

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

735A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 148 (Horsetheif Canyon).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-021 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 148.

Resolution No. 2010-022, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 148 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

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

FORM APPROVED COUNTY COUNSEL
BY: Alex Gann 12/23/09
DALE A. GARDNER DATE
Departmental Concurrence

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. | **District:** 1 | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.51

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 148 (Horsetheif Canyon).

January 13, 2010

Page 2 of 2

1972 for the maintenance and servicing of future median landscaping and future streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 148, 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. 2010-021 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-022 declares the Board's intention of ordering the annexation of Zone 148 to L&LMD No. 89-1-C. Annexation of Zone 148 to L&LMD No. 89-1-C will fund the maintenance and servicing of future median landscaping and the provision of electricity for future streetlights within public right-of-way located northerly and southerly of Temescal Canyon Rd in the Horsetheif Canyon area and includes 1 commercial parcel, totalling 3.1 acres.

Beginning in the fiscal year in which the future streetlight on Temescal Canyon Rd is installed the annual budget for Zone 148 will be \$330, or an assessment of \$106.44 per acre. Beginning in the fiscal year in which the future median on Temescal Canyon Rd is installed the annual budget for Zone 148 will be increased by \$1,488, and the assessment will be increased by \$479.92 per acre. Therefore, the proposed future annual budget for Zone 148 is \$1,818 that will result in a future annual assessment for Zone 148 of \$586.36 per acre. 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 2010.

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 148 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-022, 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 148 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 148 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. 2010-021

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 148 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 148"),
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 148 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 148; 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 *[Signature]* DATE *12/23/09*
BY *[Signature]* DATE *12/23/09*

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 148
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 148 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 148 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of future median landscaping within the public
13 right-of-way including the trimming, fertilizing, weeding and replanting of trees,
14 shrubs, grass, and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation; and
- 18 (c) Providing electricity to all future streetlights within the public right-of-way
19 including incidental costs and expenses.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 148 that are
21 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
22 described in Exhibit "A".

23 **Section 4. Report.** The Director of the Department of the County, or his designee,
24 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
25 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
26

1 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
2 levy.

3 **Section 5. Effective Date.** This Resolution shall take effect from and after its date
4 of adoption.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 148 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 391-070-030 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

ZONE 148

PORTION OF SECTION 7, T.5S., R.5W.

PLOT PLAN NO. 24107

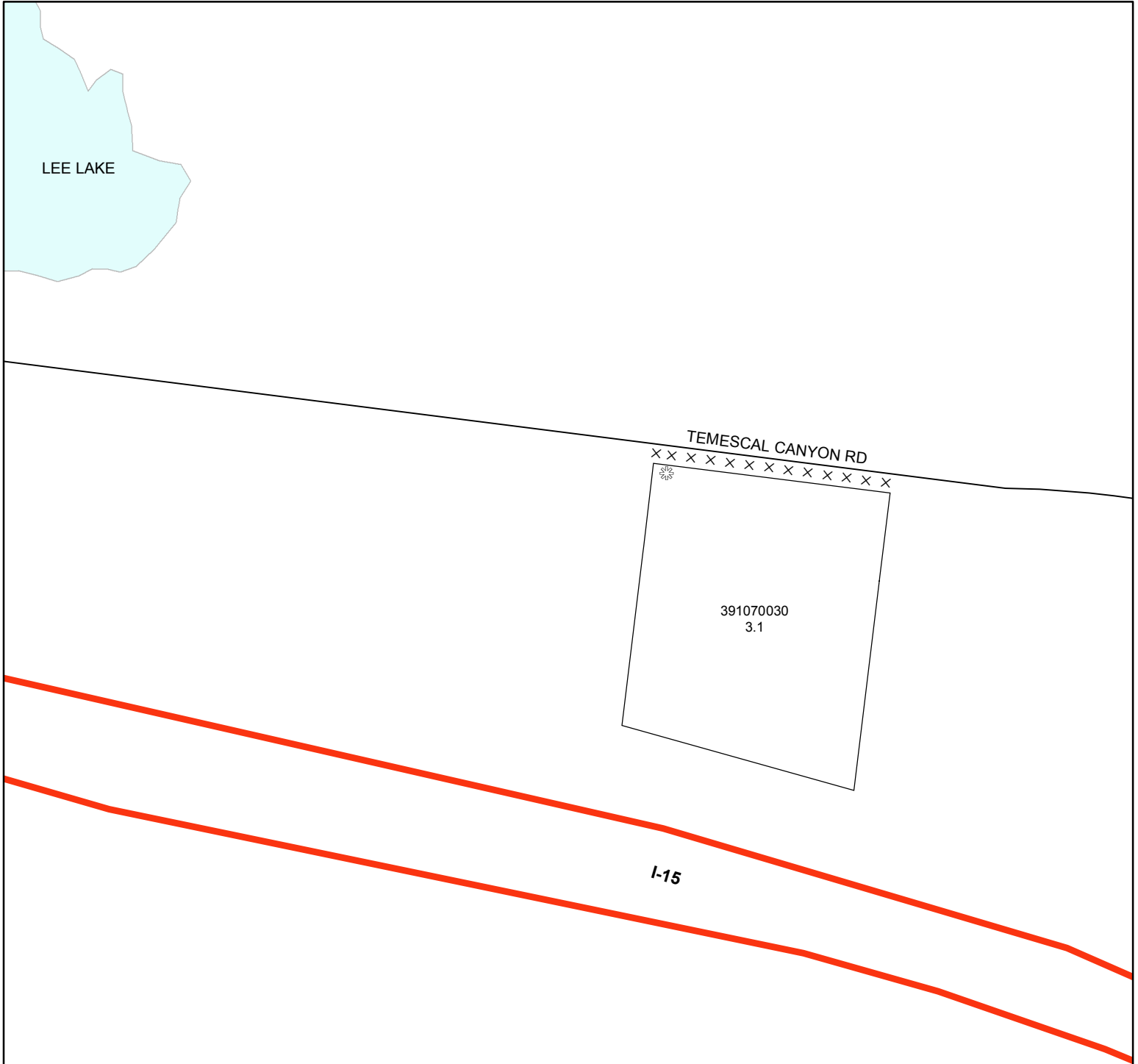
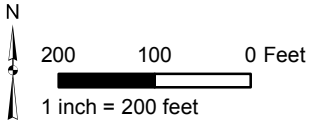
1 PARCEL



