

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



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 27, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 138 (Mecca).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-148 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 138 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 138.

Resolution No. 2009-149, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 138 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

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:

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 4/15/09
DATE

Departmental Concurrence

Policy Policy

Consent Consent

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

Prev. Agn. Ref. | **District: 4** | **Agenda Number:**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of
Zone 138 (Mecca).

April 27, 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 Zone 138, 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. 2009-148 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 138 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-149 declares the Board's intention of ordering the annexation of Zone 138 to L&LMD No. 89-1-C. Annexation of Zone 138 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping within public right-of-way located northerly of 64th Ave and easterly of Lincoln St in the Mecca area and includes 1 commercial parcel, totaling 18.62 acre(s).

The proposed budget for fiscal year 2009-10 for Zone 138 is \$20,980.00 that will result in an assessment for fiscal year 2009-10 within Zone 138 of \$1,126.74 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 June 23, 2009 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 138 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-149, 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 138 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 138 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 23, 2009.

2 RESOLUTION NO. 2009-148

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 138 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 138”),
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 138 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 138; 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 23, 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 A. Gardner 4/15/09
DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 138
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 May 5, 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 138 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 138 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.

18 **Section 3. Boundaries and Designation.** The boundaries of Zone 138 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 Zone 138 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 727-030-036 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2009-10.

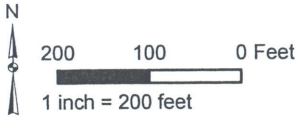
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 138

PORTION OF SECTION 5, T.7S., R.9E.
CONDITIONAL USE PERMIT NO. 03500 - 1 PARCEL



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ASSESSMENT DIAGRAM

Printed by jpickeri on 4/10/09



↓↓↓↓↓ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

2 RESOLUTION NO. 2009-149

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 138 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; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 138; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA
12 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. 2009-148 on May 5, 2009 initiating
15 proceedings for the annexation of Zone 138 (hereinafter "Zone 138"), 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 138 and the assessments to be levied within
22 Zone 138 each fiscal year beginning fiscal year 2009-10 for the the maintenance and servicing of
23 landscaping within the public right-of-way within said Zone; and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:"), 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 138;
27 and

28 **WHEREAS**, the Board of Supervisors by Resolution No. 2009-148 directed the Director of the
29 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

APPROVED/COUNTY COUNSEL
Wendy H. Hadden 4/15/09
DATE: 4/15/09
BY: W. HADDEN

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 23, 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 138, and the assessments to be levied on parcels within Zone 138
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 May 5, 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 138 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$1,126.74 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 138, 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 138
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 138 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 138 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 authorized for Zone 138 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 Zone 138 of L&LMD No. 89-1-C will be \$1,126.74 per acre for fiscal
17 year 2009-10. As stated in the Report, the total budget for Zone 138 for the fiscal year 2009-10 is
18 \$20,980.00; there is 1 parcel that is to be assessed that aggregates to 18.62 acres. The annual
19 assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage
20 increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-
21 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the
22 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will
23 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the
24 base Index for March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual
25 adjustment requires a majority approval of all the property owners within Zone 138. The Board of
26 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors

1 undertakes proceedings for the dissolution of Zone 138 of L&LMD No. 89-1-C. The annual assessment
2 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be
3 made to the 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 L&LMD No.
5 89-1-C is Zone 138. The boundaries of Zone 138 are located within the unincorporated area of the
6 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 Zone 138, and the
10 annual assessment to be levied upon assessable lots and parcels within Zone 138 proposed to be
11 annexed to L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 138 shall be annexed into
13 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2009-10 shall be
14 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 23, 2009, at 9:30
15 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
16 Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Zone 138 is to receive
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
19 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
20 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
21 Zone 138 if there is a majority protest with regard to the annexation of Zone 138. A majority protest
22 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
23 in opposition to the annexation and assessment of Zone 138 exceeds the assessment ballots in favor
24 of the annexation and assessment of Zone 138.

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 138 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.

1 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
2 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 Zone 138 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
6 Streets and Highways Code and Section 4 of Article XIIIID. The Clerk of the Board of Supervisors shall
7 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
8 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 23,
9 2009. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
10 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 XIIIID and
12 Section 4000 of the California Elections Code to all owners of record of property within Zone 138 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 23,
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 Zone 138 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 727-030-036 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2009-10.

