

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

627 A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
December 15, 2008

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

RECOMMENDED MOTION: That the Board:

1. Adopt resolution No. 2008-508, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment for Location 2 of Zone 36 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.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Location 2 of Zone 36 of Landscaping

Juan C. Perez
Director of Transportation

JAW:jp

FORM APPROVED COUNTY COUNSEL

BY: Dale A. Gardner DATE: 12/18/08
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:	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

Policy Policy

Consent Consent

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

Prev. Agn. Ref. 10/07/08, 3.40
11/25/08, 9.14

District: 4

Agenda Number:

3.48

The Honorable Board of Supervisors

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

December 15, 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 November 25, 2008, a public hearing was held to receive all testimony regarding the annexation of Location 2 to Zone 36 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 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 41 parcel(s) out of a possible 41 were cast, and that 41 vote(s) (or 100%) were cast in favor of the annexation of Location 2 to Zone 36 of L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2009-10 for Location 2 of Zone 36 is \$3,014.00 that will result in an assessment for fiscal year 2009-10 within Location 2 of Zone 36 of \$73.52 per parcel. Location 2 of Zone 36 includes 41 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. 2008-508 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Location 2 of Zone 36 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. 2008-508

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF LOCATION 2 TO ZONE 36 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LOCATION 2 OF ZONE 36 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. 2008-423, 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 2 to Zone 36 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 Location 2 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2008-423, 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 2 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on November 25, 2008, as set forth in Resolution No. 2008-423, 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 2 to Zone 36

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 41 parcels out of a possible 41 parcels and that 41 parcels (100 percent of
5 the assessment ballots received) voted in favor of annexation of Location 2 to Zone 36 of L&LMD No.
6 89-1-C and the levy of an annual assessment in said Location 2 beginning fiscal year 2009-10; 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 Location 2 of
11 Zone 36 of L&LMD No. 89-1-C beginning fiscal year 2009-10.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on December 23, 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 Location 2 to
21 Zone 36 of 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 Location 2 to Zone 36 of L&LMD No. 89-1-C and the
24 levy of an annual assessment beginning fiscal year 2009-10, and 0 percent
25 voted no;
- 26

- 1 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
2 annexation of Location 2 to Zone 36 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 2 of Zone 36 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 2 of Zone 36 of L&LMD No. 89-1-C for the installation, maintenance
8 and servicing of landscaping improvements in said Location 2 during the fiscal
9 year 2009-10 as contained in the report of the Director of Transportation which
10 is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
11 based on benefits derived by such lots and parcels from the availability of such
12 landscaping improvements, and are not based upon the ownership of such lots
13 and parcels.

14 **Section 2. Annexation.** Location 2 of Zone 36, as proposed to be annexed to
15 L&LMD No. 89-1-C, includes all the property subject to Tract Map No. 34120 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 2 of Zone 36
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.
26

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

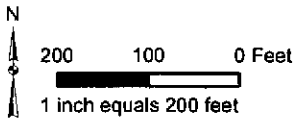
ZONE 36, LOCATION 2

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

TRACT MAP NO. 34120 - 41 PARCELS

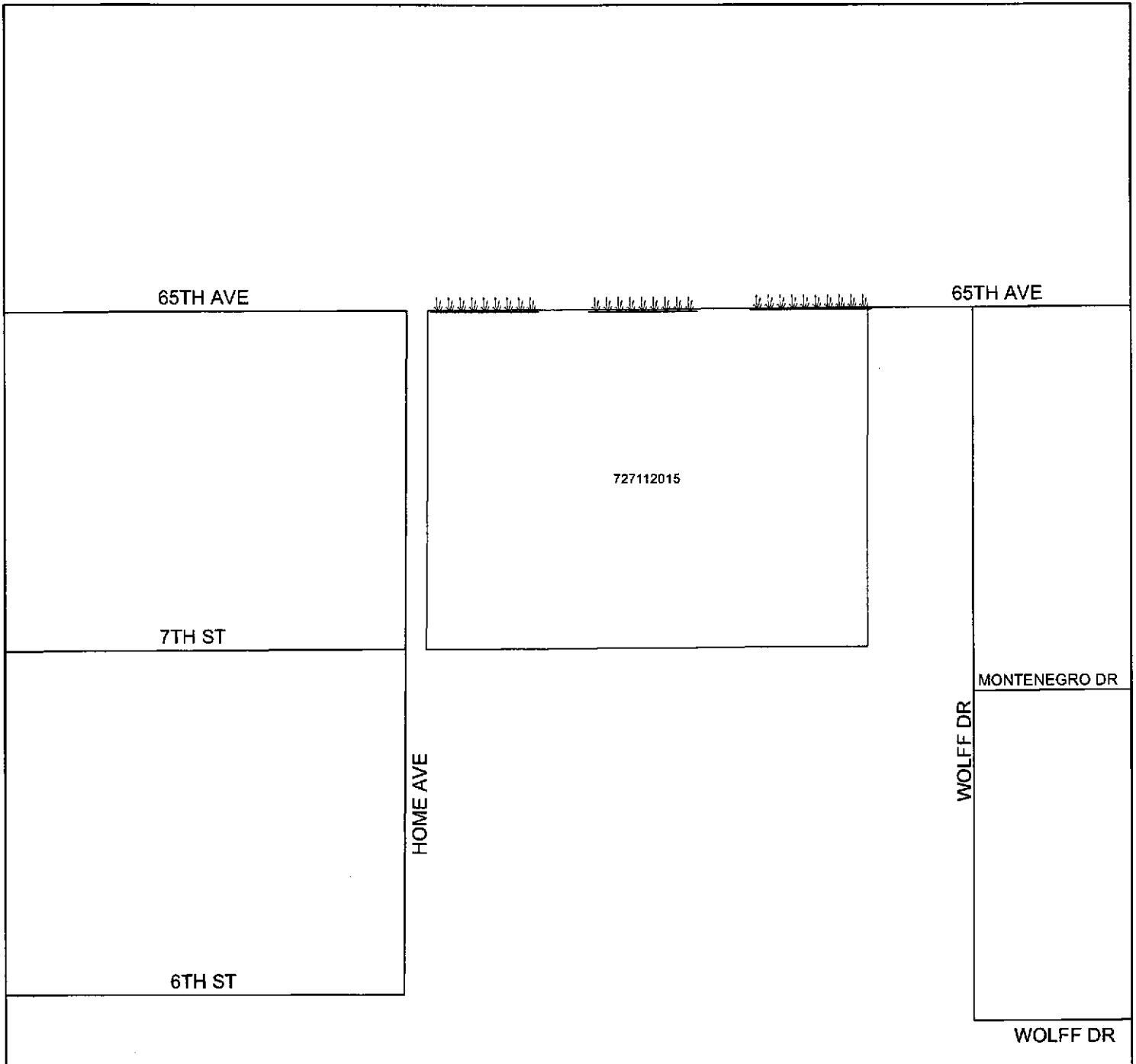


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ASSESSMENT DIAGRAM

Printed by jpickeri on 9/5/08



DENOTES LANDSCAPED AND MAINTAINED PARKWAY