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.

ASSESSMENT DIAGRAM

Printed by jpickeri on 12/17/09



DENOTES FUTURE MAINTAINED STREETLIGHT

x x x x DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

2 RESOLUTION NO. 2010-022

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 148 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 FUTURE MEDIAN LANDSCAPING AND FUTURE STREETLIGHTS;
8 ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE
9 TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 148; ORDERING
10 AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING
11 NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED
12 PURSUANT TO ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF
13 THE ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
15 Riverside (hereinafter the "County") has adopted Resolution No. 2010-021 on January 26, 2010
16 initiating proceedings for the annexation of Zone 148 (hereinafter "Zone 148"), as described and shown
17 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
18 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
21 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
22 "Report") regarding the proposed annexation of Zone 148 and the assessments to be levied within
23 Zone 148 each fiscal year for the the maintenance and servicing of future median landscaping and the
24 provision of electricity for future streetlights within the public right-of-way within said Zone, beginning
25 with the fiscal year in which said improvements have been installed; and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the
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 148;
and

FORM APPROVED COUNTY COUNSEL
12/23/09
DATE
A. GARRONE
2

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2010-021 directed the Director of the
2 Transportation Department, or his designee (hereinafter the “Engineer”), to prepare and file the Report
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
4 Street and Highways Code and Section 4 of Article XIID; and

5 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and
6 the Report has been presented to and considered by the Board of Supervisors; and

7 **WHEREAS**, the Applicant has executed a “Waiver and Consent Regarding Date of Assessment
8 Ballot Election” allowing for the election to be held on March 16, 2010; and

9 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
12 Report, the annexation of Zone 148, and the assessments to be levied on parcels within Zone 148
13 beginning in the fiscal year in which the future improvements are installed;

14 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
15 Board of Supervisors in regular session assembled on January 26, 2010 as follows:

16 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 17 (a) The foregoing recitals are true and correct;
- 18 (b) The Report contains all matters required by Sections 22565 through 22574 of the
19 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
20 approved by the Board of Supervisors;
- 21 (c) Beginning in the fiscal year in which the future streetlight is installed the annual
22 assessment will be \$106.44 per acre. Beginning in the fiscal year in which the future
23 median is installed the annual assessment will be increased by \$479.92 per acre.
24 Therefore, the proposed future annual assessment for on all parcels within Zone 148
25 proposed to be annexed to L&LMD No. 89-1-C will be \$586.36 per acre.
- 26

1 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
2 annexation of Zone 148, as described and shown in Exhibit “A”, to L&LMD No. 89-1-C, and to levy and
3 collect an annual assessment on all assessable lots and parcels of property within Zone 148
4 commencing with the fiscal year in which the future improvements are installed as set forth in the
5 Report. The Report expressly states that there are no parcels or lots within Zone 148 that are owned by
6 a federal, state or other local governmental agency that will benefit from the services to be financed by
7 the annual assessments. The annual assessments will be collected at the same time and in the same
8 manner as property taxes are collected, and all laws providing for the collection and enforcement of
9 property taxes shall apply to the collection and enforcement of said assessments.

