

**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 138 (Mecca).

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2009-235, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 138 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 138 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

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

Prev. Agn. Ref. 05/05/09, 3.33
 06/23/09, 9.7

District: 4 Agenda Number:

3.94

The Honorable Board of Supervisors

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

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 138 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 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Zone 138 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 138 (within public rights-of-way located northerly of 64th Ave and easterly of Lincoln St) is \$20,980.00 that will result in an assessment for fiscal year 2009-10 within Zone 138 of \$1,126.74 per acre. Zone 138 includes 1 commercial parcel totaling 18.62 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. 2009-235 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Zone 138 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. 2009-235

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 138 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 138 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. 2009-149, 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 138 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 138 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2009-149, 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 138 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on June 23, 2009, as set forth in Resolution No. 2009-149, 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 138 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 6/24/09
DALE AGGARONER DADE

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 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 138 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 138 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 138 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 138 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 138 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 138 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 138 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 138 of L&LMD No. 89-1-C for the installation, maintenance and servicing
6 of landscaping improvements in said Zone 138 during the fiscal year 2009-10 as
7 contained in the report of the Director of Transportation which is on file with the
8 Clerk of the Board of Supervisors (hereinafter the "Report") are based on
9 benefits derived by such lots and parcels from the availability of such
10 landscaping improvements, and are not based upon the ownership of such lots
11 and parcels.

12 **Section 2. Annexation.** Zone 138, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Conditional Use Permit No. 03500 in the County of
14 Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into
15 L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 138 of L&LMD
17 No. 89-1-C are:

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

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

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

1 improvements in Zone 138 of L&LMD No. 89-1-C for fiscal year 2009-10 as contained in the Report
2 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 improvements in Zone 138 of L&LMD No.
6 89-1-C during fiscal year 2009-10, as contained in the Report, and such assessment is levied. The
7 Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the
8 diagram and assessment contained in the Report with the County Auditor-Controller of the County of
9 Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the
10 County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said
11 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 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

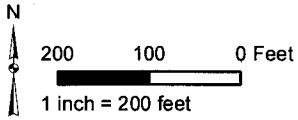
ZONE 138

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

CONDITIONAL USE PERMIT NO. 03500 - 1 PARCEL



The County of Riverside assumes no warranty or legal responsibility for the information combined 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.



ASSESSMENT DIAGRAM

Printed by jpickeri on 4/10/09



 DENOTES LANDSCAPED AND MAINTAINED PARKWAY