

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

624A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
December 15, 2008

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, New Improvements for Street Lighting Zone 78 (Valle Vista).

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2008-511, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment for New Improvements for Street Lighting Zone 78 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 2009-10.

BACKGROUND: On November 25, 2008, a public hearing was held to receive all testimony regarding the New Improvements for Street Lighting Zone 78 of Landscaping and Lighting




 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 12/18/08
 Departmental Concurrence
 DATE

Policy
 Policy

Consent
 Consent

Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref. 10/07/08, 3.42
11/25/08, 9.13

District: 3

Agenda Number:

3.47

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, New
Improvements for Street Lighting Zone 78 (Valle Vista).

December 15, 2008

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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 November 26, 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 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the New Improvements for Street Lighting Zone 78 of L&LMD No. 89-1-C and the levy and enrollment of the special additional assessment.

The proposed additional assessment for fiscal year 2009-10 on all parcels within Street Lighting Zone 78 (which includes 1 commercial parcel) is \$27.06 per acre for the New Improvement (the provision of electricity for streetlights) and is in addition to an existing assessment of \$79.90 (that provides electricity for streetlights) that will result in a total assessment per acre of \$106.96. The proposed budget for the New Improvements for Street Lighting Zone 78 for fiscal year 2009-10 is \$330.00. 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. 2008-511 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Street Lighting Zone 78 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2009-10.

RESOLUTION NO. 2008-511

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE NEW IMPROVEMENTS FOR STREET LIGHTING ZONE 78 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR NEW IMPROVEMENTS FOR STREET LIGHTING ZONE 78 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 2009-10

WHEREAS, on October 7, 2008 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2008-429, 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 New Improvements for Street Lighting Zone 78 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 November 25, 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 Street Lighting Zone 78 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2008-429, 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 Street Lighting Zone 78 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on November 25, 2008, as set forth in Resolution No. 2008-429, 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 New Improvements for Street

1 Lighting Zone 78 of L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to
2 tally the 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 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of the New Improvements for Street Lighting Zone 78 of
6 L&LMD No. 89-1-C and the levy of an additional annual assessment in said Street Lighting Zone 78
7 beginning fiscal year 2009-10; 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 additional assessment, either
10 as originally proposed, or as changed by the Board of Supervisors, and the adoption of such a
11 resolution shall constitute the levy of an additional assessment on all assessable lots and parcels of
12 land within Street Lighting Zone 78 of L&LMD No. 89-1-C beginning fiscal year 2009-10.

13 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
14 Board of Supervisors of the County in regular session on December 23, 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 New Improvement for and additional annual
22 assessment of Street Lighting Zone 78 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 New Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C
25 and the levy of an additional annual assessment beginning fiscal year 2009-10,
26 and 0 percent voted no;

- 1 (e) the Board of Supervisors may proceed to adopt a resolution ordering the New
2 Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C;
- 3 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
4 diagram and additional assessment for Street Lighting Zone 78 of L&LMD No.
5 89-1-C either as originally proposed or as changed by it; and
- 6 (g) the additional assessments to be levied on the assessable lots and parcels of
7 land within Street Lighting Zone 78 of L&LMD No. 89-1-C for the installation,
8 maintenance and servicing of the New Improvements (streetlights) in said Street
9 Lighting Zone 78 during the fiscal year 2009-10 as contained in the report of the
10 Director of Transportation which is on file with the Clerk of the Board of
11 Supervisors (hereinafter the "Report") are based on benefits derived by such
12 lots and parcels from the availability of such streetlight improvements, and are
13 not based upon the ownership of such lots and parcels.

14 **Section 2. Annexation.** New Improvements for Street Lighting Zone 78, as
15 proposed to be annexed to L&LMD No. 89-1-C, includes all the property subject to Plot Plan No.
16 18786 in the County of Riverside, State of California as described in Exhibit "A" attached hereto, shall
17 be and is annexed into L&LMD No. 89-1-C.

18 **Section 3. Improvements.** The improvements authorized for Street Lighting Zone
19 78 of L&LMD No. 89-1-C are:

- 20 (a) Providing electricity to all streetlights within the public right-of-way including
21 incidental costs and expenses.

22 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
23 the additional assessment of estimated costs for the installation, maintenance and servicing of
24 streetlight improvements in Street Lighting Zone 78 of L&LMD No. 89-1-C for fiscal year 2009-10 as
25 contained in the Report are confirmed.
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Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the additional assessment for the installation, and maintenance or servicing of streetlight improvements in Street Lighting Zone 78 of L&LMD No. 89-1-C during fiscal year 2009-10, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

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

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER 12/9/08
DALE A. GARDNER DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 78 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 551-220-069 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2009-10.

