including the removal of petroleum hydrocarbons and other pollutants from
14 water runoff.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 128 that are
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
17 described in Exhibit "A".

18 **Section 4. Report.** The Director of the Department of the County, or his designee,
19 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
20 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
21 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
22 levy.

23 **Section 5. Effective Date.** This Resolution shall take effect from and after its date
24 of adoption.

25
26
FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER 9/18/08
DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 128 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 11 as shown on Tract Map No. 28851 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

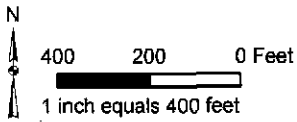
ZONE 128

PORTION OF SECTIONS 6 & 7, T.2S., R.5W.

TRACT MAP NO. 28851 - 192 CONDOMINIUM PARCELS

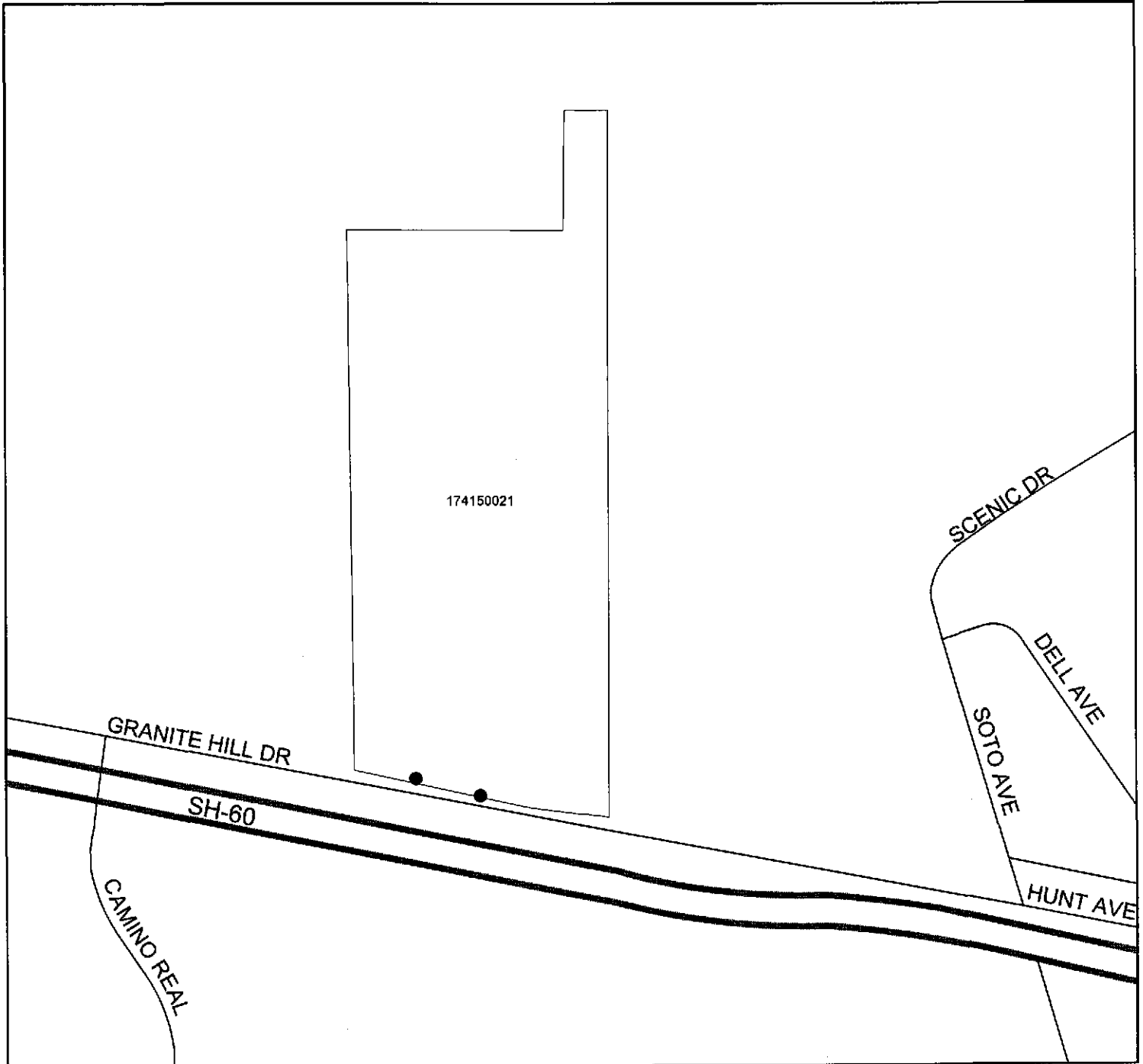


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ASSESSMENT DIAGRAM

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● DENOTES MAINTAINED FOSSIL FILTER

2 RESOLUTION NO. 2008-425

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 128 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; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 128; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA
12 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. 2008-424 on October 7, 2008 initiating
15 proceedings for the annexation of Zone 128 (hereinafter "Zone 128"), 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 128 and the assessments to be levied within
22 Zone 128 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of fossil
23 filters within the public right-of-way within said Zone; and

24 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 128;
and

WHEREAS, the Board of Supervisors by Resolution No. 2008-424 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 Zone 128, and the assessments to be levied on parcels within Zone 128
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 Zone 128 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$23.52 per condominium parcels as shown
21 as lots 1 through 11 on Tract Map No. 28851.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
23 annexation of Zone 128, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
24 collect an annual assessment on all assessable lots and parcels of property within Zone 128
25 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly states that
26

1 there are no parcels or lots within Zone 128 that are owned by a federal, state or other local
2 governmental agency that will benefit from the services to be financed by the annual assessments. The
3 annual assessments will be collected at the same time and in the same manner as property taxes are
4 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