10 **Section 3. Boundaries.** All the property within boundaries of Zone 148 is proposed to be
11 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
12 County as described and shown in Exhibit “A”.

13 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
14 future median landscaping and the provision of electricity for future streetlights authorized for Zone 148
15 of L&LMD No. 89-1-C are:

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

24 **Section 5. Amount to be Levied.** Beginning in the fiscal year in which the future streetlight
25 on Temescal Canyon Rd is installed the annual budget for Zone 148 will be \$330, or an assessment of
26 \$106.44 per acre. Beginning in the fiscal year in which the future median on Temescal Canyon Rd is

1 installed the annual budget for Zone 148 will be increased by \$1,488, and the assessment will be
2 increased by \$479.92 per acre. Therefore, as stated in the Report, the total future annual budget for
3 Zone 148 will be \$1,818 that will result in a future annual assessment for Zone 148 of \$586.36 per acre.
4 There is 1 parcel that is to be assessed that aggregates to 3.1 acres. The annual assessment will be
5 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
6 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
7 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
8 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
9 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
10 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
11 majority approval of all the property owners within Zone 148. The Board of Supervisors will levy the
12 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
13 the dissolution of Zone 148 of L&LMD No. 89-1-C. The annual assessment will fund the services
14 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
15 on file in the Office of the Clerk of the Board of Supervisors.

16 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
17 89-1-C is Zone 148. The boundaries of Zone 148 are located within the unincorporated area of the
18 County and are described and shown in the Report and Exhibit "A".

19 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
20 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
21 the Report for a full and detailed description of the services, the boundaries of Zone 148, and the
22 annual assessment to be levied upon assessable lots and parcels within Zone 148 proposed to be
23 annexed to L&LMD No. 89-1-C.

24 **Section 8. Public Hearing.** The question of whether Zone 148 shall be annexed into
25 L&LMD No. 89-1-C and an annual assessment levied, beginning in the fiscal year in which the future
26 improvements are installed, shall be considered at a public hearing (hereinafter the "Public Hearing") to

1 be held on March 16, 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County
2 at 4080 Lemon Street, 1st Floor, Riverside, California.

3 **Section 9. Majority Protest.** Each owner of record of property within Zone 148 is to receive
4 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
5 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
6 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
7 Zone 148 if there is a majority protest with regard to the annexation of Zone 148. A majority protest
8 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
9 in opposition to the annexation and assessment of Zone 148 exceeds the assessment ballots in favor
10 of the annexation and assessment of Zone 148.

11 **Section 10. Information.** Any property owner desiring additional information regarding
12 Zone 148 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
13 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
14 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
15 (951) 955-6829.

16 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
17 annexation of Zone 148 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
18 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
19 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
20 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is March 16,
21 2010. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
22 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
23 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
24 Section 4000 of the California Elections Code to all owners of record of property within Zone 148 as
25 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
26

1 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on March 16,
2 2010.

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 148 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 391-070-030 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

ZONE 148

PORTION OF SECTION 7, T.5S., R.5W.

