

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

301A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
February 2, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 120 (Rancho California).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-016 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 120 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 120.

Resolution No. 2009-017, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 120 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 1/21/09
DATE: 1/21/09
Departmental Concurrence

Dept Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.26

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 120 (Rancho California).

February 2, 2009

Page 2 of 2

1972 for the maintenance and servicing of landscaping, multi-purpose trails, fencing, fossil filters, bio-swales, streetlights, traffic signals, and graffiti abatement; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 120, 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. 2009-016 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 120 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-017 declares the Board's intention of ordering the annexation of Zone 120 to L&LMD No. 89-1-C. Annexation of Zone 120 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping, multi-purpose trails, fencing, fossil filters, bio-swales, graffiti abatement, and traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located easterly of Butterfield Stage Rd and southerly and westerly of La Serena Way in the Rancho California area, and includes 63 single-family residential lots and 3 commercial parcels.

The proposed budget for fiscal year 2009-10 for Zone 120 is \$200,134.00 that will result in an assessment for fiscal year 2009-10 within Zone 120 of \$699.76 per EDU (Equivalent Dwelling Unit). Rates for various land uses are as follows:

1 Single Family lot	=	1 EDU	=	\$ 699.76 per year
1 Industrial acre	=	4 EDUs	=	\$2,799.04 per year
1 Commercial acre	=	8 EDUs	=	\$5,598.08 per year

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 2009.

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 April 7, 2009 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 120 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-017, 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 120 will be annexed to L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Zone 120, have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on April 7, 2009.

2 **RESOLUTION NO. 2009-016**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 120 TO LANDSCAPING AND LIGHTING**
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter
11 "Department") of the County that said Department has received an application from the owner (the
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 120"),
13 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be
14 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 120 to
17 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with
18 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 120; and

23 **WHEREAS**, the Applicants have executed a "Waiver and Consent Regarding Date of
24 Assessment Ballot Election" allowing for the election to be held on April 7, 2009; and

25 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
26 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 120
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 February 10, 2009
5 as 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 120 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 120 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of landscaping, bio-swales, and multi-purpose
13 trails within the public right-of-way including the trimming, fertilizing, weeding
14 and replanting of trees, shrubs, grass, and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping and bio-swales, including but not limited to electricity for
17 operation of the irrigation system and water for irrigation; and
- 18 (c) Providing graffiti abatement services to walls and structures within the public
19 right-of-way including incidental costs and expenses; and
- 20 (d) The maintenance and servicing of fossil filters within the public right-of-way
21 including the removal of petroleum hydrocarbons and other pollutants from
22 water runoff; and
- 23 (e) Providing electricity to and the maintenance and servicing of traffic signals within
24 the public right-of-way including incidental costs and expenses; and
- 25 (f) Providing electricity to all streetlights within the public right-of-way including
26 incidental costs and expenses.

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Section 3. Boundaries and Designation. The boundaries of Zone 120 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described in Exhibit "A".

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

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

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER 11/21/09 DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 120 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 3 commercial parcels as shown on Parcel Map No. 32888 and 63 single-family residential lots as shown on Tract Map No. 32594 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 120

