

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




FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
July 6, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 135 (Glen Ivy Hot Springs).

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2009-234, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 135 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 135 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:	2009-10

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
DATE 6/24/09

Departmental Concurrence

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

Prev. Agn. Ref. 05/05/09, 3.32
06/23/09, 9.6

District: 1

Agenda Number:

3.93

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 135 (Glen Ivy Hot Springs).

July 6, 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 June 23, 2009, a public hearing was held to receive all testimony regarding the annexation of Zone 135 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 24, 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 265 parcels out of a possible 265 were cast, and that 261 votes (or 81%) were cast in favor of the annexation of Zone 135 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 135 (within public rights-of-way located northwesterly and southeasterly of Indian Truck Trl, at the intersections of Indian Truck Trl and De Palma Rd and Santiago Canyon Rd and De Palma Rd, and the I-15/Indian Truck Trl Interchange) is \$4,703.00 that will result in an assessment for fiscal year 2009-10 within Zone 135 of \$14.52 per EDU (Equivalent Dwelling Unit). For the fiscal year in which the future landscape improvements at I-15/Indian Truck Trl Interchange are completed, the annual assessment may be increased to an amount not to exceed 305.18 per EDU, adjusted for inflation. Zone 135 includes 261 single-family residential lots and 4 commercial parcels totaling 7.92 acres. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2009.

Adoption of Resolution No. 2009-234 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Zone 135 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. 2009-234

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 135 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 135 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 May 5, 2009 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2009-147, 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 135 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 23, 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 135 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2009-147, 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 135 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on June 23, 2009, as set forth in Resolution No. 2009-147, 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 135 to L&LMD

FORM APPROVED COUNTY COUNSEL

BY: *DALE AGARDNER* DATE: *6/24/09*

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 owners of 265 parcels out of a possible 265 parcels and that 261 parcels (81
5 percent of the assessment ballots received) voted in favor of annexation of Zone 135 to L&LMD No.
6 89-1-C and the levy of an annual assessment in said Zone 135 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 135 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 July 28, 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 135 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 81 percent voted in favor
23 of the annexation of Zone 135 to L&LMD No. 89-1-C and the levy of an annual
24 assessment beginning fiscal year 2009-10, and 19 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 135 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 135 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 135 of L&LMD No. 89-1-C for the installation, maintenance and servicing
6 of streetlight and traffic signal improvements in said Zone 135 during the fiscal
7 year 2009-10 as contained in the report of the Director of Transportation which
8 is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
9 based on benefits derived by such lots and parcels from the availability of such
10 streetlight and traffic signal improvements, and are not based upon the
11 ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 135, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Conditional Use Permit No. 03472, and Tract Map Nos.
14 31908, 31908-1 and 31908-2 in the County of Riverside, State of California as described in Exhibit "A"
15 attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 135 of L&LMD
17 No. 89-1-C are:

- 18 (a) Providing electricity to and the maintenance and servicing of traffic signals within
19 the public right-of-way including incidental costs and expenses; and
- 20 (b) Providing electricity to all streetlights within the public right-of-way including
21 incidental costs and expenses; and
- 22 (c) The future maintenance and servicing of landscaping within the public right-of-
23 way including the trimming, fertilizing, weeding and replanting of trees, shrubs,
24 grass, and other ornamental vegetation; and
- 25
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1 (d) The future maintenance and servicing of irrigation and electrical facilities
2 associated with the landscaping, including but not limited to electricity for
3 operation of the irrigation system and water for irrigation.

4 (e)

5 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
6 the assessment of estimated costs for the installation, maintenance and servicing of streetlight and
7 traffic signal improvements in Zone 135 of L&LMD No. 89-1-C for fiscal year 2009-10 as contained in
8 the Report are confirmed.

9 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
10 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
11 installation, and maintenance or servicing of streetlight and traffic signal improvements in Zone 135 of
12 L&LMD No. 89-1-C during fiscal year 2009-10, as contained in the Report, and such assessment is
13 levied. This assessment will increase in the fiscal years in which the future landscape improvements at
14 I-15/Indian Truck Trl Interchange are completed. The Clerk of the Board of Supervisors is directed to
15 file a certified copy of this resolution, together with the diagram and assessment contained in the
16 Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645
17 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of
18 land the amount assessed thereupon, as shown in said assessment.

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

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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 135 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 4 commercial parcels as shown on Conditional Use Permit No. 03472, and 261 single-family residential lots as shown on Tract Map Nos. 31908, 31908-1 and 31908-2 in the County of Riverside, State of California for fiscal year 2009-10.