PLOT PLAN NO. 24107

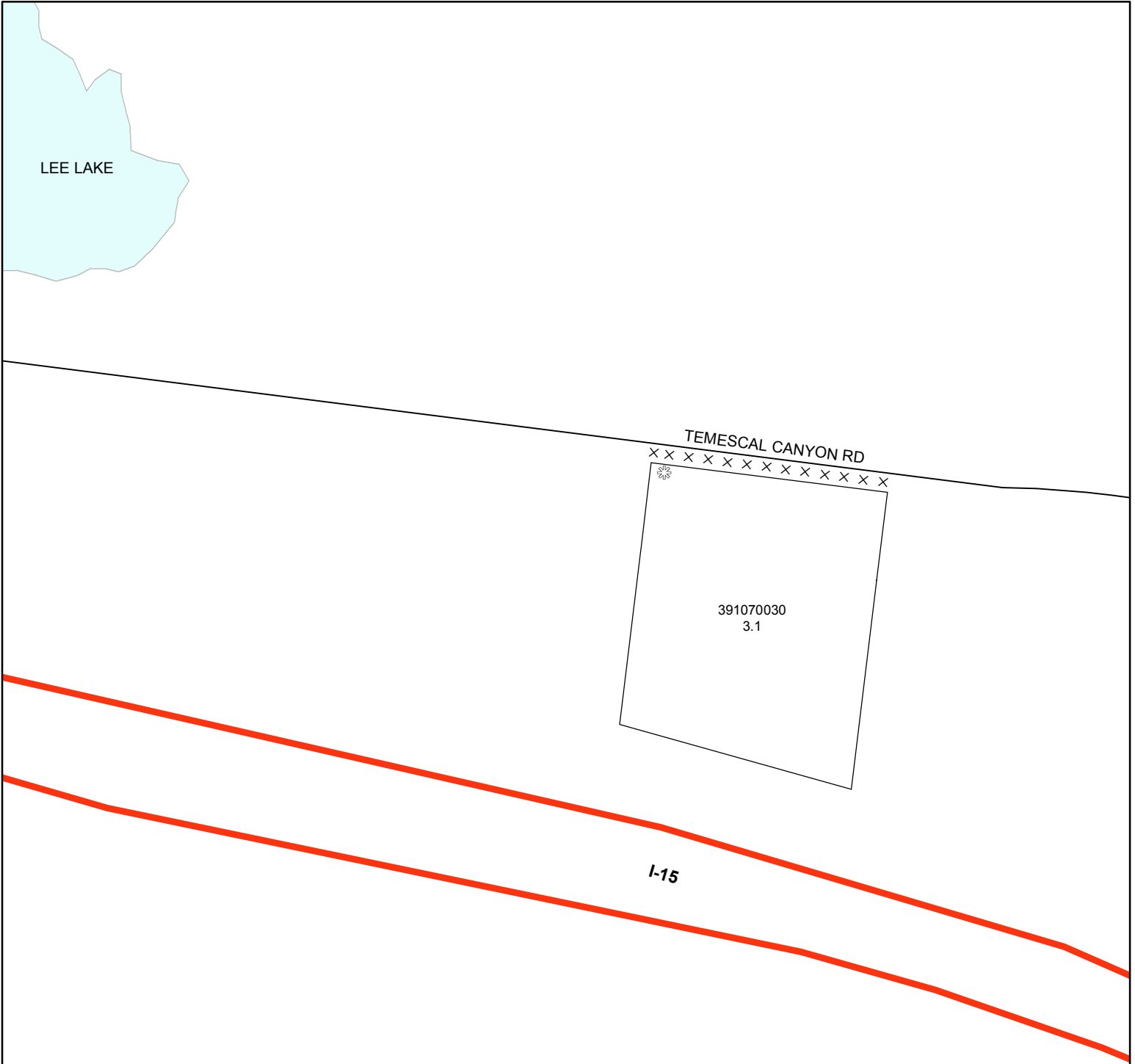
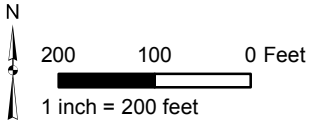
1 PARCEL



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.

ASSESSMENT DIAGRAM

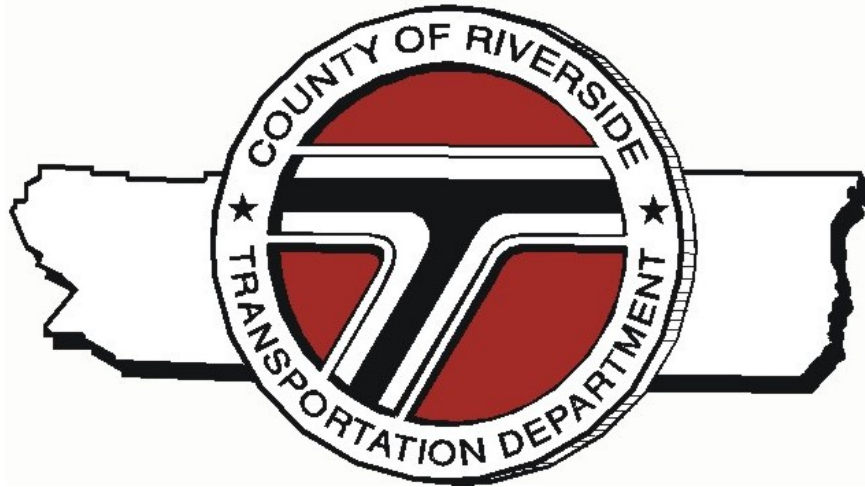
Printed by jpickeri on 12/17/09



DENOTES FUTURE MAINTAINED STREETLIGHT

x x x x DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



ENGINEER'S REPORT FOR FISCAL YEAR 2010-11

for

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
ZONE 148
(HORSETHEIF CANYON)**

PREPARED BY:

**RIVERSIDE COUNTY
TRANSPORTATION DEPARTMENT
JANUARY 6, 2010**

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - ZONE 148 ANNEXATION**

TO: BOARD OF SUPERVISORS

**ENGINEER'S REPORT
FOR FISCAL YEAR 2010-11**

Pursuant to the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972, said act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIID of the California Constitution, and direction from the Board of Supervisors of Riverside County, California submitted herewith is the Report for Landscaping and Lighting Maintenance District No. 89-1-Consolidated - Zone 148 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the future median landscaping and future streetlight improvements proposed to be funded.

