

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

208A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 6, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Location 6 to Zone 26 (Woodcrest).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-122 a Resolution of the County of Riverside initiating proceedings for the annexation of Location 6 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Location 6 to Zone 26.

Resolution No. 2009-123, a Resolution of the County of Riverside declaring its intent to order the annexation of Location 6 to Zone 26 of 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: Dalea Gardner 3/5/09
DATE

Departmental Concurrence

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

Pre. Agn. Ref. | District: 1 | Agenda Number: **3.24**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Location 6 to Zone 26 (Woodcrest).

April 6, 2009

Page 2 of 2

1972 for the maintenance and servicing of landscaping; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Location 6 to Zone 26, 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. 2009-122 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Location 6 to Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-123 declares the Board's intention of ordering the annexation of Location 6 to Zone 26 of L&LMD No. 89-1-C. Annexation of Location 6 to Zone 26 of L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping within public right-of-way located northerly of Nandina Ave and southerly of Mariposa Ave in the Woodcrest area and includes 52 single-family residential lots.

The proposed budget for fiscal year 2009-10 for Location 6 is \$6,338.00 that will result in an assessment for fiscal year 2009-10 within Location 6 of \$121.88 per parcel. 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 June 2, 2009 to receive testimony for and against the proposed assessment. Each property owner within the proposed Location 6 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-123, 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, Location 6 will be annexed to Zone 26 of L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Location 6 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 June 2, 2009.

2 RESOLUTION NO. 2009-122

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4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
5 PROCEEDINGS FOR THE ANNEXATION OF LOCATION 6 TO ZONE 26 OF LANDSCAPING AND
6 LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
7 RIVERSIDE 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 "Location 6"),
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 respectively, "Zone 26" and "L&LMD No. 89-1-C") of the County of Riverside, State of California, and
16 the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for
17 the annexation of Location 6 to Zone 26 of L&LMD No. 89-1-C pursuant to the Landscaping and
18 Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and
19 Highways Code (hereinafter, respectively, the "Act" 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 Location 6 of Zone 26; and

23 WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of
24 Assessment Ballot Election" allowing for the election to be held on June 2, 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

FORM APPROVED COUNTY COUNSEL
BY *Dale Gardner* 5/24/09
DALE GARDNER DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Location 6
2 to Zone 26 of 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 April 14, 2009 as
5 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 Location 6 to
9 Zone 26 of L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act
10 for the purpose of levying an annual assessment on all parcels within Location 6 to pay the costs of
11 the following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
14 and other ornamental vegetation; and
15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation.

18 **Section 3. Boundaries and Designation.** The boundaries of Location 6 that are
19 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
20 described in Exhibit "A".

21 **Section 4. Report.** The Director of the Department of the County, or his designee,
22 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
23 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
24 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
25 levy.
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Section 5. Effective Date. This Resolution shall take effect from and after its date

of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Location 6 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 52 parcel(s) as shown on Tract Map No. 31842 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 26, LOCATION 6

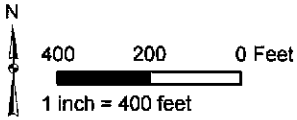
PORTION OF SECTION 36, T.3S., R.5W.

