

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

303A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
February 2, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 137 (Mira Loma).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-020 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 137 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 137.

Resolution No. 2009-021, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 137 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

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER
DATE: 1/21/09

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

Prev. Agn. Ref. | District: 2 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.28

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 137 (Mira Loma).

February 2, 2009

Page 2 of 2

1972 for the maintenance and servicing of fossil filters, streetlights, and traffic signals, and the provision of electricity for streetlights and traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 137, 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. 2009-020 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 137 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-021 declares the Board's intention of ordering the annexation of Zone 137 to L&LMD No. 89-1-C. Annexation of Zone 137 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters, streetlights, and traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located northerly, southerly, easterly, and westerly of Britcher Dr, northwesterly of Bellegrave Ave, and at the intersection of Bellegrave Ave and Bain St in the Mira Loma area and includes 3 commercial parcels, totaling 37.69 acre(s).

The proposed budget for fiscal year 2009-10 for Zone 137 is \$9,248.00 that will result in an assessment for fiscal year 2009-10 within Zone 137 of \$245.36 per acre. 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 137 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-021, 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 137 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 137 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 April 7, 2009.

RESOLUTION NO. 2009-020

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 137 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 137"), 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 137 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 137; and

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

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1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 137
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 137 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 137 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; and
- 15 (b) Providing electricity to and the maintenance and servicing of traffic signals within
16 the public right-of-way including incidental costs and expenses; and
- 17 (c) Providing electricity to all streetlights within the public right-of-way including
18 incidental costs and expenses.

19 **Section 3. Boundaries and Designation.** The boundaries of Zone 137 that are
20 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
21 described in Exhibit "A".

22 **Section 4. Report.** The Director of the Department of the County, or his designee,
23 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
24 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
25 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
26 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 1/21/09
DALE A. GARDNER DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 137 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 156-210-064 and 065, and 170-330-027 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

ZONE 137

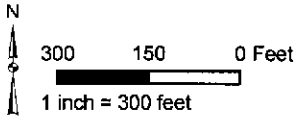
PORTION OF SECTIONS 9 & 10, T.2S., R.6W.