PART II

An estimate of the cost of the future median landscaping and future streetlight improvements and maintenance including incidental costs and expenses in connection therewith beginning with the fiscal year in which said improvements have been installed, is as set forth on the lists thereof, attached hereto.

PART III

A diagram showing Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 148 Annexation, the lines and dimensions of each parcel of land within said Zone 148, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2010-11 is filed in the Office of the Riverside County Transportation Department. A reduced copy thereof is filed herewith and made a part hereof. Any changes in organization for said District (i.e. annexation) is discussed in this part.

PART IV

A proposed assessment of the total costs and expense of the proposed improvements, beginning in the fiscal year in which the future improvements are installed, upon each parcel of land within said Zone 148, in proportion to the estimated benefits to be received by such parcels from said future median landscaping and future streetlight improvements, is set forth upon the assessment roll filed herewith and made a part hereof.

There is only one property owner within the proposed boundaries of Zone 148 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; a copy of said waiver is filed herewith and made a part hereof.

Dated January 6, 2010



Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 148,
County of Riverside, California

PART I

DESCRIPTION OF IMPROVEMENTS AND MAINTENANCE PLANS FOR FISCAL YEAR 2010-11 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 148 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 148 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of future median landscaping and the provision of electricity for future streetlights within the public right-of-way:

- Northerly and southerly of Temescal Canyon Rd

Maintenance Plans

Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

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

ZONE 148

PORTION OF SECTION 7, T.5S., R.5W.

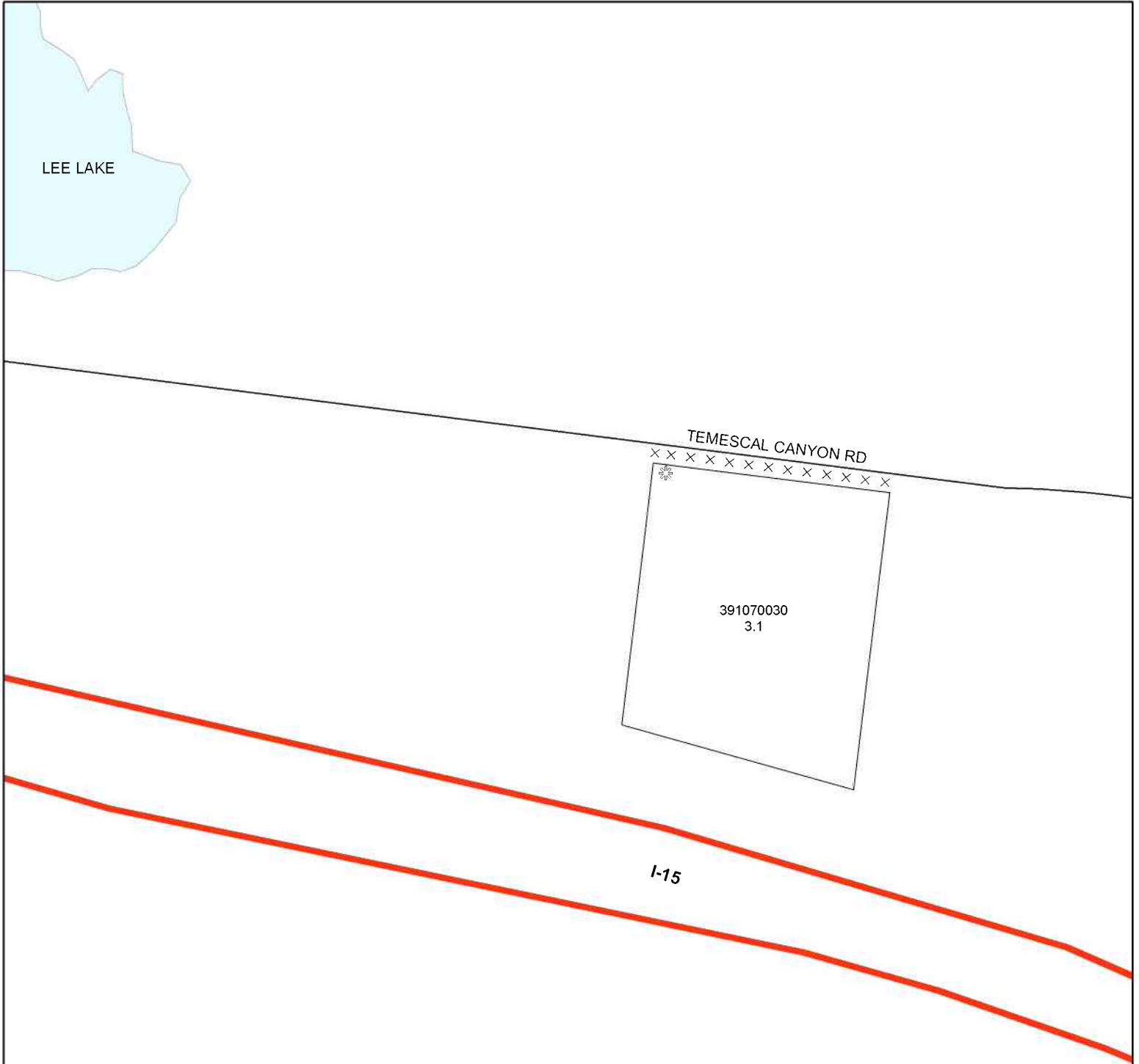
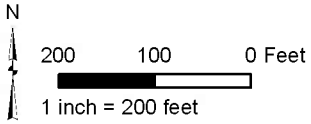
PLOT PLAN NO. 24107