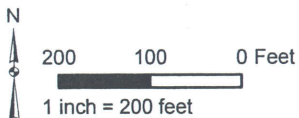
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 138

PORTION OF SECTION 5, T.7S., R.9E.
CONDITIONAL USE PERMIT NO. 03500 - 1 PARCEL

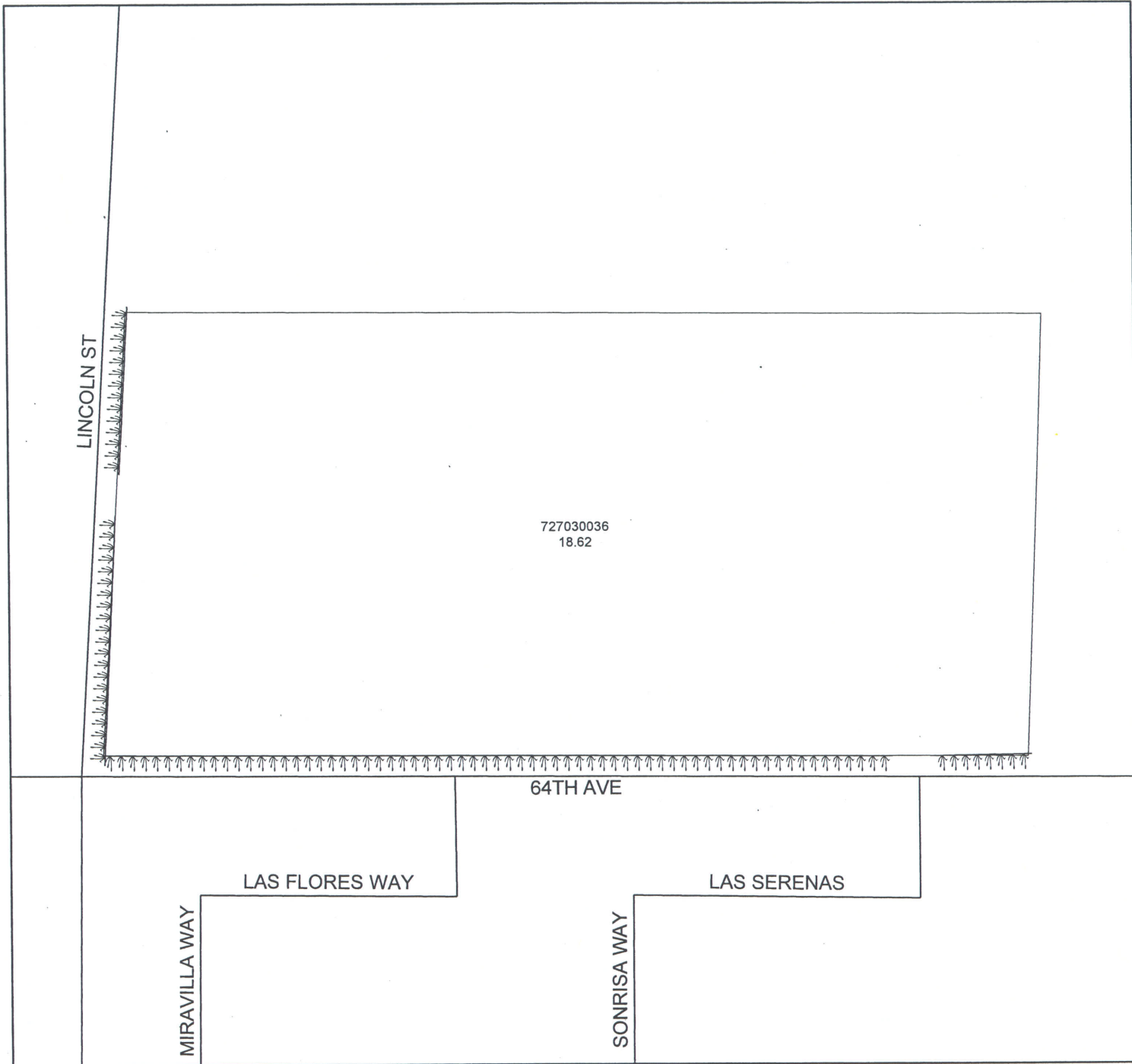


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ASSESSMENT DIAGRAM

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↓↓↓↓↓ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



ENGINEER'S REPORT FOR FISCAL YEAR 2009-10

for

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
ZONE 138
(MECCA)**

PREPARED BY:

**RIVERSIDE COUNTY
TRANSPORTATION DEPARTMENT
APRIL 20, 2009**

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - ZONE 138 ANNEXATION**

TO: BOARD OF SUPERVISORS

**ENGINEER'S REPORT
FOR FISCAL YEAR 2009-10**

Pursuant to the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972, said act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIID of the California Constitution, and direction from the Board of Supervisors of Riverside County, California submitted herewith is the Report for Landscaping and Lighting Maintenance District No. 89-1-Consolidated - Zone 138 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the landscaping improvements proposed to be funded.