5 collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Zone 128 is proposed to be
7 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
8 County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
10 fossil filters authorized for Zone 128 of L&LMD No. 89-1-C are:

- 11 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
12 removal of petroleum hydrocarbons and other pollutants from water runoff.

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
14 benefits from the annexation of Zone 128 of L&LMD No. 89-1-C will be \$23.52 per condominium
15 parcels as shown as lots 1 through 11 on Tract Map No. 28851 for fiscal year 2009-10. As stated in the
16 Report, the total budget for Zone 128 for the fiscal year 2009-10 is \$4,515.00; there are 192 parcels
17 that are to be assessed. The annual assessment will be increased by the greater of two percent (2.0%)
18 or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers
19 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
20 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
21 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands
22 on March of each year over the base Index for March of 2008. Any increase larger than the greater of
23 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within
24 Zone 128. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
25 Board of Supervisors undertakes proceedings for the dissolution of Zone 128 of L&LMD No. 89-1-C.

26

1 The annual assessment will fund the services described in Section 4 of this Resolution. For further
2 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
3 Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
5 89-1-C is Zone 128. The boundaries of Zone 128 are located within the unincorporated area of the
6 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 Zone 128, and the
10 annual assessment to be levied upon assessable lots and parcels within Zone 128 proposed to be
11 annexed to L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 128 shall be annexed into
13 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be
14 considered at a public hearing (hereinafter the "Public Hearing") to be held on November 25, 2008, at
15 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
16 1st Floor, Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Zone 128 is to receive
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
19 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
20 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
21 Zone 128 if there is a majority protest with regard to the annexation of Zone 128. A majority protest
22 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
23 in opposition to the annexation and assessment of Zone 128 exceeds the assessment ballots in favor
24 of the annexation and assessment of Zone 128.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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

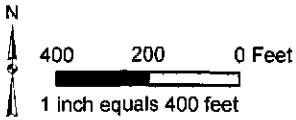
ZONE 128

PORTION OF SECTIONS 6 & 7, T.2S., R.5W.