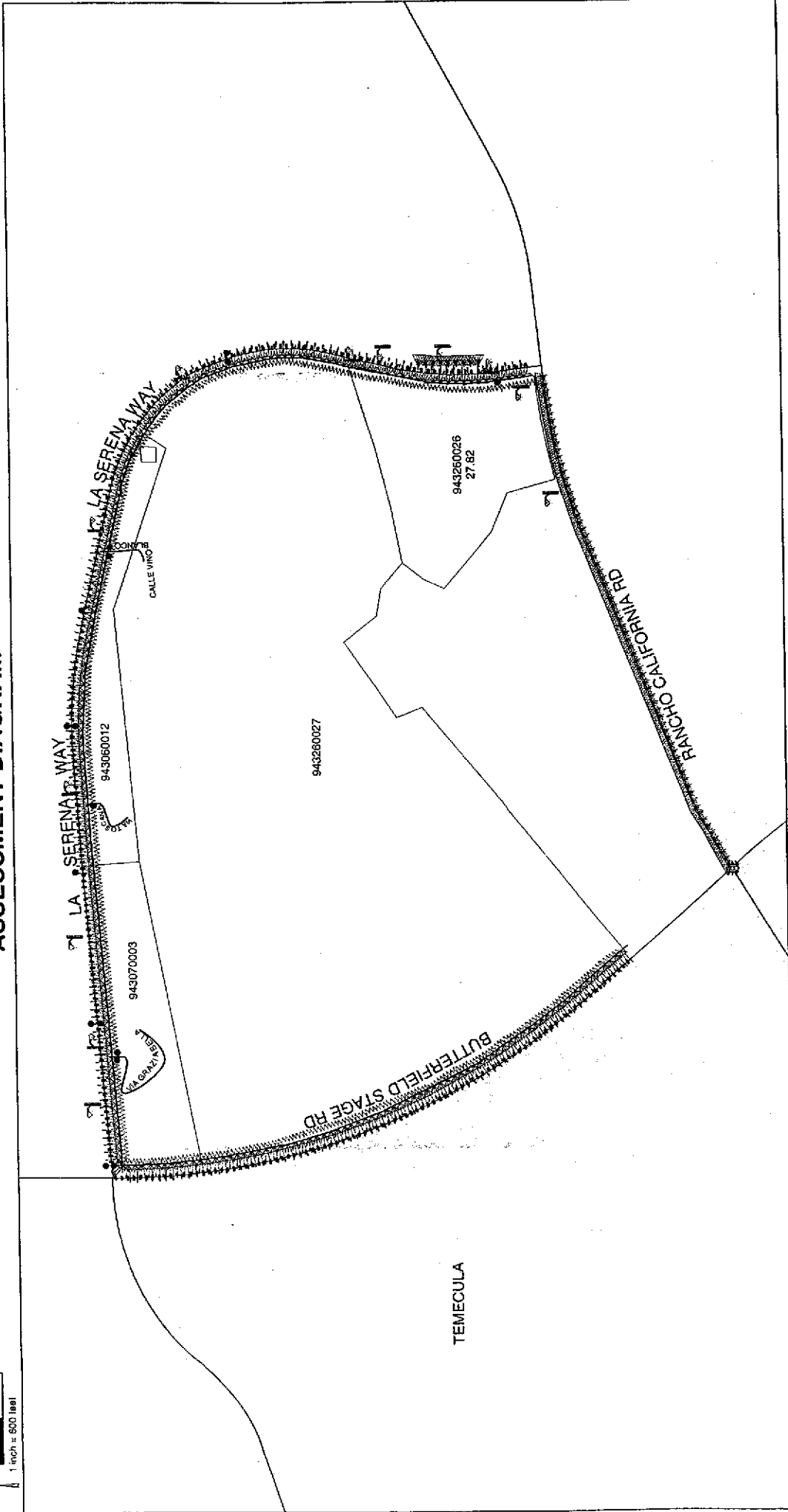
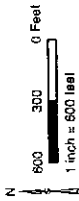
PORTION OF SECTIONS 27, 28, 33, & 34, T.7S., R.2W.

PARCEL MAP NO. 32888 & TRACT MAP NO. 32594 - 66 PARCELS

ASSESSMENT DIAGRAM



Printed by plcken on 1/13/09



- ▬ DENOTES LANDSCAPED AND MAINTAINED PARKWAY
- ▬ DENOTES LANDSCAPED AND MAINTAINED BIO-SWALES
- DENOTES MAINTAINED FOSSIL FILTER
- ▬ DENOTES MAINTAINED TRAFFIC SIGNAL
- ▬ DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCE
- ▬ DENOTES MAINTAINED GRAFFITI ABATEMENT
- ▬ DENOTES MAINTAINED STREETLIGHT

RESOLUTION NO. 2009-017

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 120 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING, MULTI-PURPOSE TRAILS, FENCING, FOSSIL FILTERS, BIO-SWALES, STREETLIGHTS, TRAFFIC SIGNALS, AND GRAFFITI ABATEMENT; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 120; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2009-016 on February 10, 2009 initiating proceedings for the annexation of Zone 120 (hereinafter "Zone 120"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 120 and the assessments to be levied within Zone 120 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of landscaping, multi-purpose trails, fencing, fossil filters, bio-swales, graffiti abatement, and traffic signals, and the provision of electricity for streetlights and traffic signals within the public right-of-way within said Zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the 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 Zone 120; and

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2009-016 directed the Director of the
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
4 Street and Highways Code and Section 4 of Article XIID; and

5 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and
6 the Report has been presented to and considered by the Board of Supervisors; and

7 **WHEREAS**, the Applicants have executed a "Waiver and Consent Regarding Date of
8 Assessment Ballot Election" allowing for the election to be held on April 7, 2009; and

9 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
12 Report, the annexation of Zone 120, and the assessments to be levied on parcels within Zone 120
13 beginning in fiscal year 2009-10;

14 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
15 Board of Supervisors in regular session assembled on February 10, 2009 as follows:

