

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

101A



**FROM:** TLMA - Transportation Dept.


**SUBMITTAL DATE:**  
March 9, 2009

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 139 (El Cerrito).

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

Resolution No. 2009-081 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 139 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 139.

Resolution No. 2009-082, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 139 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

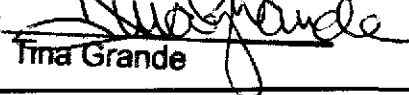
JAW:jp

<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%	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL  
BY:   
DALE A. GARDNER  
DATE: 3/21/09

Departmental Concurrence

Policy  Policy

Consent  Consent

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

Prev. Agn. Ref.

District: 1, 2

Agenda Number:

**3.66**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 139 (El Cerrito).

March 9, 2009

Page 2 of 2

1972 for the maintenance and servicing of 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 139, 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. 2009-081 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 139 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-082 declares the Board's intention of ordering the annexation of Zone 139 to L&LMD No. 89-1-C. Annexation of Zone 139 to L&LMD No. 89-1-C will fund the maintenance and servicing of traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located northeasterly and southwesterly of Knabe Rd and at the intersections of Knabe Rd and Weirick Rd and Knabe Rd and Forest Boundary Rd in the El Cerrito area and includes 5 commercial parcels, totaling 60.42 acre(s).

The proposed budget for fiscal year 2009-10 for Zone 139 is \$5,115.00 that will result in an assessment for fiscal year 2009-10 within Zone 139 of \$84.66 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 May 5, 2009 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 139 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-082, 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 139 will be annexed to L&LMD No. 89-1-C.

2 RESOLUTION NO. 2009-081

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 139 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 139"),  
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 139 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 139; and

23 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
24 engineer, has expertise with respect to the annexation of territory to landscaping and lighting  
25 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve  
26 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 139  
to L&LMD No. 89-1-C.

FORM APPROVED COUNTY COUNSEL  
BY DALE A. GARDNER 6/2/25/09  
DATE

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1           **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
2 Board of Supervisors of the County of Riverside assembled in regular session on March 17, 2009 as  
3 follows:

4           **Section 1.    Recitals.** The Board of Supervisors hereby finds and determines that all  
5 the above recitals are true and correct.

6           **Section 2.    Annexation.** The Board of Supervisors proposes to annex Zone 139 to  
7 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the  
8 purpose of levying an annual assessment on all parcels within Zone 139 to pay the costs of the  
9 following services:

- 10           (a)    Providing electricity to and the maintenance and servicing of traffic signals within  
11                   the public right-of-way including incidental costs and expenses; and  
12           (b)    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 Zone 139 that are  
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
16 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  
19 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways  
20 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the  
21 levy.

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

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 139 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 282-100-018, 282-140-002, 028, and 029, and 282-160-023 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 139**

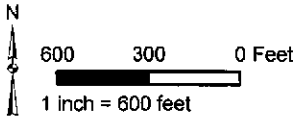
PORTION OF SECTIONS 21 & 28, T.4S., R.6W.

