

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

736A



FROM: TLMA - Transportation Dept.

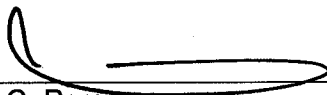
SUBMITTAL DATE:
January 13, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 146 (Highgrove).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-017 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 146 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 146.

Resolution No. 2010-018, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 146 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

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner DATE: 12/23/07
DALE A. GARDNER
Departmental Concurrence

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: Alex Gann
Alex Gann

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. | **District: 5** | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.49

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 146 (Highgrove).

January 13, 2010

Page 2 of 2

1972 for the maintenance and servicing of traffic signals, and the provision of electricity for streetlights and traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 146, 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. 2010-017 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 146 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-018 declares the Board's intention of ordering the annexation of Zone 146 to L&LMD No. 89-1-C. Annexation of Zone 146 to L&LMD No. 89-1-C will fund the maintenance and servicing of traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located southerly of Center St, easterly of Highgrove Pl and at the intersection of Center St and Iowa Ave in the Highgrove area and includes 2 commercial parcels, totaling 1.31 acre(s).

The proposed budget for fiscal year 2010-11 for Zone 146 is \$908 that will result in an assessment for fiscal year 2010-11 within Zone 146 of \$693.12 per acre. 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.

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 March 16, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 146 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-018, 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 146 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 146 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 March 16, 2010.

2 RESOLUTION NO. 2010-017

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 146 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 146"),
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 146 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 146; 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 March 16, 2010; 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 *Dee A Gardner* 12/23/09
DALE A. GARDNER DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 146
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 January 26, 2010 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 146 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 146 to pay the costs of the
11 following services:

- 12 (a) Providing electricity to and the maintenance and servicing of traffic signals within
13 the public right-of-way including incidental costs and expenses; and
14 (b) Providing electricity to all streetlights within the public right-of-way including
15 incidental costs and expenses.

16 **Section 3. Boundaries and Designation.** The boundaries of Zone 146 that are
17 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
18 described in Exhibit "A".

19 **Section 4. Report.** The Director of the Department of the County, or his designee,
20 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
21 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
22 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
23 levy.

24 **Section 5. Effective Date.** This Resolution shall take effect from and after its date
25 of adoption.
26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 146 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 247-081-025 and 027 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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 146

PORTION OF SECTION 7, T.2S., R.4W.