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

- 17 (a) The foregoing recitals are true and correct;
- 18 (b) The Report contains all matters required by Sections 22565 through 22574 of the
19 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
20 approved by the Board of Supervisors;
- 21 (c) The annual assessment for fiscal year 2009-10 on all parcels within Zone 120 proposed
22 to be annexed to L&LMD No. 89-1-C will be \$699.76 per EDU.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Zone 120, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
25 collect an annual assessment on all assessable lots and parcels of property within Zone 120
26 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly states that

1 there are no parcels or lots within Zone 120 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 120 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 landscaping, multi-purpose trails, fencing, fossil filters, bio-swales, graffiti abatement, and traffic signals,
11 and the provision of electricity for streetlights and traffic signals authorized for Zone 120 of L&LMD No.
12 89-1-C are:

- 13 (a) The maintenance and servicing of landscaping, bio-swales, and multi-purpose trails
14 within the public right-of-way including the trimming, fertilizing, weeding and replanting of
15 trees, shrubs, grass, and other ornamental vegetation; and
- 16 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
17 landscaping and bio-swales, including but not limited to electricity for operation of the
18 irrigation system and water for irrigation; and
- 19 (c) Providing graffiti abatement services to walls and structures within the public right-of-way
20 including incidental costs and expenses; and
- 21 (d) The maintenance and servicing of fossil filters within the public right-of-way including the
22 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 23 (e) Providing electricity to and the maintenance and servicing of traffic signals within the
24 public right-of-way including incidental costs and expenses; and
- 25 (f) Providing electricity to all streetlights within the public right-of-way including incidental
26 costs and expenses.

1 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
2 benefits from the annexation of Zone 120 of L&LMD No. 89-1-C will be \$699.76 per EDU (or single
3 family residential parcel), \$2,799.04 per acre of industrial property, and \$5,598.08 per acre of
4 commercial property for fiscal year 2009-10. As stated in the Report, the total budget for Zone 120 for
5 the fiscal year 2009-10 is \$200,134.00; there are 66 parcels that are to be assessed that aggregate to
6 286 EDUs. The annual assessment will be increased by the greater of two percent (2.0%) or the
7 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U")
8 for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index")
9 published by the Bureau of Labor Statistics of the United States Department of Labor. The annual
10 CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of
11 each year over the base Index for March of 2009. Any increase larger than the greater of 2.0% or the
12 CPI-U annual adjustment requires a majority approval of all the property owners within Zone 120. The
13 Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of
14 Supervisors undertakes proceedings for the dissolution of Zone 120 of L&LMD No. 89-1-C. The annual
15 assessment will fund the services described in Section 4 of this Resolution. For further particulars,
16 reference is to be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

17 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
18 89-1-C is Zone 120. The boundaries of Zone 120 are located within the unincorporated area of the
19 County and are described and shown in the Report and Exhibit "A".

20 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
21 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
22 the Report for a full and detailed description of the services, the boundaries of Zone 120, and the
23 annual assessment to be levied upon assessable lots and parcels within Zone 120 proposed to be
24 annexed to L&LMD No. 89-1-C.

25 **Section 8. Public Hearing.** The question of whether Zone 120 shall be annexed into
26 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be

1 considered at a public hearing (hereinafter the "Public Hearing") to be held on April 7, 2009, at 9:30
2 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
3 Riverside, California.

4 **Section 9. Majority Protest.** Each owner of record of property within Zone 120 is to receive
5 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
6 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
7 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
8 Zone 120 if there is a majority protest with regard to the annexation of Zone 120. A majority protest
9 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
10 in opposition to the annexation and assessment of Zone 120 exceeds the assessment ballots in favor
11 of the annexation and assessment of Zone 120.

12 **Section 10. Information.** Any property owner desiring additional information regarding
13 Zone 120 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
14 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
15 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
16 (951) 955-6829.

17 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
18 annexation of Zone 120 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
19 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
20 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
21 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is April 7,
22 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
23 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
24 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
25 Section 4000 of the California Elections Code to all owners of record of property within Zone 120 as
26 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and

1 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on April 7,
2 2009.

3 **Section 12. Effective Date.** This Resolution shall take effect from and after its date of
4 adoption.

