

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

304A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
February 2, 2009

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Street Lighting Zone 93 (Rubidoux).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2009-022 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 93 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 93.

Resolution No. 2009-023, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 93 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: A. Gardner DATE: 1/23/09  
DALE A. GARDNER  
Departmental Concurrence

|  |                               |     |                         |   |
|--|-------------------------------|-----|-------------------------|---|
| <b>FINANCIAL DATA</b>  | 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   |
| <b>SOURCE OF FUNDS:</b> 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.** | **District: 2** | **Agenda Number:**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**3.29**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 93 (Rubidoux).

February 2, 2009

Page 2 of 2

1972 for the provision of electricity for streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 93, 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. 2009-022 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 93 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-023 declares the Board's intention of ordering the annexation of Street Lighting Zone 93 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 93 to L&LMD No. 89-1-C will fund the provision of electricity for streetlights within public right-of-way located northeasterly of Wallace St and northwesterly of 37th St in the Rubidoux area and includes 2 commercial parcels, totaling .52 acre(s).

The proposed budget for fiscal year 2009-10 for Street Lighting Zone 93 is \$660.00 that will result in an assessment for fiscal year 2009-10 within Street Lighting Zone 93 of \$1,269.22 per acre. 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 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 Street Lighting Zone 93 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-023, 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, Street Lighting Zone 93 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 Street Lighting Zone 93 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. 2009-022**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 93 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 Street Lighting "Zone 93"), 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 Street Lighting Zone 93 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 Street Lighting Zone 93; 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

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street  
2 Lighting Zone 93 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 Street  
9 Lighting Zone 93 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to  
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 93  
11 to pay the costs of the following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting  
15 Zone 93 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as  
16 shown and described in Exhibit "A".

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

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

23  
24 FORM APPROVED COUNTY COUNSEL  
25 BY: Dale A. Gardner 2/23/09 DATE  
26 DALE A. GARDNER

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 93 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 179-252-015 and 016 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 93**  
**SUMMARY**  
**ANNUAL BUDGET**  
**FISCAL YEAR 2009-10**

| QTY | TYPE         | COST PER  | TOTAL     | ANNUAL<br>ADM COST | ANNUAL<br>RATE |
|-----|--------------|-----------|-----------|--------------------|----------------|
| 2   | Streetlights | \$ 300.00 | \$ 600.00 | \$ 60.00           | \$ 660.00      |

|                                       |                         |
|---------------------------------------|-------------------------|
| <b>TOTAL BUDGET</b>                   | <b>\$ 660.00</b>        |
| <b>FISCAL YEAR 2009-10 ASSESSMENT</b> | <b>\$ 1,269.22/acre</b> |

.52 acre(s)

Utility Provider: SCE

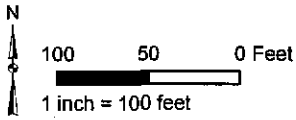
# STREET LIGHTING ZONE 93

PORTION OF SECTIONS 15 & 16, T.2S., R.5W.