1 PARCEL



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 12/17/09



- DENOTES FUTURE MAINTAINED STREETLIGHT
- DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FUTURE TEMESCAL CANYON RD STREETLIGHT IMPROVEMENTS
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 148
COUNTY OF RIVERSIDE, CALIFORNIA**

The cost estimate contains each of the items specified in Section 22569 of the Landscaping and Lighting Act of 1972.

Cost Estimate for Zone 148

Costs for Maintenance of Improvements

Servicing ¹ of the Future Streetlights	\$300
Administrative Costs ²	<u>30</u>
Total Additional Amount to be Assessed in Fiscal Year in which Streetlight Improvements are Completed	\$330

¹Servicing means funding of energy costs for streetlights.

²Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
 ZONE 148
 SUMMARY
 ANNUAL BUDGET
 FOR FUTURE STREETLIGHT ON TEMESCAL CANYON RD**

QUANTITY	COST PER STREETLIGHT	TOTAL FOR STREETLIGHTS	ANNUAL ADMIN. COST	ANNUAL RATE
1	\$ 300	\$ 300	\$ 30	\$ 330

TOTAL BUDGET	\$ 330
FUTURE ASSESSMENT	\$ 106.44/acre

3.1 acre(s)

Utility Provider: SCE

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FUTURE TEMESCAL CANYON RD MEDIAN IMPROVEMENTS
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 148
COUNTY OF RIVERSIDE, CALIFORNIA**

The cost estimate contains each of the items specified in Section 22569 of the Landscaping and Lighting Act of 1972.

Cost Estimate for Zone 148

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Future Median Landscaping	\$1,423
Administrative Costs ³	<u>65</u>
Total Additional Amount to be Assessed in Fiscal Year in which Median Landscape Improvements are Completed	\$1,488

¹Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping and appurtenances including repair, removal, replacement, providing for the life growth, health, beauty of landscaping, removal of trimmings, rubbish, debris and other solid wastes.

²Servicing means furnishing of energy and water to the landscaping improvements.

³Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 148
SUMMARY
ANNUAL BUDGET
FOR FUTURE MEDIAN ON TEMESCAL CANYON RD

MAINTENANCE OF FUTURE MEDIAN LANDSCAPING	
FUNCTION	ZONE 148
Landscaping and Water	\$ 855
Electricity	\$ 14
Field Inspection/Management	\$ 128
Repair/Replacement	\$ 426
	\$ 1,423

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 148
Assessment Engineer	\$ 20
County Counsel	\$ 10
Transportation Administration/Miscellaneous Expense	\$ 35
	\$ 65

TOTAL BUDGET	\$ 1,488
FISCAL YEAR 2010-11 ASSESSMENT	\$ 479.92/acre

3.1 acre(s)

PART III

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2010-11
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 148
COUNTY OF RIVERSIDE, CALIFORNIA**

Assessment Diagram

A reduced copy of the Assessment Diagram is filed herewith and made a part hereof.

Changes in Organization

Zone 148

Annexation of Zone 148 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2010-11.

ZONE 148

PORTION OF SECTION 7, T.5S., R.5W.