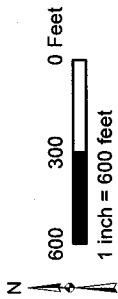
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 135

PORTION OF SECTION 12, T.5S., R.6W.

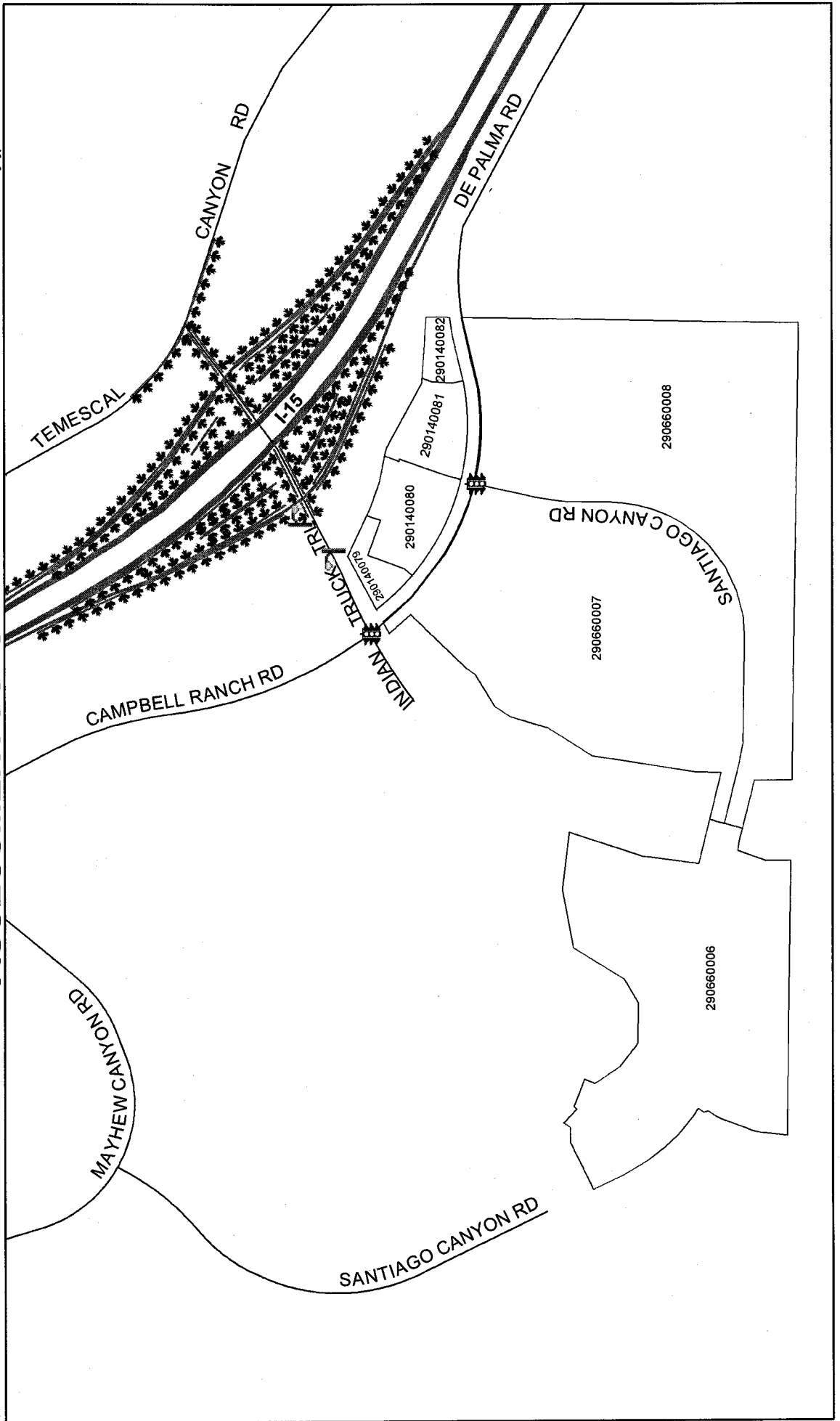
CONDITIONAL USE PERMIT NO. 03472 & TRACT MAP NOS. 31908, 31908-1, & 31908-2
 265 PARCELS

ASSESSMENT DIAGRAM



The County of Riverside assumes no warranty or legal responsibility for the accuracy of the information represented on this map. It is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS is not responsible for the most current information. Do not copy or reuse this map.

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DENOTES MAINTAINED STREETLIGHT
 DENOTES MAINTAINED TRAFFIC SIGNAL
 DENOTES FUTURE LANDSCAPED AND MAINTAINED PARKWAY