

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

209A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 6, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 119 (East Hemet).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-124 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 119 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 119.

Resolution No. 2009-125, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 119 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 3/30/09
DATE
DALE A. GARDNER
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 Policy

Consent Consent

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

Prev. Agn. Ref.

District: 3

Agenda Number:

3.27

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 119 (East Hemet).

April 6, 2009

Page 2 of 2

1972 for the maintenance and servicing of landscaping 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 119, 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. 2009-124 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 119 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-125 declares the Board's intention of ordering the annexation of Zone 119 to L&LMD No. 89-1-C. Annexation of Zone 119 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping and graffiti abatement within public right-of-way located easterly of Soboba St, northerly of Chambers Ave, and northerly and southerly of Krishna Cir in the East Hemet area and includes 5 single-family residential lots.

The proposed budget for fiscal year 2009-10 for Zone 119 is \$4,903.00 that will result in an assessment for fiscal year 2009-10 within Zone 119 of \$980.60 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 Zone 119 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-125, 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 119 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 119 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. 2009-124**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 119 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 119"),
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 119 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 119; 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
27 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve

FORM APPROVED COUNTY COUNSEL
BY: *Debra L. Fisher* 5/13/09
DATE: 5/13/09

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 119
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 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 Zone 119 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 119 to pay the costs of the
11 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; and
- 18 (c) Providing graffiti abatement services to walls and structures within the public
19 right-of-way including incidental costs and expenses.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 119 that are
21 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
22 described in Exhibit "A".

23 **Section 4. Report.** The Director of the Department of the County, or his designee,
24 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
25 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
26

1 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
2 levy.

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

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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 119 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 5 parcel(s) as shown on Tract Map No. 33323 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 119

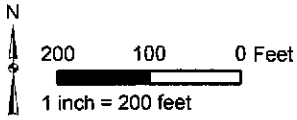
PORTION OF SECTION 19, T.5S., R.1E.

