

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

623A



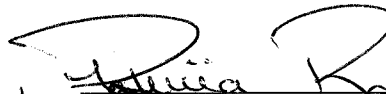
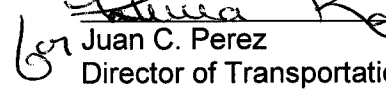
**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
May 4, 2009

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 137 (Mira Loma).

**RECOMMENDED MOTION:** That the Board:

1. Adopt Resolution No. 2009-144, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 137 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2009-10.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 137 of Landscaping and Lighting

  
**Patricia Romo**  
 Deputy Director of Transportation  
  
**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%			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: Dale A. Gardner DATE: 5/15/09

Departmental Concurrence

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref. 02/10/09, 3.28  
04/07/09, 9.4

District: 2

Agenda Number:

3.34

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 137 (Mira Loma).

May 4, 2009

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Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

**BACKGROUND:** On April 7, 2009, a public hearing was held to receive all testimony regarding the annexation of Zone 137 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on April 8, 2009 at 10:00 a.m. in Conference Room D on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that votes representing 3 parcels out of a possible 3 were cast, and that 3 votes (or 100%) were cast in favor of the annexation of Zone 137 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2009-10 for Zone 137 is \$9,248.00 that will result in an assessment for fiscal year 2009-10 within Zone 137 of \$245.36 per acre. Zone 137 includes 3 commercial parcels totaling 37.69 acres. 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.

Adoption of Resolution No. 2009-144 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Zone 137 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2009-10.

2 RESOLUTION NO. 2009-144

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING  
4 THE ANNEXATION OF ZONE 137 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
5 NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM  
6 AND ASSESSMENT FOR ZONE 137 OF LANDSCAPING AND LIGHTING MAINTENANCE  
7 DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE  
8 LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

9 WHEREAS, on February 10, 2009 the Board of Supervisors (hereinafter the "Board of  
10 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2009-021,  
11 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the  
12 intention of the Board of Supervisors to order the annexation of Zone 137 to Landscaping and Lighting  
13 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant  
14 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of  
15 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for  
16 9:30 a.m. on April 7, 2009 at the meeting room of the Board of Supervisors and requiring that the  
17 notice of the public hearing and assessment ballots be mailed to all owners of property within  
18 Zone 137 as shown on the equalized tax roll; and

19 WHEREAS, notice of said public hearing was duly published and mailed as required by  
20 Resolution No. 2009-021, Section 22626 of the Streets and Highways Code and Sections 53753 and  
21 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of  
22 property within said Zone 137 as shown on the equalized tax roll; and

23 WHEREAS, at 9:30 a.m. on April 7, 2009, as set forth in Resolution No. 2009-021, the Board of  
24 Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and  
25 considered all oral statements and all written protest or communications made or filed by any  
26 interested persons, closed the public hearing and directed the Director of Transportation, or his  
27 designee, as an impartial person having no vested interest in the annexation of Zone 137 to L&LMD

FORM APPROVED COUNTY COUNSEL  
BY *[Signature]* DATE 4/15/09  
DALE ASGARDNER

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots  
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely  
4 received from the owner of 3 parcels out of a possible 3 parcels and that 3 parcels (100 percent of the  
5 assessment ballots received) voted in favor of annexation of Zone 137 to L&LMD No. 89-1-C and the  
6 levy of an annual assessment in said Zone 137 beginning fiscal year 2009-10; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally  
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall  
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 137 of  
11 L&LMD No. 89-1-C beginning fiscal year 2009-10.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors of the County in regular session on May 5, 2009 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and  
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division  
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the  
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 137 of  
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in  
23 favor of the annexation of Zone 137 to L&LMD No. 89-1-C and the levy of an  
24 annual assessment beginning fiscal year 2009-10, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
26 annexation of Zone 137 to L&LMD No. 89-1-C;

- 1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the  
2 diagram and assessment for Zone 137 of L&LMD No. 89-1-C either as originally  
3 proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within  
5 Zone 137 of L&LMD No. 89-1-C for the installation, maintenance and servicing  
6 of fossil filter, streetlight and traffic signal improvements in said Zone 137 during  
7 the fiscal year 2009-10 as contained in the report of the Director of  
8 Transportation which is on file with the Clerk of the Board of Supervisors  
9 (hereinafter the "Report") are based on benefits derived by such lots and parcels  
10 from the availability of such fossil filter, streetlight and traffic signal  
11 improvements, and are not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 137, as proposed to be annexed to L&LMD No.  
13 89-1-C, includes all the property subject to Parcel Map Nos. 32479 and 34178, and Plot Plan No.  
14 19980 in the County of Riverside, State of California as described in Exhibit "A" attached hereto, shall  
15 be and is annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 137 of L&LMD  
17 No. 89-1-C are:

- 18 (a) The maintenance and servicing of fossil filters within the public right-of-way  
19 including the removal of petroleum hydrocarbons and other pollutants from  
20 water runoff; and
- 21 (b) Providing electricity to and the maintenance and servicing of traffic signals within  
22 the public right-of-way including incidental costs and expenses; and
- 23 (c) Providing electricity to all streetlights within the public right-of-way including  
24 incidental costs and expenses.

25 **Section 4. Confirmation of Report.** The Report and the assessment diagram and  
26 the assessment of estimated costs for the installation, maintenance and servicing of fossil filter,

1 streetlight and traffic signal improvements in Zone 137 of L&LMD No. 89-1-C for fiscal year 2009-10  
2 as contained in the Report are confirmed.