TRACT MAP NO. 31842 - 52 PARCELS

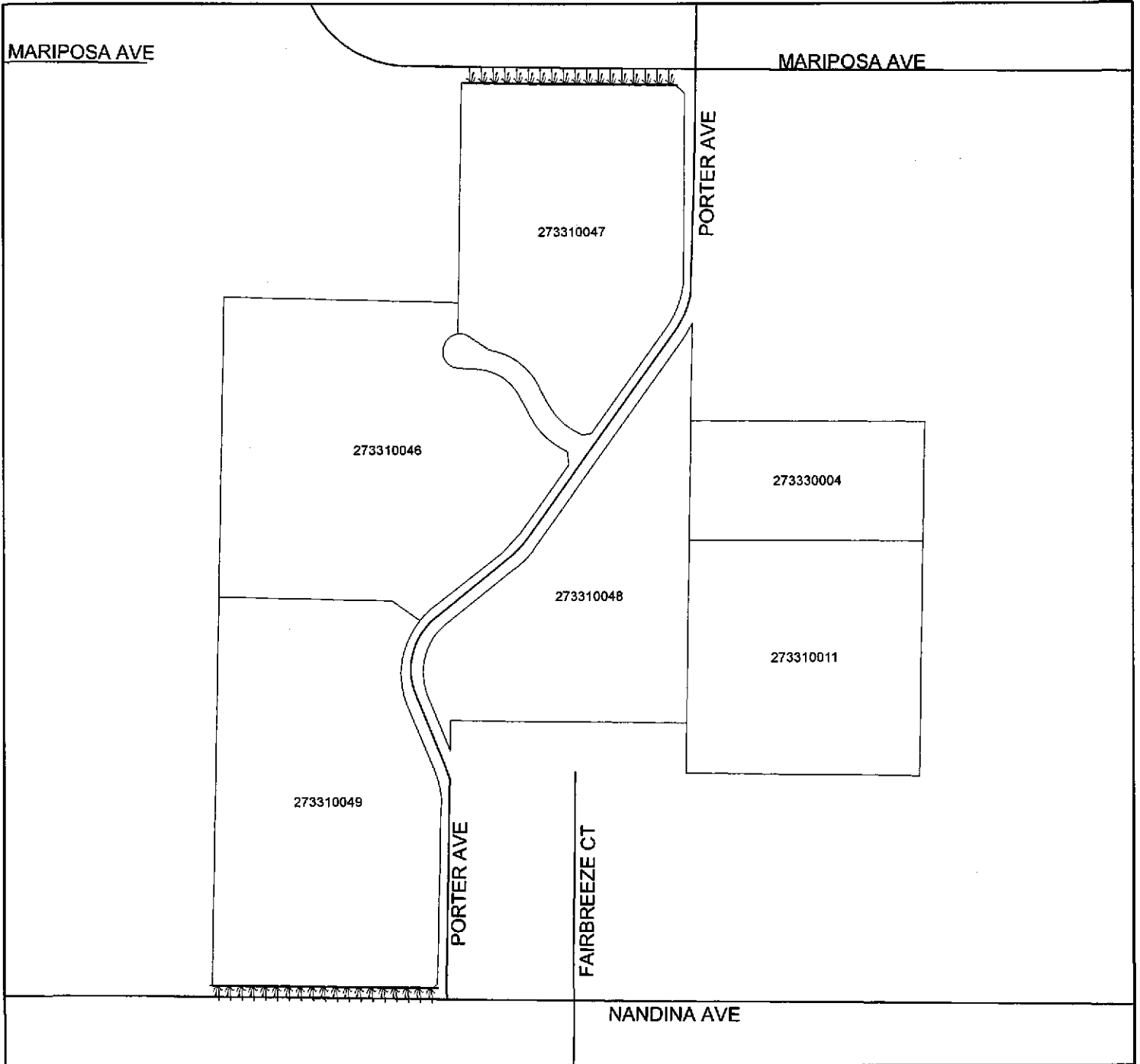


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ASSESSMENT DIAGRAM



 DENOTES LANDSCAPED AND MAINTAINED PARKWAY

2 RESOLUTION NO. 2009-123

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF LOCATION 6 TO ZONE 26 OF LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
7 MAINTENANCE AND SERVICING OF LANDSCAPING; ADOPTING THE PRELIMINARY
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE
9 PUBLIC HEARING ON THE ANNEXATION OF LOCATION 6 TO ZONE 26; ORDERING AN
10 ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING
11 NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED
12 PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF
13 THE ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
15 Riverside (hereinafter the "County") has adopted Resolution No. 2009-122 on April 14, 2009 initiating
16 proceedings for the annexation of Location 6 (hereinafter "Location 6"), as described and shown in
17 Exhibit "A", which is attached hereto and incorporated herein, to Zone 26 of Landscaping and Lighting
18 Maintenance District No.89-1-Consolidated of the County of Riverside, State of California, (hereinafter
19 respectively, "Zone 26" and "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of
20 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the
21 Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation
22 of a report (hereinafter the "Report") regarding the proposed annexation of Location 6 and the
23 assessments to be levied within Location 6 each fiscal year beginning fiscal year 2009-10 for the the
24 maintenance and servicing of landscaping within the public right-of-way within said Location; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
26 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code
27 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Location 6
28 of Zone 26; and