PLOT PLAN NO. 24107

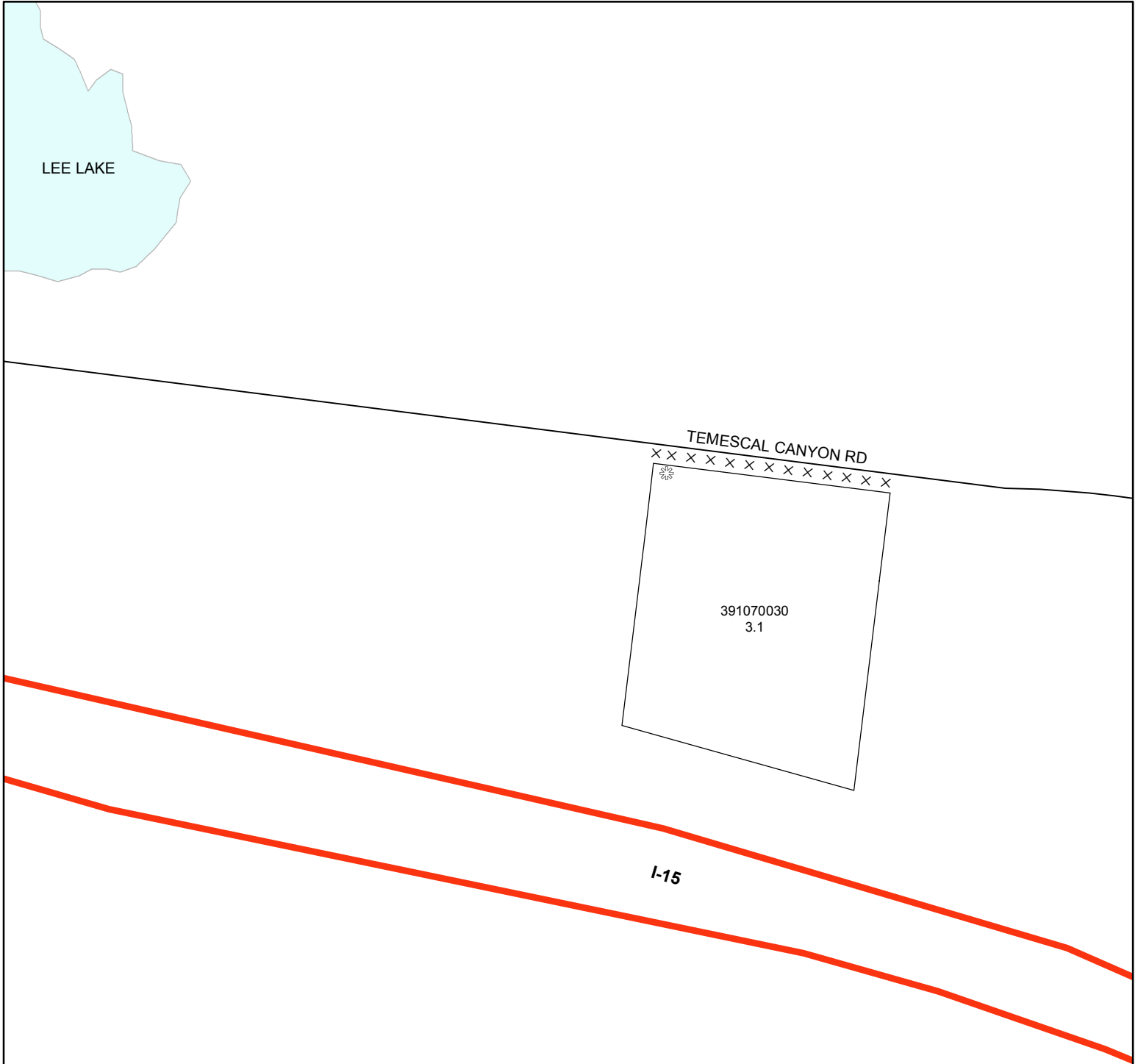
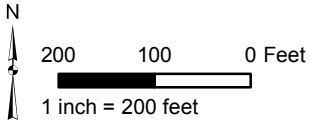
1 PARCEL



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.

ASSESSMENT DIAGRAM

Printed by jpickeri on 12/17/09



- DENOTES FUTURE MAINTAINED STREETLIGHT
- DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

PART IV

**ASSESSMENT FOR FUTURE TEMESCAL CANYON RD IMPROVEMENTS
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 148
COUNTY OF RIVERSIDE, CALIFORNIA**

**“LANDSCAPING AND LIGHTING ACT OF 1972”, DIVISION 16 OF THE
STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA**

WHEREAS, on January 26, 2010 the Board of Supervisors of the County of Riverside, State of California, did, pursuant to the provisions of the “Landscaping and Lighting Act of 1972”, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2010-021 ordering the preparation of the engineer’s report for a special assessment district known and designated as:

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 148 (herein referred to as “District”); and,

WHEREAS, the Board of Supervisors, did direct the appointed Engineer to make and file a “Report”, in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code, being an article of the aforementioned Landscaping and Lighting Act of 1972.