PART II

An estimate of the cost of the landscaping improvements and maintenance including incidental costs and expenses in connection therewith for fiscal year 2009-10, is as set forth on the lists thereof, attached hereto.

PART III

A diagram showing Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 138 Annexation, the lines and dimensions of each parcel of land within said Zone 138, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2009-10 is filed in the Office of the Riverside County Transportation Department. A reduced copy thereof is filed herewith and made a part hereof. Any changes in organization for said District (i.e. annexation) is discussed in this part.

PART IV

A proposed assessment of the total costs and expense of the proposed improvements for fiscal year 2009-10 upon each parcel of land within said Zone 138, in proportion to the estimated benefits to be received by such parcels from said landscaping improvements, is set forth upon the assessment roll filed herewith and made a part hereof.

There is only one property owner within the proposed boundaries of Zone 138 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 23, 2009; a copy of said waiver is filed herewith and made a part hereof.

Dated April 20, 2009



Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 138,
County of Riverside, California

PART I

DESCRIPTION OF IMPROVEMENTS AND MAINTENANCE PLANS FOR FISCAL YEAR 2009-10 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 138 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 138 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of landscaping within the public right-of-way:

- Northerly of 64th Ave
- Easterly of Lincoln St

Maintenance Plans

Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

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

ZONE 138

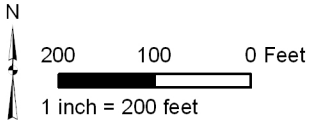
PORTION OF SECTION 5, T.7S., R.9E.

CONDITIONAL USE PERMIT NO. 03500 - 1 PARCEL



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↓ ↓ ↓ ↓ ↓ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FISCAL YEAR 2009-10
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 138
COUNTY OF RIVERSIDE, CALIFORNIA**

The cost estimate contains each of the items specified in Section 22569 of the Landscaping and Lighting Act of 1972.

Cost Estimate for Zone 138

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Landscaping	\$20,110.00
Administrative Costs ³	<u>870.00</u>
Total Amount to be Assessed for FY 2009-10	\$20,980.00

¹Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping and appurtenances including repair, removal, replacement, providing for the life growth, health, beauty of landscaping, removal of trimmings, rubbish, debris and other solid wastes.

²Servicing means furnishing of energy and water to the landscaping improvements.

³Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 138
SUMMARY
ANNUAL BUDGET
FISCAL YEAR 2009-10

MAINTENANCE OF LANDSCAPING	
FUNCTION	ZONE 138
Landscaping and water	\$ 10,859.00
Electricity	\$ 181.00
Mulch	\$ 2,011.00
Field Inspection/Management	\$ 1,629.00
Repair/Replacement	\$ 5,430.00
	\$ 20,110.00

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 138
Assessment Engineer	\$ 260.00
County Counsel	\$ 175.00
Transportation Administration/Miscellaneous Expense	\$ 435.00
	\$ 870.00

TOTAL BUDGET	\$ 20,980.00
FISCAL YEAR 2009-10 ASSESSMENT	\$ 1,126.74/acre

18.62 acre(s)

PART III

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2009-10
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 138
COUNTY OF RIVERSIDE, CALIFORNIA**

Assessment Diagram

A reduced copy of the Assessment Diagram is filed herewith and made a part hereof.

Changes in Organization

Zone 138

Annexation of Zone 138 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2009-10.

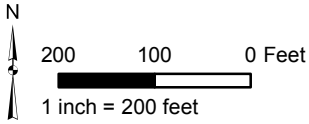
ZONE 138

PORTION OF SECTION 5, T.7S., R.9E.

CONDITIONAL USE PERMIT NO. 03500 - 1 PARCEL



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ASSESSMENT DIAGRAM

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PART IV

**ASSESSMENT FOR FISCAL YEAR 2009-10
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 138
COUNTY OF RIVERSIDE, CALIFORNIA**

**“LANDSCAPING AND LIGHTING ACT OF 1972”, DIVISION 16 OF THE
STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA**

WHEREAS, on May 5, 2009 the Board of Supervisors of the County of Riverside, State of California, did, pursuant to the provisions of the “Landscaping and Lighting Act of 1972”, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2009-148 ordering the preparation of the engineer’s report for a special assessment district known and designated as:

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 138 (herein referred to as “District”); and,

WHEREAS, the Board of Supervisors, did direct the appointed Engineer to make and file a “Report”, in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code, being an article of the aforementioned Landscaping and Lighting Act of 1972.

