

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

313A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 22, 2009

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

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2009-206, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 119 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 119 of Landscaping and Lighting

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 Dale A. Gardner 6/11/09
DATE

Departmental Concurrence

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

Prev. Agn. Ref. 04/14/09, 3.27
06/02/09, 9.12

District: 3

Agenda Number:

3.74

The Honorable Board of Supervisors

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

June 22, 2009

Page 2 of 2

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

BACKGROUND: On June 2, 2009, a public hearing was held to receive all testimony regarding the annexation of Zone 119 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 June 3, 2009 at 10:00 a.m. in Conference Room D on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 5 parcels out of a possible 5 were cast, and that 5 votes (or 100%) were cast in favor of the annexation of Zone 119 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 119 is \$4,903.00 that will result in an assessment for fiscal year 2009-10 within Zone 119 of \$980.60 per parcel. Zone 119 includes 5 single-family residential lots. 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. 2009-206 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Zone 119 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.

RESOLUTION NO. 2009-206

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 119 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 119 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

WHEREAS, on April 14, 2009 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2009-125, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Zone 119 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on June 2, 2009 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Zone 119 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2009-125, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Zone 119 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on June 2, 2009, as set forth in Resolution No. 2009-125, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Zone 119 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY: *DALE S. GARDNER* 6/16/09
DALE S. GARDNER

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 5 parcels out of a possible 5 parcels and that 5 parcels (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 119 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 119 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 119 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 June 30, 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 119 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 119 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 119 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 119 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 119 of L&LMD No. 89-1-C for the installation, maintenance and servicing
6 of landscaping and graffiti abatement improvements in said Zone 119 during the
7 fiscal year 2009-10 as contained in the report of the Director of Transportation
8 which is on file with the Clerk of the Board of Supervisors (hereinafter the
9 "Report") are based on benefits derived by such lots and parcels from the
10 availability of such landscaping and graffiti abatement improvements, and are
11 not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 119, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Tract Map No. 33323 in the County of Riverside, State of
14 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

15 **Section 3. Improvements.** The improvements authorized for Zone 119 of L&LMD
16 No. 89-1-C are:

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

20 (b) The maintenance and servicing of irrigation and electrical facilities associated
21 with the landscaping, including but not limited to electricity for operation of the
22 irrigation system and water for irrigation; and

23 (c) Providing graffiti abatement services to walls and structures with the public right-
24 of-way including 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 landscaping and

1 graffiti abatement improvements in Zone 119 of L&LMD No. 89-1-C for fiscal year 2009-10 as
2 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 landscaping and graffiti abatement improvements in
6 Zone 119 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 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 2008-09.

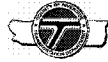
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

ZONE 119

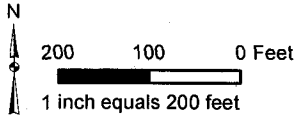
PORTION OF SECTION 19, T.5S., R.1E.

TRACT MAP NO. 33323 - 5 PARCELS

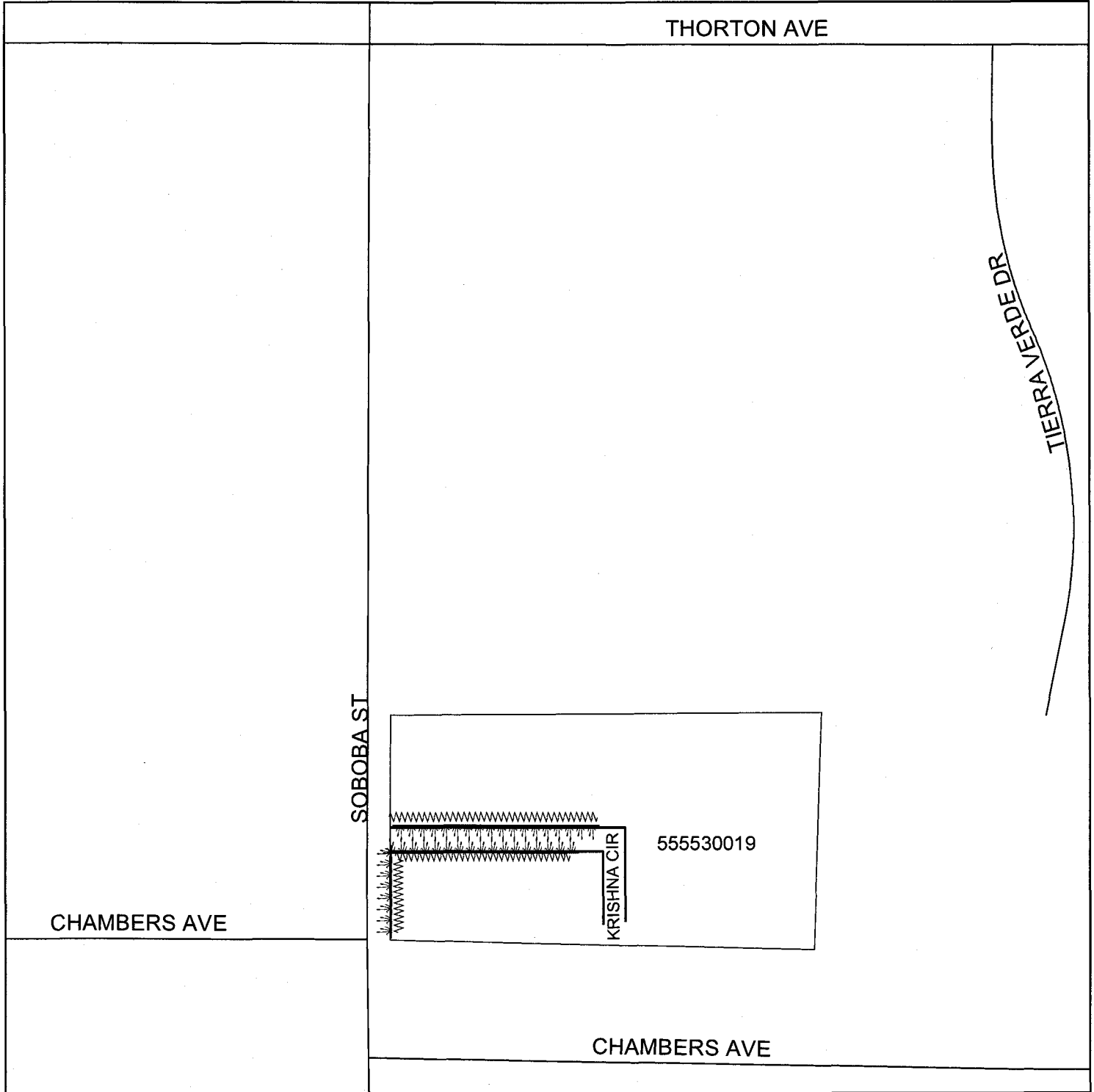


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map.

Printed by jpickeri on 4/24/08



ASSESSMENT DIAGRAM



||||| DENOTES LANDSCAPED AND MAINTAINED PARKWAY

~~~~~ DENOTES MAINTAINED GRAFFITI ABATEMENT