WHEREAS, Section 22567 of said Article 4 states the “Report” shall consist of the following;

- a. Maintenance plans for the future median landscaping and future streetlight improvements
- b. An estimate of the costs of servicing future median landscaping and future streetlight improvements
- c. A diagram for the assessment district

- d. An assessment of the estimated costs of maintenance of the future improvements

NOW, THEREFORE, I, the appointed ENGINEER, pursuant to the 'Landscaping Act of 1972", do hereby submit the following:

1. Pursuant to the provisions of law the costs and expenses of the District have been assessed upon the parcels of land in the District benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcel, reference is made to the Assessment Diagram, a reduced copy of which is included herein.
2. As required by law, a Diagram is filed herewith, showing the District, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said District as the same exist each of which subdivisions of land or parcels or lots, respectively, have been given a separate number upon said Diagram and in the Assessment Roll contained herein.
3. The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessment Roll for a description of the lots or parcels.
4. There are no parcels or lots within Zone 148 that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

Method of Assessment Apportionment

The law requires and the statutes provide that assessments, as levied pursuant to the "Landscaping and Lighting Act of 1972" be based on the benefit properties receive. The

statutes do not specify the method or formula that should be used to apportion the assessment in any special assessment district proceedings.

The maintenance of future median landscaping and future streetlights provides direct and special benefit to those properties located within Zone 148 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Median landscaping and streetlights enhance the properties within the DISTRICT, improve erosion control, neighborhood aesthetics, and neighborhood protection, provide dust abatement, increase public safety and traffic safety (by improving visibility; controlling sight distance restrictions and fire hazards), and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The future median landscaping improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 148 are discrete neighborhoods or communities for which the future median landscaping will be installed. Future median landscaping improvements do not extend beyond the perimeter of the boundary of each of those discrete neighborhoods or communities. It is therefore determined that all properties within the DISTRICT benefit equally from the financed improvements. The costs and expenses for the future median landscaping and future streetlight improvements maintenance and services are apportioned on a per acre basis.

The dollar per acre value for the fiscal year in which the future improvements are installed for Zone 148 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \text{\$1,818} & \\ \text{Total No. Acres} & 3.1 & = \text{\$586.36/acre} \end{array}$$

Beginning in the fiscal year in which the future streetlight on Temescal Canyon Rd is installed the annual budget for Zone 148 will be \$330, or an assessment of \$106.44 per acre. Beginning in the fiscal year in which the future median on Temescal Canyon Rd is installed the annual budget for Zone 148 will be increased by \$1,488, and the

assessment will be increased by \$479.92 per acre. Therefore, the total future annual budget for Zone 148 will be \$1,818 that will result in a future annual assessment for Zone 148 of \$586.36 per acre. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index for March of 2009. Any increase larger than the greater of 2.0% or the "CPI-U" annual adjustment requires a majority approval of all the property owners within Zone 148.

Waiver and Consent Regarding Date of Assessment Ballot Election

There is only one property owner within the proposed boundaries of Zone 148 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; a copy of said waiver is filed herewith and made a part hereof.

In conclusion, it is my opinion that the assessments for Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 148 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated January 6, 2010



Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 148,
County of Riverside, California

LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
OF THE COUNTY OF RIVERSIDE, CALIFORNIA

WAIVER AND CONSENT REGARDING DATE OF
ASSESSMENT BALLOT ELECTION

The undersigned, an authorized representative of Construction Circle LLC (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessors Parcel Numbers for fiscal year 2010-11 (the "Property"): APN(s) 391-010-030.

The Owner has made application that the Property be annexed as Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County ("L&LMD No 89-1-C") and certifies the following:

1. The Owner waives the requirements of Section 4000 of the Elections Code of the State of California (the "Elections Code") that the mailed ballot election required for annexation and the levy of an annual assessment must be held on an established mailed ballot election date pursuant to Section 1500 of the Election Code; and
2. The Owner consents to the mailed assessment ballot election with respect to the levy of an annual assessment on the Property being held on March 16, 2010

OWNER: Construction Circle LLC
(Name of Company
as Stated in Initial Paragraph)

By: *Donald Shubin*
Signature

Name: Donald Shubin
Print

Title: Managing Member