PARCEL MAP NO. 34020 - 2 PARCELS

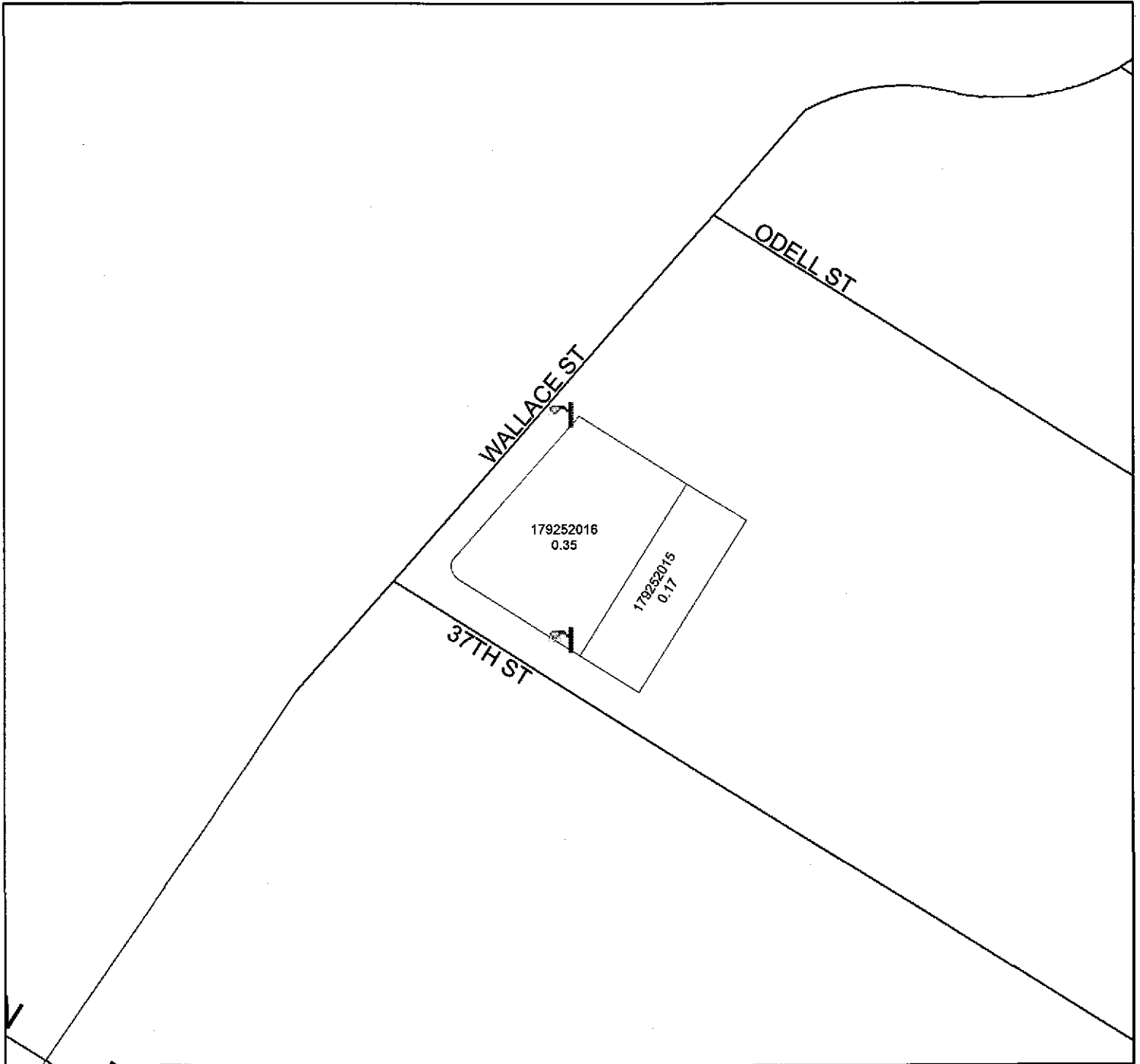


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## ASSESSMENT DIAGRAM

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**RESOLUTION NO. 2009-023**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 93 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 STREETLIGHTS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF STREET LIGHTING ZONE 93; 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. 2009-022 on February 10, 2009 initiating proceedings for the annexation of Street Lighting Zone 93 (hereinafter "Street Lighting Zone 93"), 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 Street Lighting Zone 93 and the assessments to be levied within Street Lighting Zone 93 each fiscal year beginning fiscal year 2009-10 for providing electricity for streetlights 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 Street Lighting Zone 93; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2009-022 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 sole owner of property within the proposed boundaries of Street Lighting  
6 Zone 93 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent  
7 Regarding Date of Assessment Ballot Election" allowing for the election to be held on April 7, 2009; and

8 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
9 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
10 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
11 Report, the annexation of Street Lighting Zone 93, and the assessments to be levied on parcels within  
12 Street Lighting Zone 93 beginning in fiscal year 2009-10;

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

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

- 16 (a) The foregoing recitals are true and correct;
- 17 (b) The Report contains all matters required by Sections 22565 through 22574 of the  
18 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
19 approved by the Board of Supervisors;
- 20 (c) The annual assessment for fiscal year 2009-10 on all parcels within Street Lighting  
21 Zone 93 proposed to be annexed to L&LMD No. 89-1-C will be \$1,269.22 per acre.

22 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
23 annexation of Street Lighting Zone 93, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
24 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
25 Street Lighting Zone 93 commencing with the fiscal year 2009-10 as set forth in the Report. The Report  
26 expressly states that there are no parcels or lots within Street Lighting Zone 93 that are owned by a

1 federal, state or other local governmental agency that will benefit from the services to be financed by  
2 the annual assessments. The annual assessments will be collected at the same time and in the same  
3 manner as property taxes are collected, and all laws providing for the collection and enforcement of  
4 property taxes shall apply to the collection and enforcement of said assessments.

5 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 93 is  
6 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated  
7 area of the County as described and shown in Exhibit "A".

8 **Section 4. Description of Services to be Provided.** The service authorized for Street  
9 Lighting Zone 93 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public  
10 right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Street Lighting Zone 93 of L&LMD No. 89-1-C will be \$1,269.22 per  
13 acre for fiscal year 2009-10. As stated in the Report, the total budget for Street Lighting Zone 93 for the  
14 fiscal year 2009-10 is \$660.00; there are 2 parcel(s) that are to be assessed that aggregate to .52  
15 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the  
16 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for  
17 "electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
18 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
19 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it  
20 stands on March of each year over the base Index for March of 2009. Any increase larger than the  
21 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners  
22 within Street Lighting Zone 93. The Board of Supervisors will levy the assessment in each subsequent  
23 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting  
24 Zone 93 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of  
25 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the  
26 Clerk of the Board of Supervisors.

1           **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
2 89-1-C is Street Lighting Zone 93. The boundaries of Street Lighting Zone 93 are located within the  
3 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 93,  
7 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting  
8 Zone 93 proposed to be annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 93 shall be  
10 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10  
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on April 7, 2009, at  
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
13 1<sup>st</sup> Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
15 Zone 93 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
17 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property  
18 within the boundaries of Street Lighting Zone 93 if there is a majority protest with regard to the  
19 annexation of Street Lighting Zone 93. A majority protest exists if, upon the conclusion of the Public  
20 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and  
21 assessment of Street Lighting Zone 93 exceeds the assessment ballots in favor of the annexation and  
22 assessment of Street Lighting Zone 93.

23           **Section 10. Information.** Any property owner desiring additional information regarding Street  
24 Lighting Zone 93 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact  
25 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the  
26



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 93 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 179-252-015 and 016 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

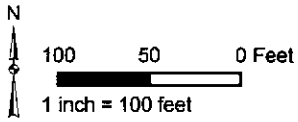
**STREET LIGHTING ZONE 93**

PORTION OF SECTIONS 15 & 16, T.2S., R.5W.

PARCEL MAP NO. 34020 - 2 PARCELS



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**ASSESSMENT DIAGRAM**

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