3           **Section 5.    Levy of Assessment.** Pursuant to Section 22631 of the Streets and  
4 Highways Code the adoption of this resolution constitutes the levy of the assessment for the  
5 installation, and maintenance or servicing of fossil filter, streetlight and traffic signal improvements in  
6 Zone 137 of L&LMD No. 89-1-C during fiscal year 2009-10, as contained in the Report, and such  
7 assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this  
8 resolution, together with the diagram and assessment contained in the Report with the County Auditor-  
9 Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways  
10 Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed  
11 thereupon, as shown in said assessment.

12           **Section 6.    Effective Date.** This Resolution shall take effect from and after its date  
13 of adoption.

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 137 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 156-210-064 and 065, and 170-330-027 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 137**

PORTION OF SECTIONS 9 & 10, T.2S., R.6W.

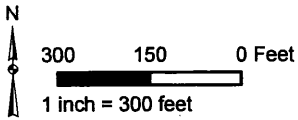
PARCEL MAP NOS. 32479 & 34178 AND PLOT PLAN NO. 19980

3 PARCELS

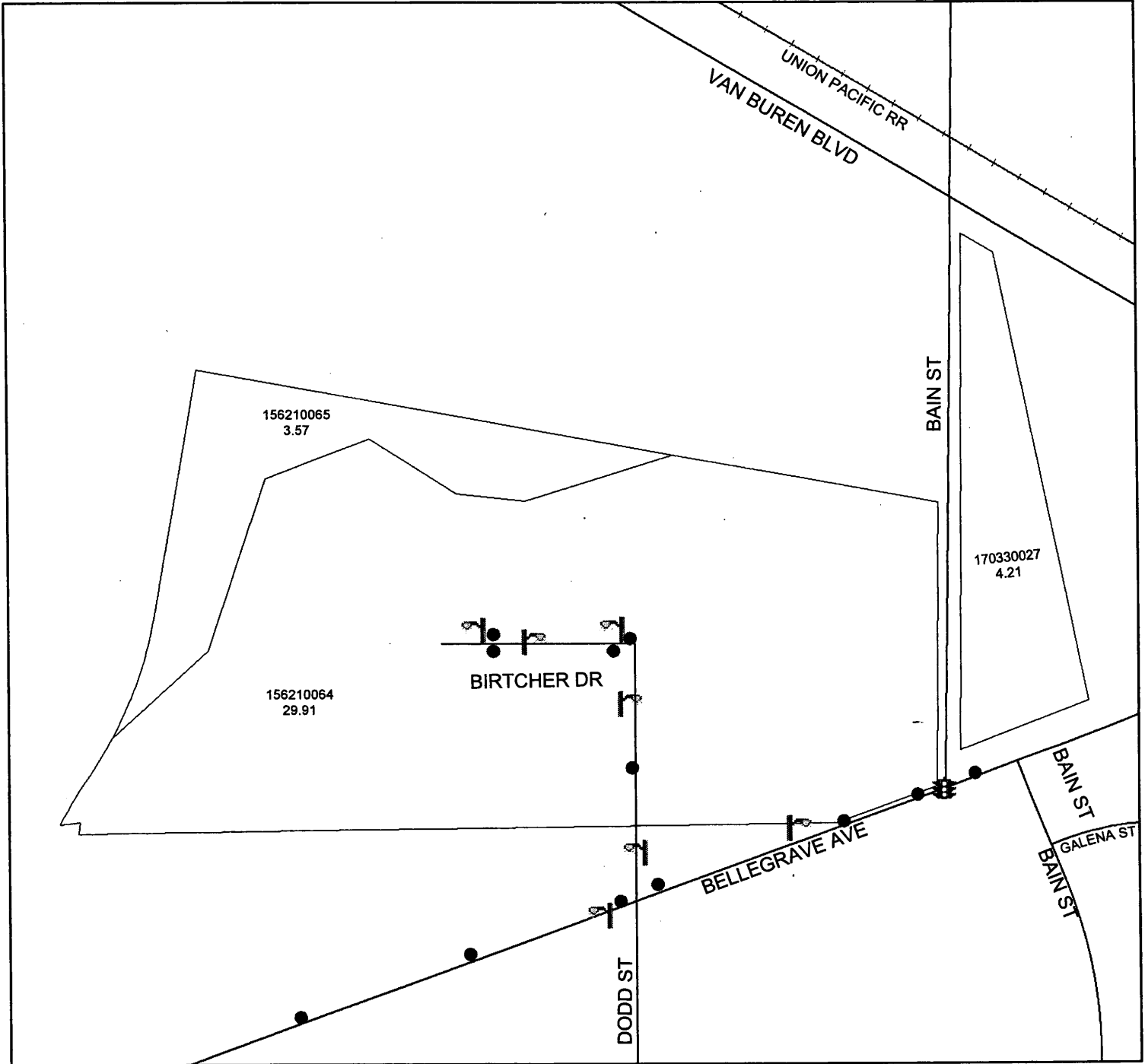


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**ASSESSMENT DIAGRAM**



- DENOTES MAINTAINED FOSSIL FILTER
- ⌂ DENOTES MAINTAINED STREETLIGHT
- Ⓜ DENOTES MAINTAINED TRAFFIC SIGNAL