WHEREAS, Section 22567 of said Article 4 states the “Report” shall consist of the following;

- a. Maintenance plans for the landscaping improvements
- b. An estimate of the costs of servicing landscaping improvements
- c. A diagram for the assessment district
- d. An assessment of the estimated costs of maintenance of the improvements

NOW, THEREFORE, I, the appointed ENGINEER, pursuant to the 'Landscaping Act of 1972", do hereby submit the following:

1. Pursuant to the provisions of law the costs and expenses of the District have been assessed upon the parcels of land in the District benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcel, reference is made to the Assessment Diagram, a reduced copy of which is included herein.
2. As required by law, a Diagram is filed herewith, showing the District, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said District as the same exist each of which subdivisions of land or parcels or lots, respectively, have been given a separate number upon said Diagram and in the Assessment Roll contained herein.
3. The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessment Roll for a description of the lots or parcels.
4. There are no parcels or lots within Zone 138 that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

Method of Assessment Apportionment

The law requires and the statutes provide that assessments, as levied pursuant to the "Landscaping and Lighting Act of 1972" be based on the benefit properties receive. The statutes do not specify the method or formula that should be used to apportion the assessment in any special assessment district proceedings.

The maintenance of landscaping provides direct and special benefit to those properties located within Zone 138 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Landscaping enhances the properties within the DISTRICT, improves erosion control, provides dust abatement, increases public safety (controls sight distance restrictions and fire hazards), improves neighborhood aesthetics, and provides an enhanced quality of life and sense of well being for properties within the DISTRICT.

The landscaping improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 138 are discrete neighborhoods or communities for which the landscaping improvements were installed. Landscaping improvements do not extend beyond the perimeter of the boundary of each of those discrete neighborhoods or communities. It is therefore determined that all properties within the DISTRICT benefit equally from the financed improvements and the costs and expenses for the landscaping improvements maintenance and services are apportioned on a per acre basis.

The dollar per acre value for Fiscal Year 2009-10 for Zone 138 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \underline{\$20,980.00} & \\ \text{Total No. Acres} & 18.62 & = \quad \$1,126.74/\text{acre} \end{array}$$

The assessment for Fiscal Year 2009-10 for Zone 138 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$1,126.74 per acre. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index for March of 2009. Any increase larger than the greater of 2.0% or the

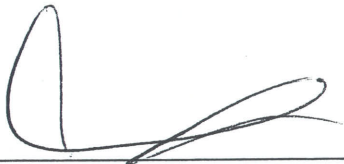
"CPI-U" annual adjustment requires a majority approval of all the property owners within Zone 138.

Waiver and Consent Regarding Date of Assessment Ballot Election

There is only one property owner within the proposed boundaries of Zone 138 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 23, 2009; a copy of said waiver is filed herewith and made a part hereof.

In conclusion, it is my opinion that the assessments for Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 138 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated April 20, 2009



Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 138,
County of Riverside, California

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
OF THE COUNTY OF RIVERSIDE, CALIFORNIA**

**WAIVER AND CONSENT REGARDING DATE OF
ASSESSMENT BALLOT ELECTION**

The undersigned, an authorized representative of Paseo Housing Associates LP (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessors Parcel Numbers for fiscal year 2009-10 (the "Property"): APN(s) 727-030-036.

The Owner has made application that the Property be annexed as Zone 138 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County ("L&LMD No. 89-1-C") and certifies the following:

1. The Owner waives the requirements of Section 4000 of the Elections Code of the State of California (the "Elections Code") that the mailed ballot election required for annexation and the levy of an annual assessment must be held on an established mailed ballot election date pursuant to Section 1500 of the Election Code; and
2. The Owner consents to the mailed assessment ballot election with respect to the levy of an annual assessment on the Property being held on June 23, 2009

**OWNER: Paseo Housing Associates LP
(Name of Company
as Stated in Initial Paragraph)**

By: _____

Signature

Name: Pedro S.G. Rodriguez
Print

Title: Chief Financial Officer

APN

ACRES

ASSESSMENT

727-030-036

18.62

20,979.90