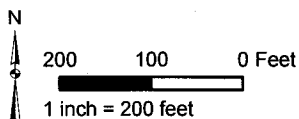
CONDITIONAL USE PERMIT NO. 03577

2 PARCELS

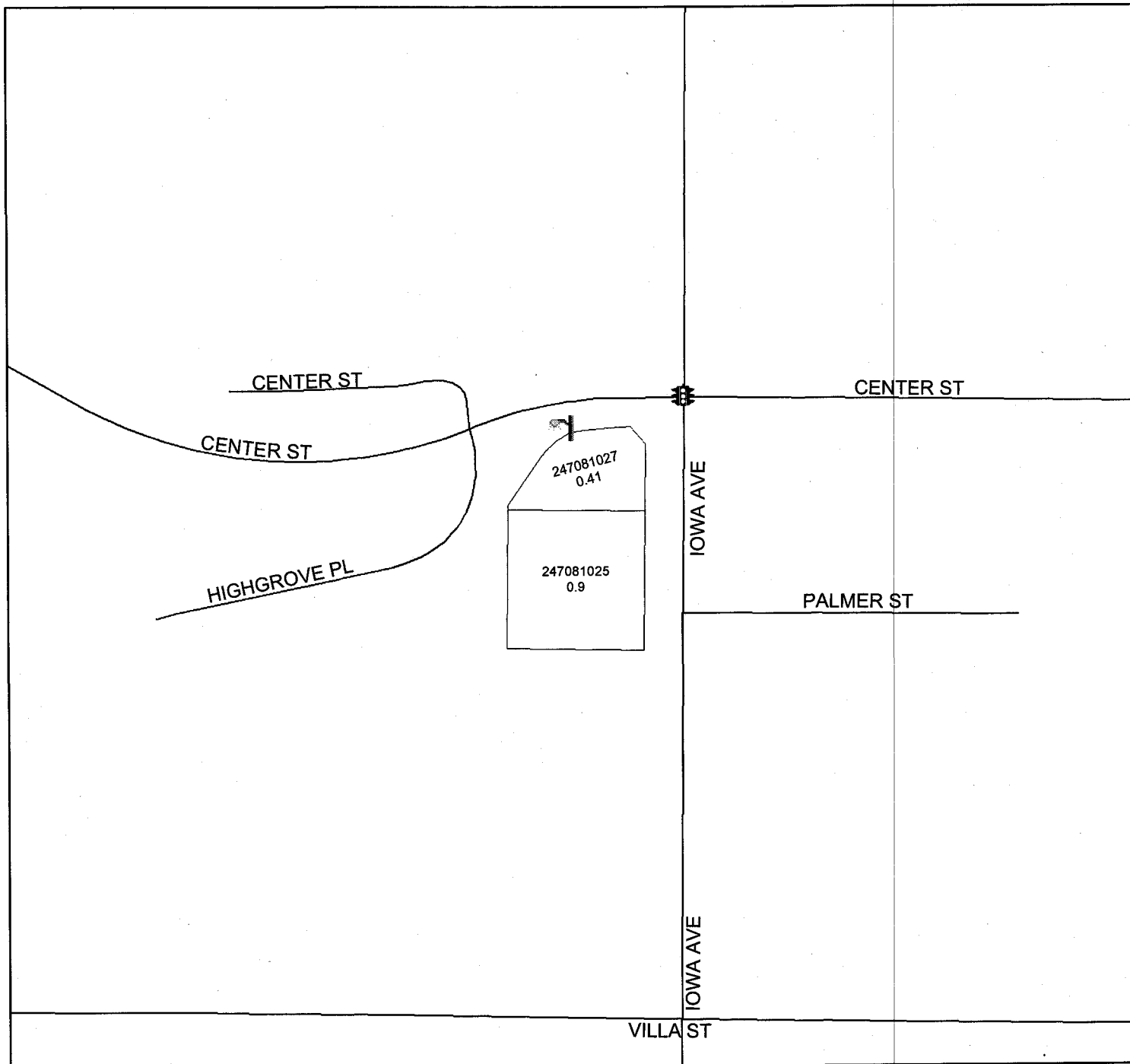


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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

Printed by jpicker on 12/16/09



ASSESSMENT DIAGRAM



- DENOTES MAINTAINED STREETLIGHT
- DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2010-018

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 146 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 STREETLIGHTS AND TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE
9 PUBLIC HEARING ON THE ANNEXATION OF ZONE 146; ORDERING AN ASSESSMENT
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE
12 XIIID OF THE CALIFORNIA 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. 2010-017 on January 26, 2010
15 initiating proceedings for the annexation of Zone 146 (hereinafter "Zone 146"), as described and shown
16 in 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 146 and the assessments to be levied within
22 Zone 146 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of traffic
23 signals, and the provision of electricity for streetlights and traffic signals within the public right-of-way
24 within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the
26 California Constitution (hereinafter "Article XIIID:."), the Act, and Section 4000 of the Elections Code
requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 146;
and

WHEREAS, the Board of Supervisors by Resolution No. 2010-017 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *Wally G. Gardner* 12/23/09
DATE
WALLY G. GARDNER

b

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 March 16, 2010; 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 146, and the assessments to be levied on parcels within Zone 146
11 beginning in fiscal year 2010-11;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on January 26, 2010 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 2010-11 on all parcels within Zone 146 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$693.12 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 146, 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 146
24 commencing with the fiscal year 2010-11 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 146 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 146 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 traffic signals, and the provision of electricity for streetlights and traffic signals authorized for Zone 146
9 of L&LMD No. 89-1-C are:

- 10 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
11 public right-of-way including incidental costs and expenses; and
- 12 (b) Providing electricity to all streetlights within the public right-of-way including incidental
13 costs and expenses.

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
15 benefits from the annexation of Zone 146 of L&LMD No. 89-1-C will be \$693.12 per acre for fiscal year
16 2010-11. As stated in the Report, the total budget for Zone 146 for the fiscal year 2010-11 is \$908;
17 there are 2 parcels that are to be assessed that aggregate to 1.31 acres. The annual assessment will
18 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
19 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-
20 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the
21 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will
22 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the
23 base Index for March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual
24 adjustment requires a majority approval of all the property owners within Zone 146. The Board of
25 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors
26

1 undertakes proceedings for the dissolution of Zone 146 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 146. The boundaries of Zone 146 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 146, and the
10 annual assessment to be levied upon assessable lots and parcels within Zone 146 proposed to be
11 annexed to L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 146 shall be annexed into
13 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11 shall be
14 considered at a public hearing (hereinafter the "Public Hearing") to be held on March 16, 2010, 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 146 is to receive
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID 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 146 if there is a majority protest with regard to the annexation of Zone 146. 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 146 exceeds the assessment ballots in favor
24 of the annexation and assessment of Zone 146.