MS NO. 03986 & PARCEL MAP NO. 30240

5 PARCELS

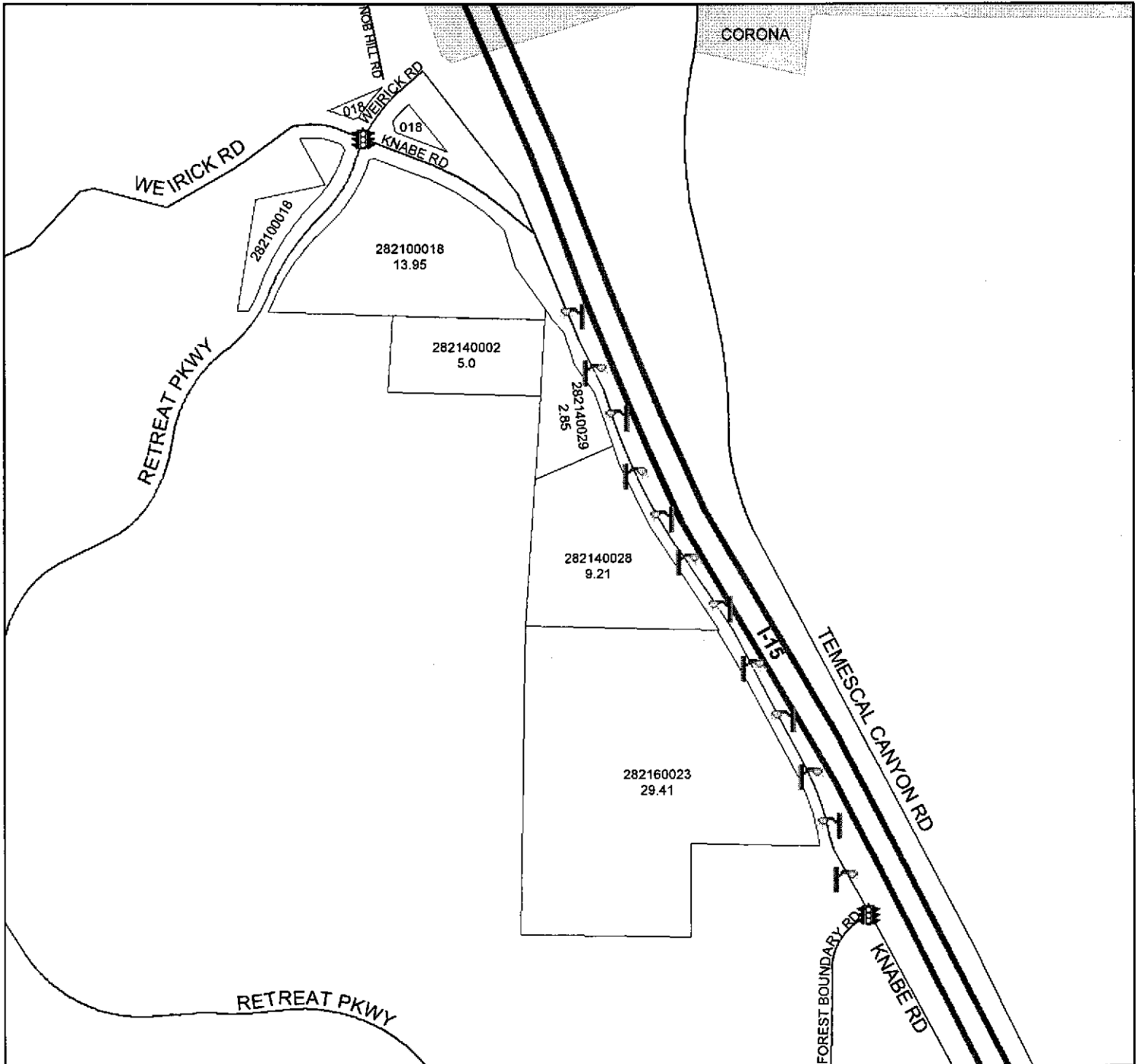


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 2/23/09



- DENOTES MAINTAINED STREETLIGHT
- DENOTES MAINTAINED TRAFFIC SIGNAL

**RESOLUTION NO. 2009-082**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 139 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 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 139; 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. 2009-081 on March 17, 2009 initiating proceedings for the annexation of Zone 139 (hereinafter "Zone 139"), 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 139 and the assessments to be levied within Zone 139 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of 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 139; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2009-081 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]*  
DALE G. GARDNER 09/25/09

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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**, it is necessary that the Board of Supervisors adopt a resolution of intention  
6 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
7 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
8 Report, the annexation of Zone 139, and the assessments to be levied on parcels within Zone 139  
9 beginning in fiscal year 2009-10;

10 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
11 Board of Supervisors in regular session assembled on March 17, 2009 as follows:

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

- 13 (a) The foregoing recitals are true and correct;
- 14 (b) The Report contains all matters required by Sections 22565 through 22574 of the  
15 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
16 approved by the Board of Supervisors;
- 17 (c) The annual assessment for fiscal year 2009-10 on all parcels within Zone 139 proposed  
18 to be annexed to L&LMD No. 89-1-C will be \$84.66 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
20 annexation of Zone 139, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
21 collect an annual assessment on all assessable lots and parcels of property within Zone 139  
22 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly states that  
23 there are no parcels or lots within Zone 139 that are owned by a federal, state or other local  
24 governmental agency that will benefit from the services to be financed by the annual assessments. The  
25 annual assessments will be collected at the same time and in the same manner as property taxes are  
26

1 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
2 collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Zone 139 is proposed to be  
4 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
5 County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
7 traffic signals, and the provision of electricity for streetlights and traffic signals authorized for Zone 139  
8 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the  
10 public right-of-way including incidental costs and expenses; and  
11 (b) Providing electricity to all streetlights within the public right-of-way including incidental  
12 costs and expenses.

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
14 benefits from the annexation of Zone 139 of L&LMD No. 89-1-C will be \$84.66 per acre for fiscal year  
15 2009-10. As stated in the Report, the total budget for Zone 139 for the fiscal year 2009-10 is \$5,115.00;  
16 there are 5 parcels that are to be assessed that aggregate to 60.42 acres. The annual assessment will  
17 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
18 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-  
19 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the  
20 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will  
21 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the  
22 base Index for March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual  
23 adjustment requires a majority approval of all the property owners within Zone 139. The Board of  
24 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors  
25 undertakes proceedings for the dissolution of Zone 139 of L&LMD No. 89-1-C. The annual assessment  
26

1 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be  
2 made to the Report on file in the Office of the Clerk of the Board of Supervisors.

3       **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
4 89-1-C is Zone 139. The boundaries of Zone 139 are located within the unincorporated area of the  
5 County and are described and shown in the Report and Exhibit "A".

6       **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
8 the Report for a full and detailed description of the services, the boundaries of Zone 139, and the  
9 annual assessment to be levied upon assessable lots and parcels within Zone 139 proposed to be  
10 annexed to L&LMD No. 89-1-C.

11       **Section 8.    Public Hearing.** The question of whether Zone 139 shall be annexed into  
12 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be  
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on May 5, 2009, at 9:30  
14 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor,  
15 Riverside, California.

16       **Section 9.    Majority Protest.** Each owner of record of property within Zone 139 is to receive  
17 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
18 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
19 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
20 Zone 139 if there is a majority protest with regard to the annexation of Zone 139. A majority protest  
21 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted  
22 in opposition to the annexation and assessment of Zone 139 exceeds the assessment ballots in favor  
23 of the annexation and assessment of Zone 139.

24       **Section 10. Information.** Any property owner desiring additional information regarding  
25 Zone 139 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
26 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of

1 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
2 (951) 955-6829.

3       **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
4 annexation of Zone 139 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
7 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is May 5,  
8 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
9 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
10 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
11 Section 4000 of the California Elections Code to all owners of record of property within Zone 139 as  
12 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
13 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on May 5,  
14 2009.

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

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 139 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 282-100-018, 282-140-002, 028, and 029, and 282-160-023 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 139**

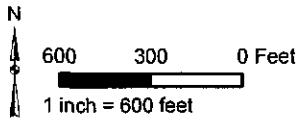
PORTION OF SECTIONS 21 & 28, T.4S., R.6W.