TRACT MAP NO. 33323 - 5 PARCELS

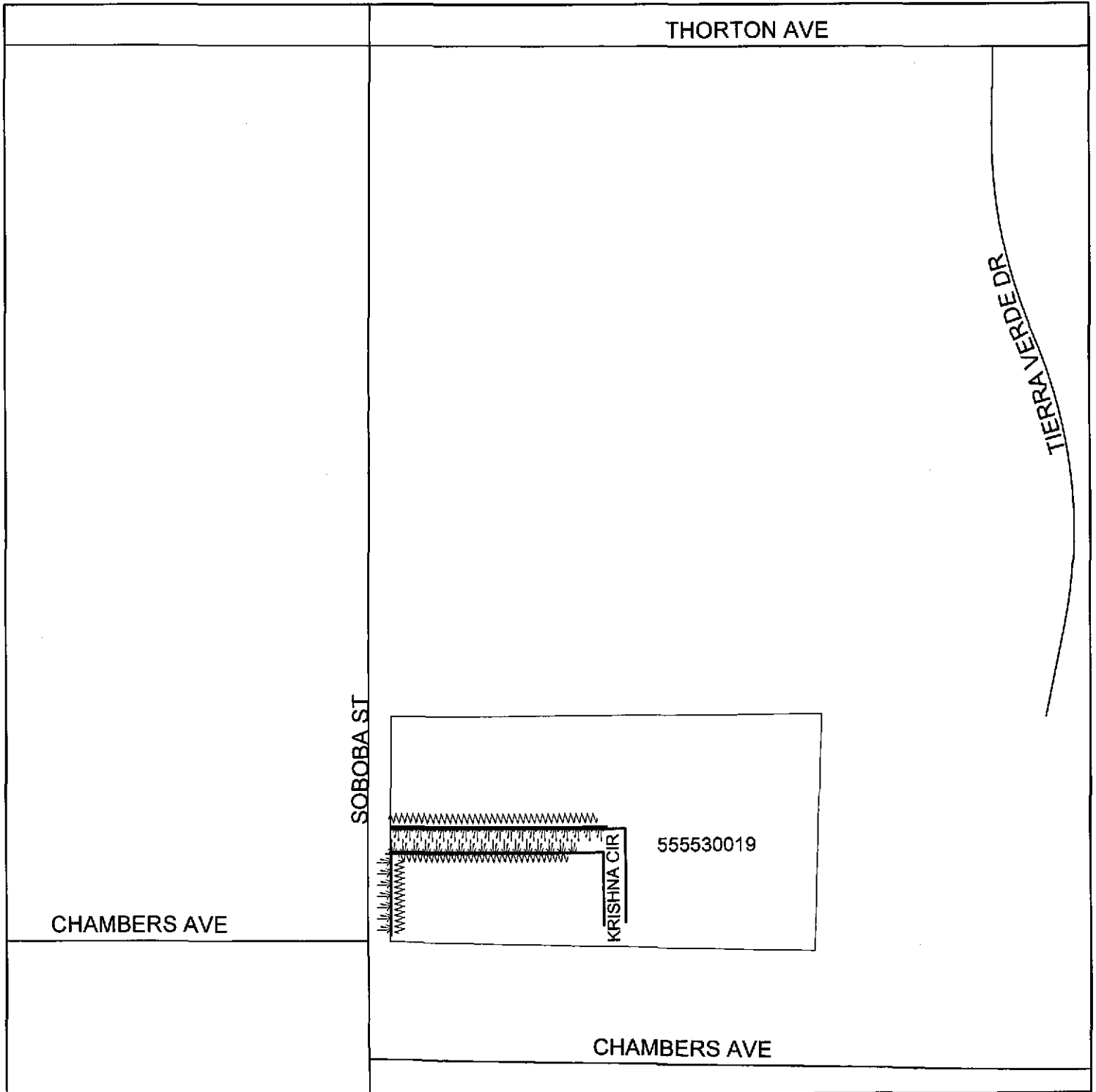


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ASSESSMENT DIAGRAM



▨▨▨▨▨ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

~~~~~ DENOTES MAINTAINED GRAFFITI ABATEMENT

2 RESOLUTION NO. 2009-125

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 119 TO LANDSCAPING AND LIGHTING  
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE  
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE  
7 AND SERVICING OF LANDSCAPING AND GRAFFITI ABATEMENT; ADOPTING THE  
8 PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE  
9 OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 119; ORDERING AN ASSESSMENT  
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE  
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE  
12 XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

13 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
14 Riverside (hereinafter the "County") has adopted Resolution No. 2009-124 on April 14, 2009 initiating  
15 proceedings for the annexation of Zone 119 (hereinafter "Zone 119"), as described and shown in  
16 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
21 "Report") regarding the proposed annexation of Zone 119 and the assessments to be levied within  
22 Zone 119 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of  
23 landscaping and graffiti abatement within the public right-of-way within said Zone; and

24 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the  
25 California Constitution (hereinafter "Article XIIID:"), the Act, and Section 4000 of the Elections Code  
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 119;  
27 and

28 WHEREAS, the Board of Supervisors by Resolution No. 2009-124 directed the Director of the  
29 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM-APPROVED COUNTY COUNSEL  
BY: *[Signature]*  
DATE: 3/30/09

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 Zone 119, and the assessments to be levied on parcels within Zone 119  
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 Zone 119 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$980.60 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 119, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
23 collect an annual assessment on all assessable lots and parcels of property within Zone 119  
24 commencing with the fiscal year 2009-10 as set forth in the Report. The Report expressly states that  
25 there are no parcels or lots within Zone 119 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 Zone 119 is proposed to be  
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
8 landscaping and graffiti abatement authorized for Zone 119 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; and
- 15 (c) Providing graffiti abatement services to walls and structures within the public right-of-way  
16 including incidental costs and expenses.

17 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
18 benefits from the annexation of Zone 119 of L&LMD No. 89-1-C will be \$980.60 per parcel for fiscal  
19 year 2009-10. As stated in the Report, the total budget for Zone 119 for the fiscal year 2009-10 is  
20 \$4,903.00; there are 5 parcels that are to be assessed. The annual assessment will be increased by  
21 the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price  
22 Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California  
23 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the  
24 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative  
25 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2009.  
26 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority

1 approval of all the property owners within Zone 119. The Board of Supervisors will levy the assessment  
2 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the  
3 dissolution of Zone 119 of L&LMD No. 89-1-C. The annual assessment will fund the services described  
4 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in  
5 the Office of the Clerk of the Board of Supervisors.

6 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.  
7 89-1-C is Zone 119. The boundaries of Zone 119 are located within the unincorporated area of the  
8 County and are described and shown in the Report and Exhibit "A".

9 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
10 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
11 the Report for a full and detailed description of the services, the boundaries of Zone 119, and the  
12 annual assessment to be levied upon assessable lots and parcels within Zone 119 proposed to be  
13 annexed to L&LMD No. 89-1-C.

14 **Section 8. Public Hearing.** The question of whether Zone 119 shall be annexed into  
15 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be  
16 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 2, 2009, at 9:30  
17 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor,  
18 Riverside, California.

19 **Section 9. Majority Protest.** Each owner of record of property within Zone 119 is to receive  
20 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID and  
21 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
22 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
23 Zone 119 if there is a majority protest with regard to the annexation of Zone 119. A majority protest  
24 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted  
25 in opposition to the annexation and assessment of Zone 119 exceeds the assessment ballots in favor  
26 of the annexation and assessment of Zone 119.

1           **Section 10. Information.** Any property owner desiring additional information regarding  
2 Zone 119 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.  
3 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of  
4 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
5 (951) 955-6829.

6           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
7 annexation of Zone 119 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
8 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
9 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
10 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 2,  
11 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
12 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
13 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
14 Section 4000 of the California Elections Code to all owners of record of property within Zone 119 as  
15 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
16 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 2,  
17 2009.

18           **Section 12. Effective Date.** This Resolution shall take effect from and after its date of  
19 adoption.  
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**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 119 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 5 parcel(s) as shown on Tract Map No. 33323 in the County of Riverside, State of California for fiscal year 2009-10.

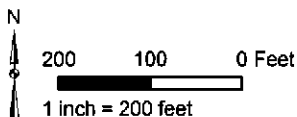
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 119**

PORTION OF SECTION 19, T.5S., R.1E.  
TRACT MAP NO. 33323 - 5 PARCELS

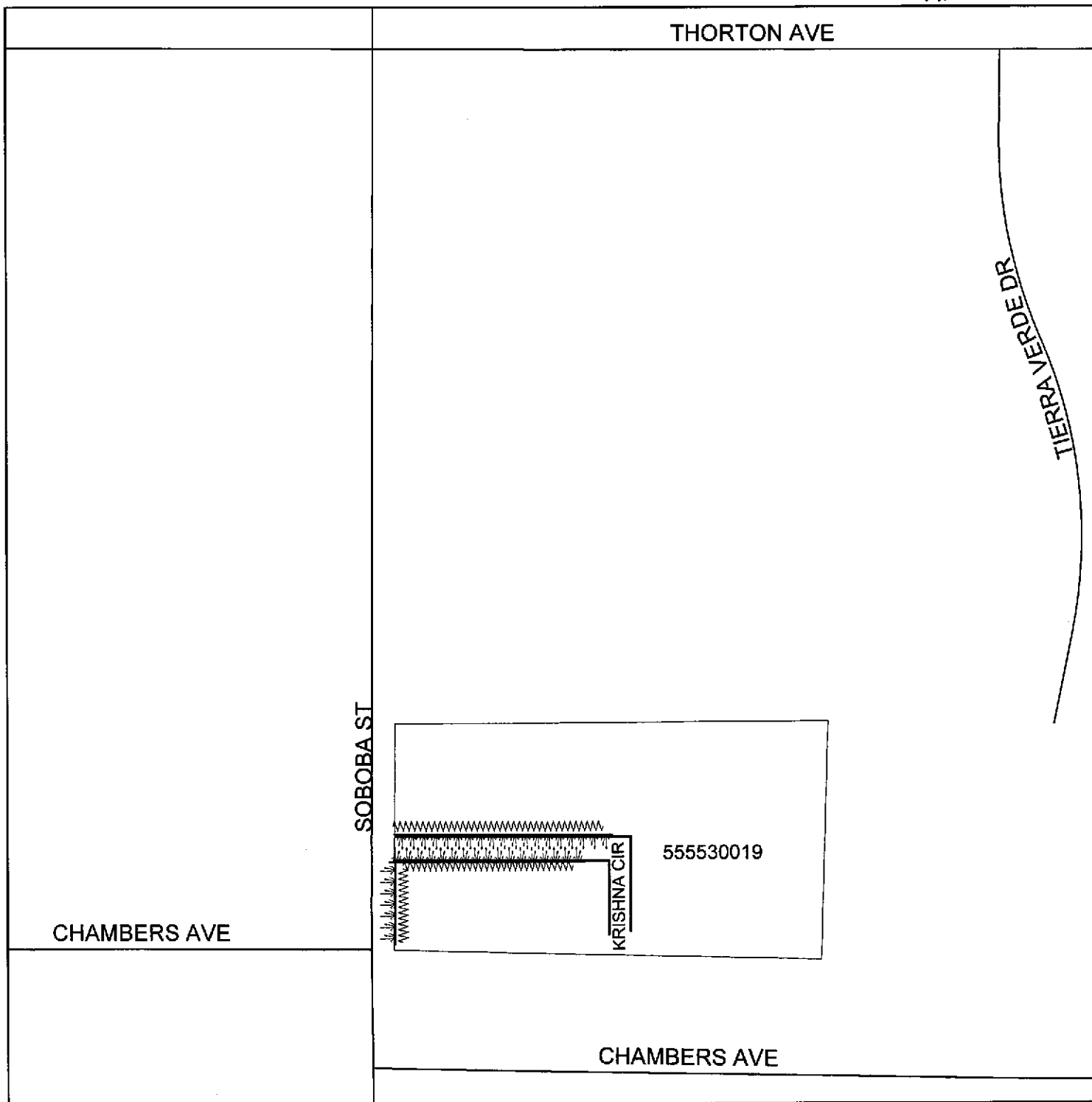


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# ASSESSMENT DIAGRAM

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↓↓↓↓↓ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

~~~~~ DENOTES MAINTAINED GRAFFITI ABATEMENT