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 146 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 146 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 XIID. 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 March 16,
9 2010. 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 XIID and
12 Section 4000 of the California Elections Code to all owners of record of property within Zone 146 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 March 16,
15 2010.

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 146 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 247-081-025 and 027 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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

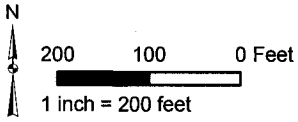
ZONE 146

PORTION OF SECTION 7, T.2S., R.4W.
CONDITIONAL USE PERMIT NO. 03577

2 PARCELS

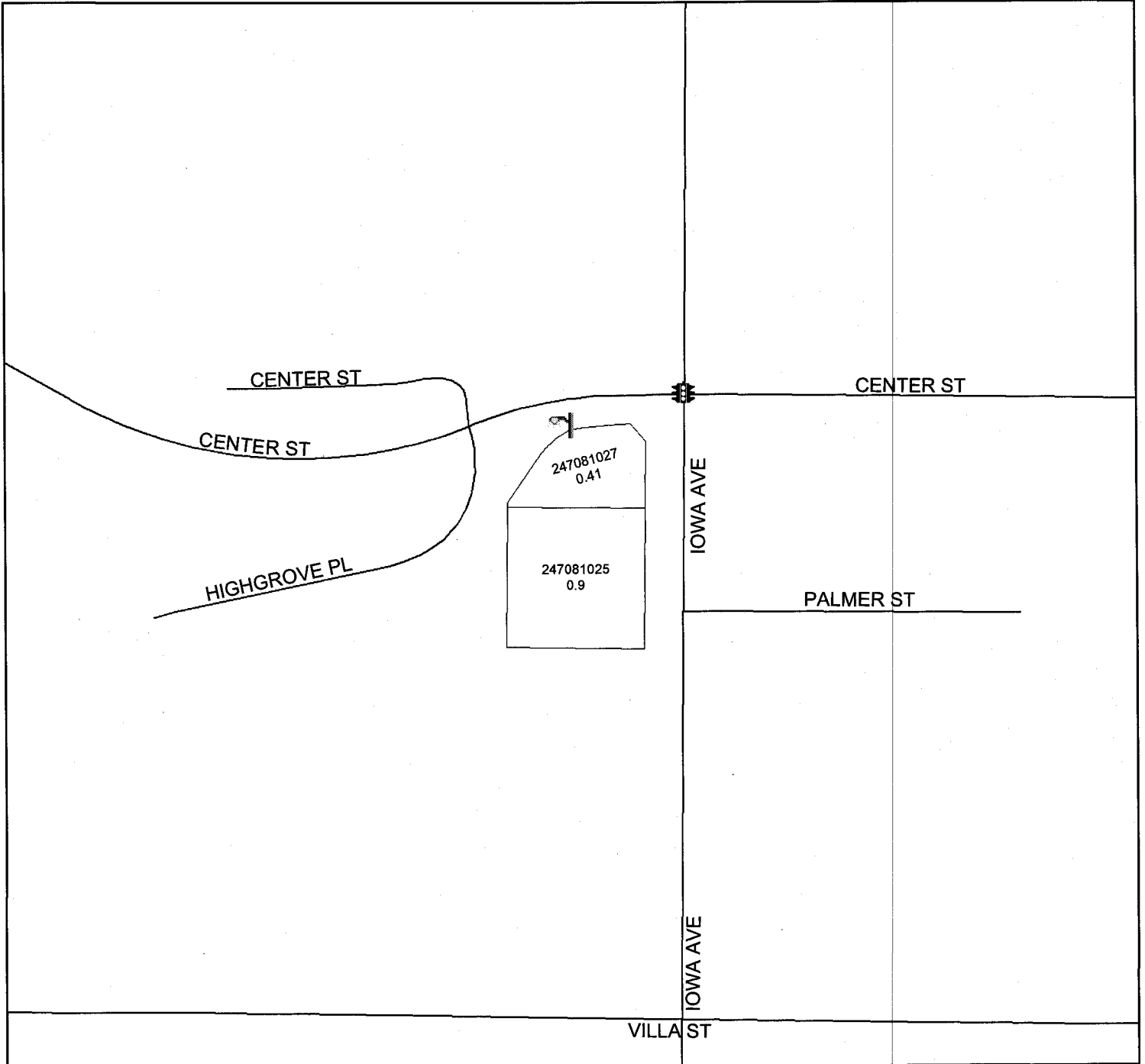


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



ASSESSMENT DIAGRAM

Printed by jpickeri on 12/16/09



- DENOTES MAINTAINED STREETLIGHT
- DENOTES MAINTAINED TRAFFIC SIGNAL