MS NO. 03986 & PARCEL MAP NO. 30240

5 PARCELS

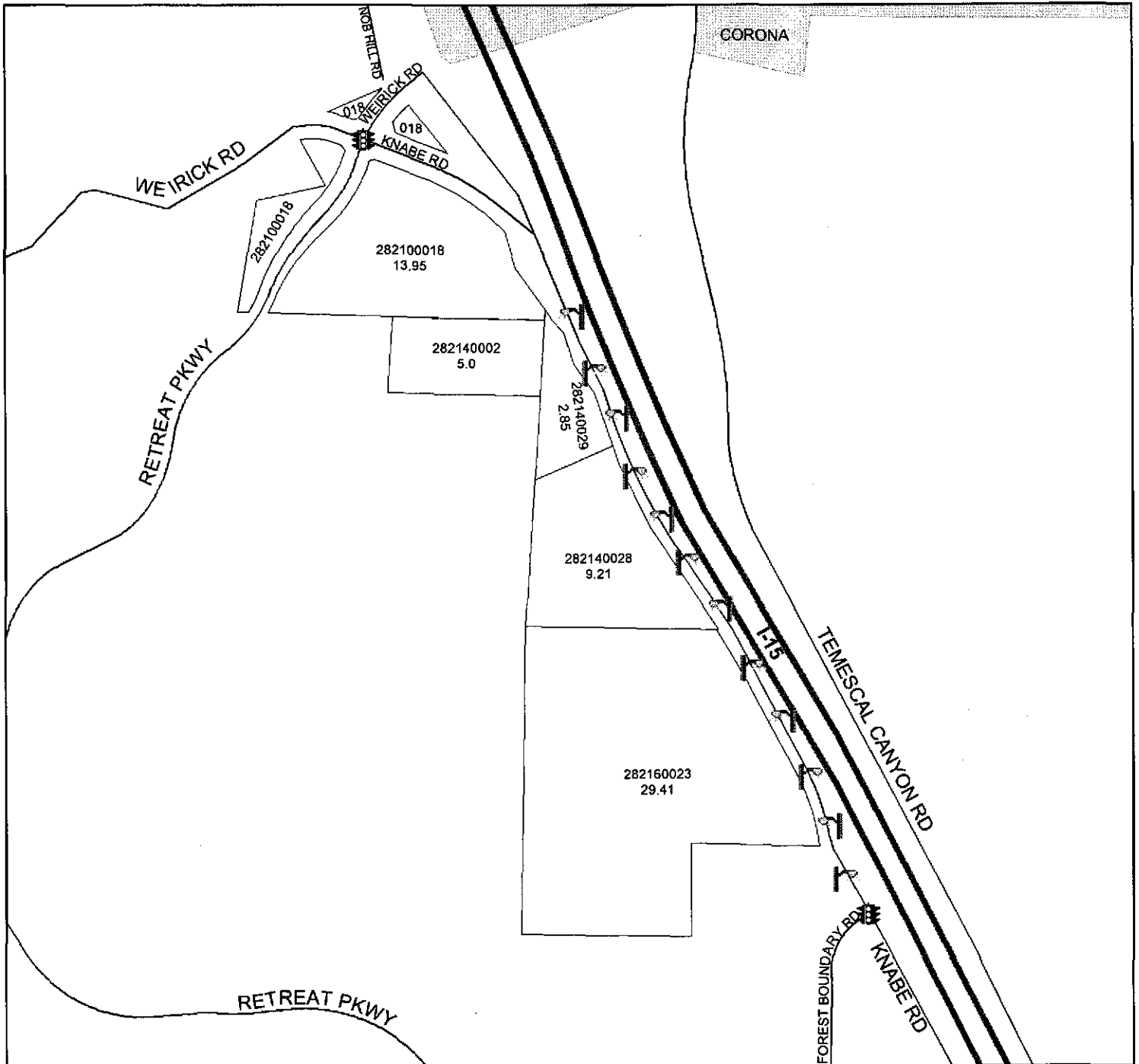


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**ASSESSMENT DIAGRAM**

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DENOTES MAINTAINED STREETLIGHT

DENOTES MAINTAINED TRAFFIC SIGNAL