29 WHEREAS, the Board of Supervisors by Resolution No. 2009-122 directed the Director of the
30 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL

BY: DALE S. GARDNER DATE: 5/12/09

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 Applicant has executed a "Waiver and Consent Regarding Date of Assessment
6 Ballot Election" allowing for the election to be held on June 2, 2009; and

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

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

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2009-10 on all parcels within Location 6 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$121.88 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Location 6, as described and shown in Exhibit "A", to Zone 26 of L&LMD No. 89-1-C, and
23 to levy and collect an annual assessment on all assessable lots and parcels of property within
24 Location 6 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly
25 states that there are no parcels or lots within Location 6 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

1 annual assessments will be collected at the same time and in the same manner as property taxes are
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
3 collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Location 6 is proposed to be
5 annexed into Zone 26 of L&LMD No. 89-1-C and shall include that property in the unincorporated area
6 of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
8 landscaping authorized for Location 6 of Zone 26 of L&LMD No. 89-1-C are:

9 (a) The maintenance and servicing of landscaping within the public right-of-way including
10 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
11 ornamental vegetation; and

12 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
13 landscaping, including but not limited to electricity for operation of the irrigation system
14 and water for irrigation.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
16 benefits from the annexation of Location 6 to Zone 26 of L&LMD No. 89-1-C will be \$121.88 per parcel
17 for fiscal year 2009-10. As stated in the Report, the total budget for Location 6 for the fiscal year
18 2009-10 is \$6,338.00; there are 52 parcels that are to be assessed. The annual assessment will be
19 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
20 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
21 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
22 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
23 cumulative increase, if any, in the Index as it stands on March of each year over the base index for
24 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
25 majority approval of all the property owners within Location 6. The Board of Supervisors will levy the
26 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for

1 the dissolution of Location 6 of Zone 26 of L&LMD No. 89-1-C. The annual assessment will fund the
2 services described in Section 4 of this Resolution. For further particulars, reference is to be made to the
3 Report on file in the Office of the Clerk of the Board of Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed into Zone 26 of
5 L&LMD No. 89-1-C is Location 6. The boundaries of Location 6 are located within the unincorporated
6 area of the County and are described and shown in the Report and Exhibit "A".

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
9 the Report for a full and detailed description of the services, the boundaries of Location 6, and the
10 annual assessment to be levied upon assessable lots and parcels within Location 6 proposed to be
11 annexed to Zone 26 of L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Location 6 shall be annexed into
13 Zone 26 of L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10
14 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on June 2, 2009, at
15 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
16 1st Floor, Riverside, California.

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

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Location 6 of Zone 26 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
2 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
3 (951) 955-6829.

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
5 annexation of Location 6 to Zone 26 of L&LMD No. 89-1-C shall be given consistent with Section 22626
6 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors
7 shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published
8 once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is
9 June 2, 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors.
10 Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
11 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
12 Section 4000 of the California Elections Code to all owners of record of property within Location 6 as
13 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
14 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 2,
15 2009.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Location 6 to be annexed into Zone 26 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 52 parcel(s) as shown on Tract Map No. 31842 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

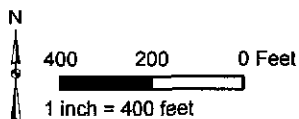
ZONE 26, LOCATION 6

PORTION OF SECTION 36, T.3S., R.5W.