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

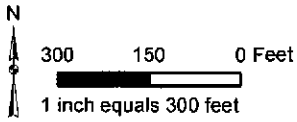
STREET LIGHTING ZONE 78

PORTION OF SECTION 7, T.5S., R.1E.

PLOT PLAN NO. 18786 - 1 PARCEL

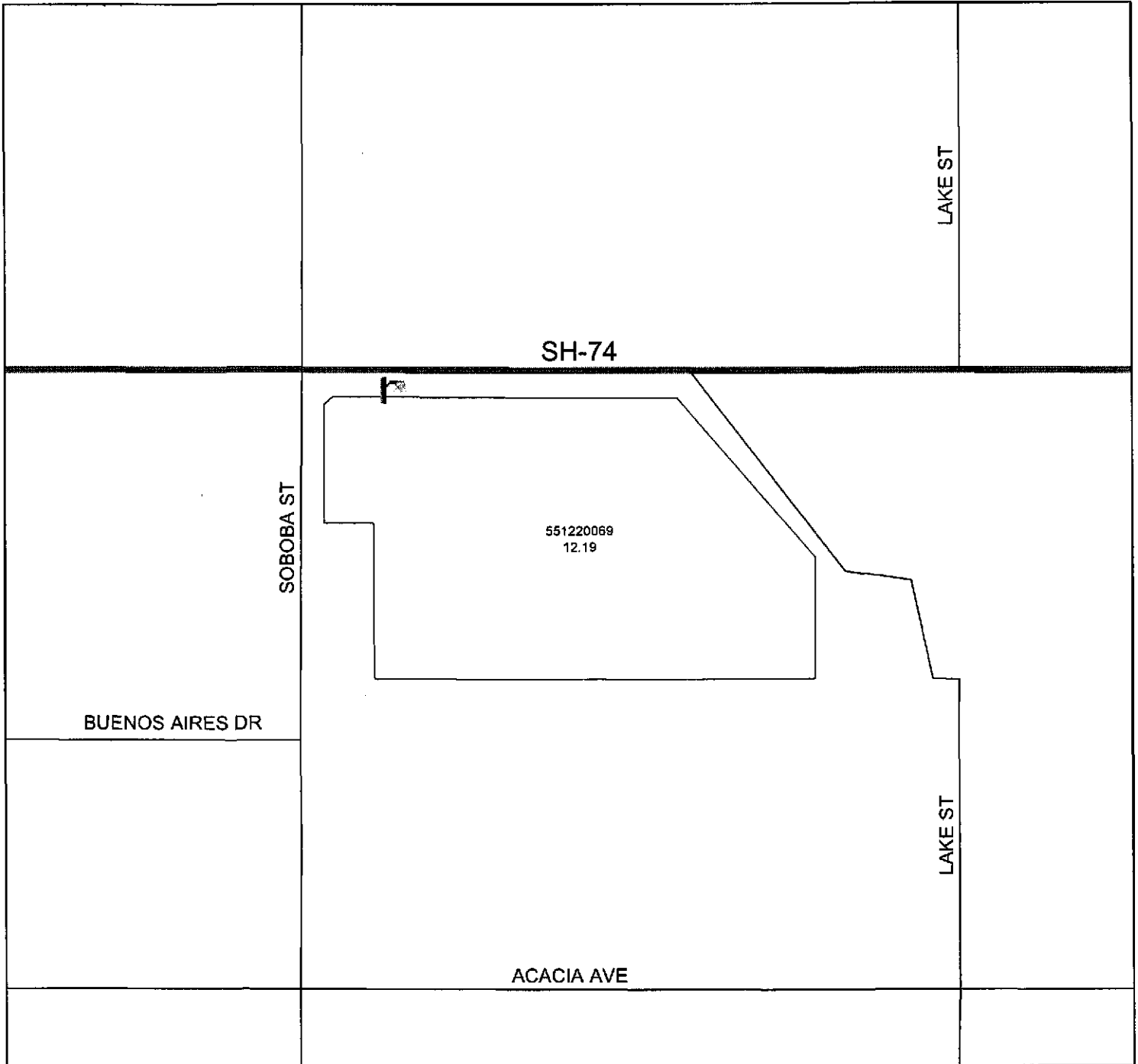


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ASSESSMENT DIAGRAM

Printed by jpickeri on 9/5/08



 DENOTES MAINTAINED STREETLIGHT