PARCEL MAP NOS. 32479 & 34178 AND PLOT PLAN NO. 19980

3 PARCELS

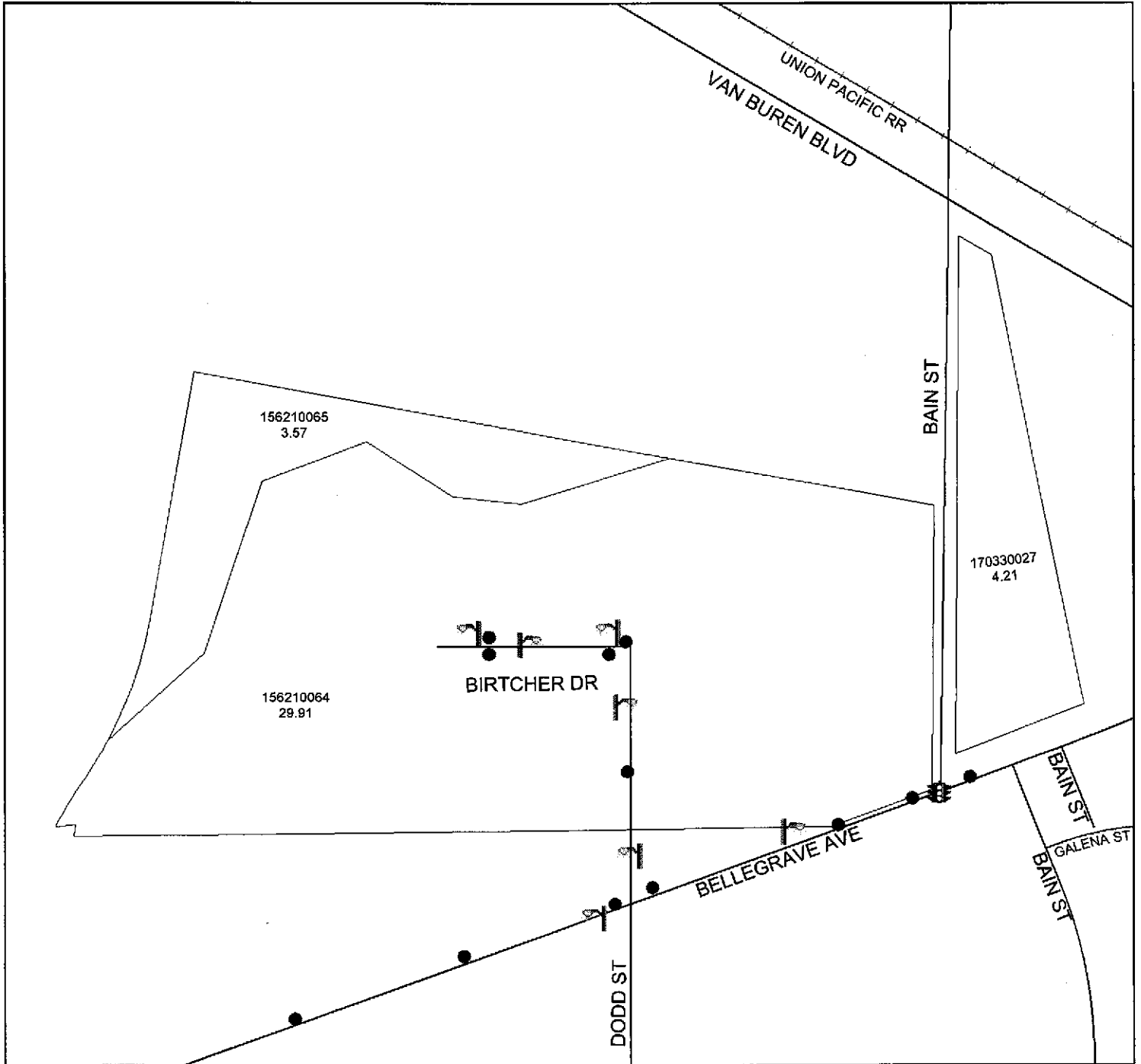


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ASSESSMENT DIAGRAM

Printed by jpickeri on 1/5/09



- DENOTES MAINTAINED FOSSIL FILTER
- T DENOTES MAINTAINED STREETLIGHT
- Ⓜ DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2009-021

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 137 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 FOSSIL FILTERS, STREETLIGHTS, AND TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 137; 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. 2009-020 on February 10, 2009 initiating proceedings for the annexation of Zone 137 (hereinafter "Zone 137"), 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 137 and the assessments to be levied within Zone 137 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of fossil filters, streetlights, 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 137; and

b

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2009-020 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 Applicant has executed a "Waiver and Consent Regarding Date of Assessment
8 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 137, and the assessments to be levied on parcels within Zone 137
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 137 proposed
22 to be annexed to L&LMD No. 89-1-C will be \$245.36 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Zone 137, 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 137
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 137 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 137 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, streetlights, and traffic signals, and the provision of electricity for streetlights and traffic
11 signals authorized for Zone 137 of L&LMD No. 89-1-C are:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
13 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 14 (b) Providing electricity to and the maintenance and servicing of traffic signals within the
15 public right-of-way including incidental costs and expenses; and
- 16 (c) Providing electricity to all streetlights within the public right-of-way including incidental
17 costs and expenses.

18 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
19 benefits from the annexation of Zone 137 of L&LMD No. 89-1-C will be \$245.36 per acre for fiscal year
20 2009-10. As stated in the Report, the total budget for Zone 137 for the fiscal year 2009-10 is \$9,248.00;
21 there are 3 parcels that are to be assessed that aggregate to 37.69 acres. The annual assessment will
22 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
23 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
24 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
25 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
26 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for

1 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
2 majority approval of all the property owners within Zone 137. The Board of Supervisors will levy the
3 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
4 the dissolution of Zone 137 of L&LMD No. 89-1-C. The annual assessment will fund the services
5 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
6 on file in the Office of the Clerk of the Board of Supervisors.

7 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
8 89-1-C is Zone 137. The boundaries of Zone 137 are located within the unincorporated area of the
9 County and are described and shown in the Report and Exhibit "A".

10 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
11 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
12 the Report for a full and detailed description of the services, the boundaries of Zone 137, and the
13 annual assessment to be levied upon assessable lots and parcels within Zone 137 proposed to be
14 annexed to L&LMD No. 89-1-C.

15 **Section 8. Public Hearing.** The question of whether Zone 137 shall be annexed into
16 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be
17 considered at a public hearing (hereinafter the "Public Hearing") to be held on April 7, 2009, at 9:30
18 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
19 Riverside, California.

20 **Section 9. Majority Protest.** Each owner of record of property within Zone 137 is to receive
21 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
22 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
23 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
24 Zone 137 if there is a majority protest with regard to the annexation of Zone 137. A majority protest
25 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
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1 in opposition to the annexation and assessment of Zone 137 exceeds the assessment ballots in favor
2 of the annexation and assessment of Zone 137.

3 **Section 10. Information.** Any property owner desiring additional information regarding
4 Zone 137 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
5 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
6 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
7 (951) 955-6829.