FORM APPROVED COUNTY COUNSEL
BY: *Dale A. Gardner* 1/21/07
DALE A. GARDNER DATE

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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 120 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 3 commercial parcels as shown on Parcel Map No. 32888 and 63 single-family residential lots as shown on Tract Map No. 32594 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 120

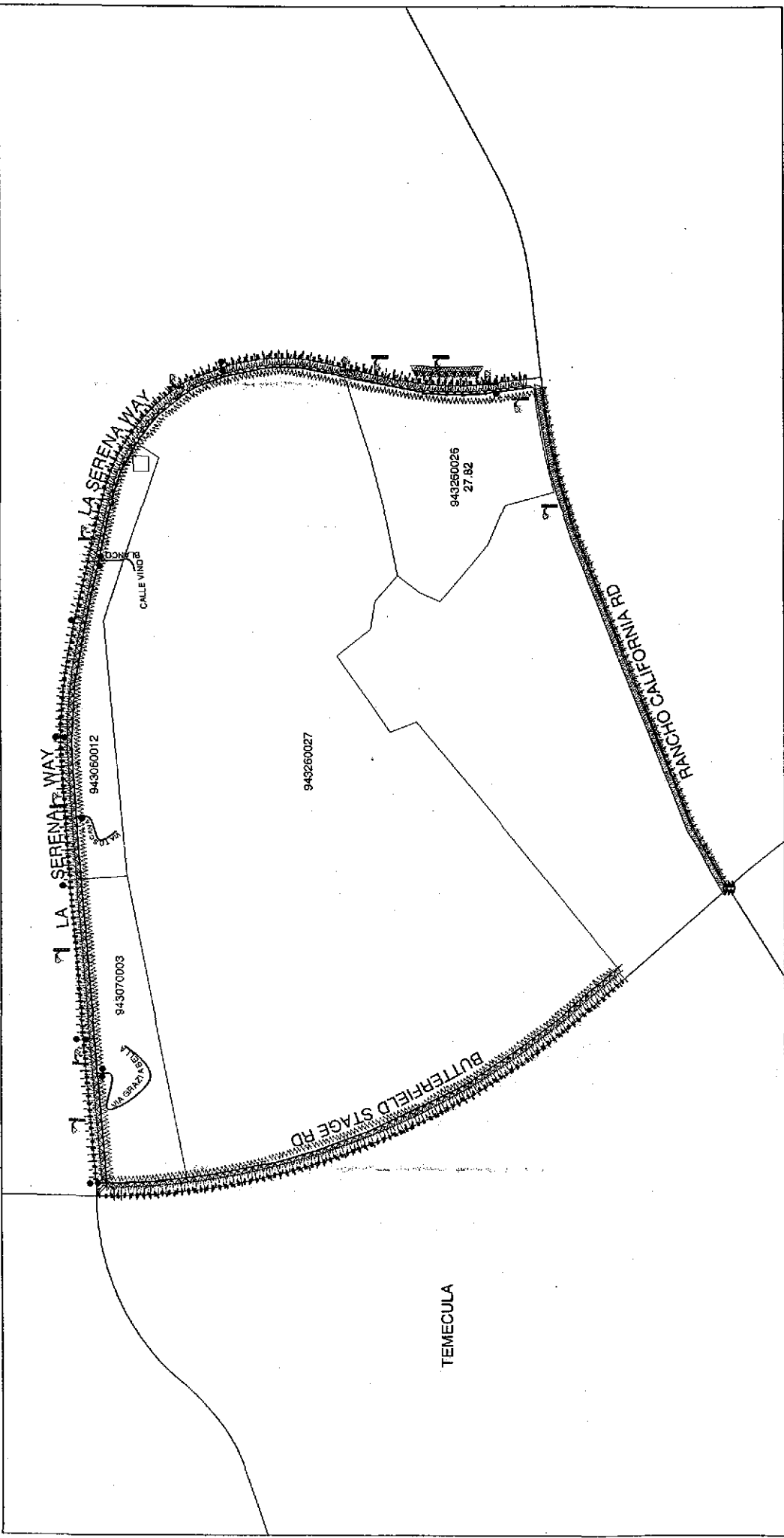
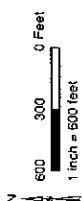
PORTION OF SECTIONS 27, 28, 33, & 34, T.7S., R.2W.

PARCEL MAP NO. 32888 & TRACT MAP NO. 32594 - 66 PARCELS

ASSESSMENT DIAGRAM



The Office of the City Engineer is responsible for the preparation of this map. The City Engineer is not responsible for the accuracy of the information provided on this map. Printed by jpickert on 1/13/09



- DENOTES LANDSCAPED AND MAINTAINED PARKWAY
- DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCE
- DENOTES LANDSCAPED AND MAINTAINED BIO-SWALES
- DENOTES MAINTAINED FOSSIL FILTER
- DENOTES MAINTAINED TRAFFIC SIGNAL
- DENOTES MAINTAINED GRAFFITI ABATEMENT
- DENOTES MAINTAINED STREETLIGHT