TRACT MAP NO. 31842 - 52 PARCELS

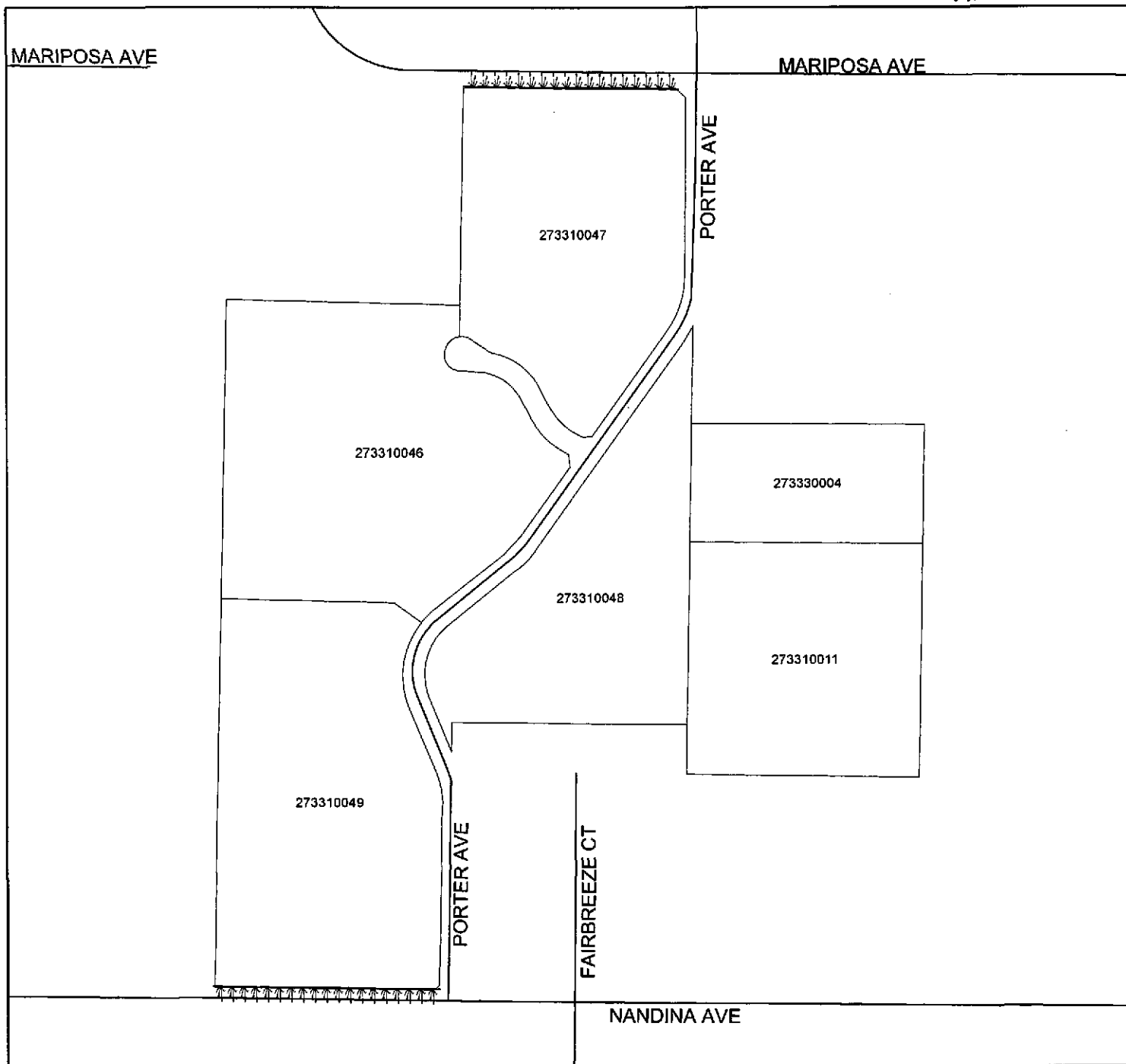


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