TRACT MAP NO. 28851 - 192 CONDOMINIUM PARCELS

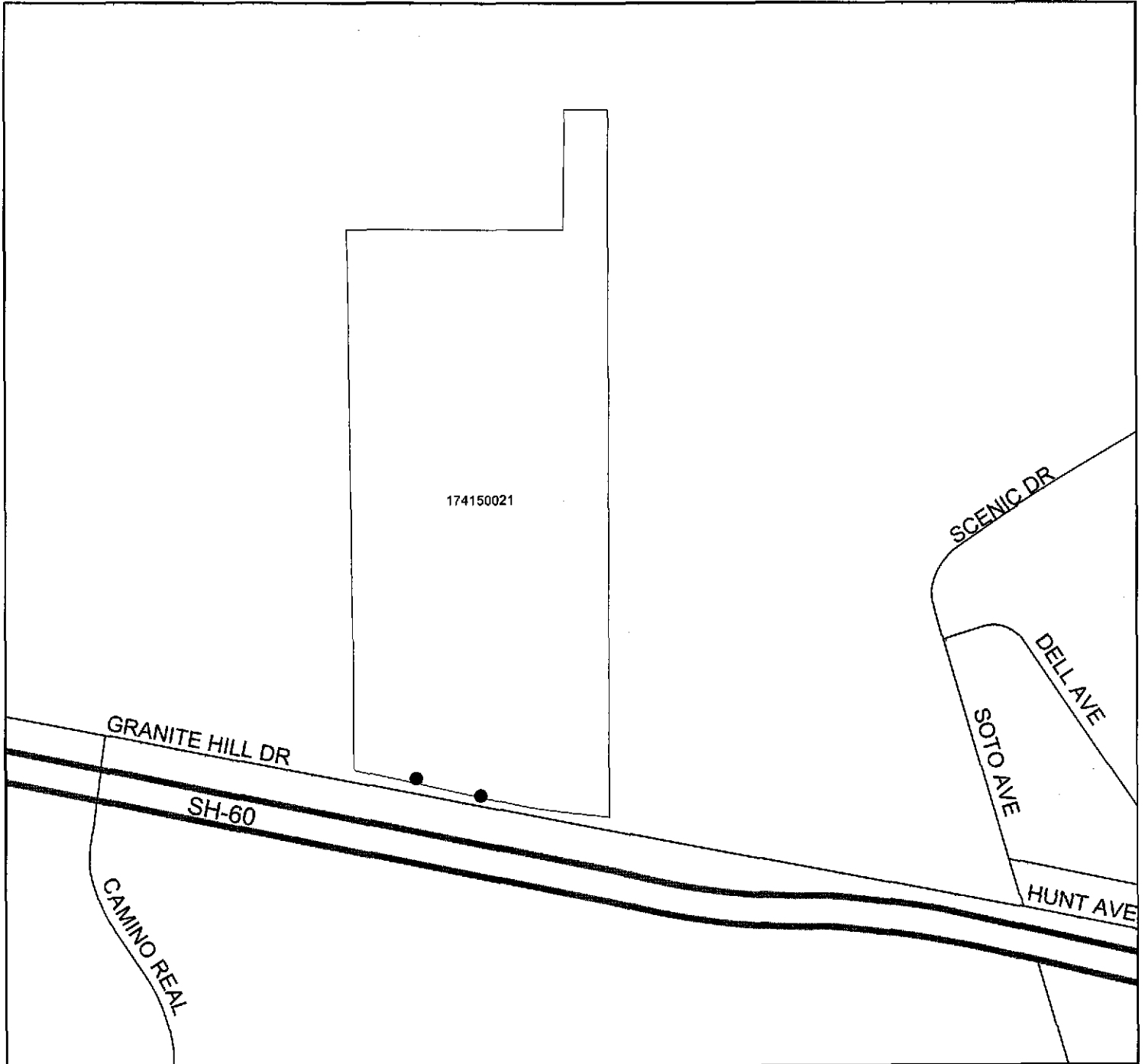


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