8 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
9 annexation of Zone 137 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
10 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
11 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
12 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is April 7,
13 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
14 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
15 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
16 Section 4000 of the California Elections Code to all owners of record of property within Zone 137 as
17 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
18 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on April 7,
19 2009.

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

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FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner 1/21/09
DALE A. GARDNER DATE

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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

ZONE 137

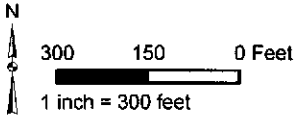
PORTION OF SECTIONS 9 & 10, T.2S., R.6W.

PARCEL MAP NOS. 32479 & 34178 AND PLOT PLAN NO. 19980

3 PARCELS

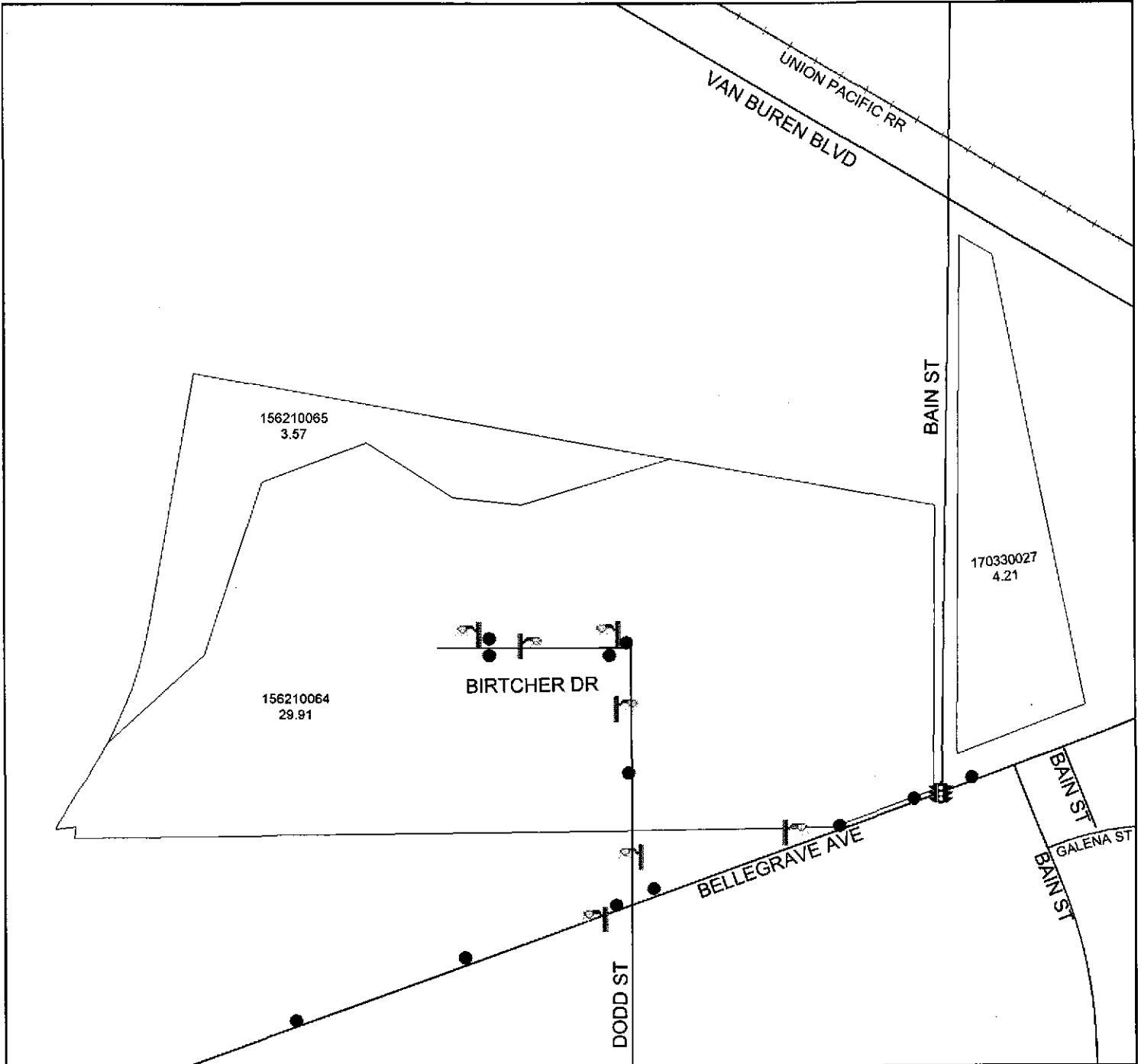


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- Ⓢ DENOTES MAINTAINED TRAFFIC SIGNAL