

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 XIID 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 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 XIID of the  
California Constitution (hereinafter "Article XIID:"), 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  
DATE 12/23/09  
NAME A. GARNER

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.  
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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, 1<sup>st</sup> 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  
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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.

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**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.

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# ZONE 148

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

PLOT PLAN NO. 24107

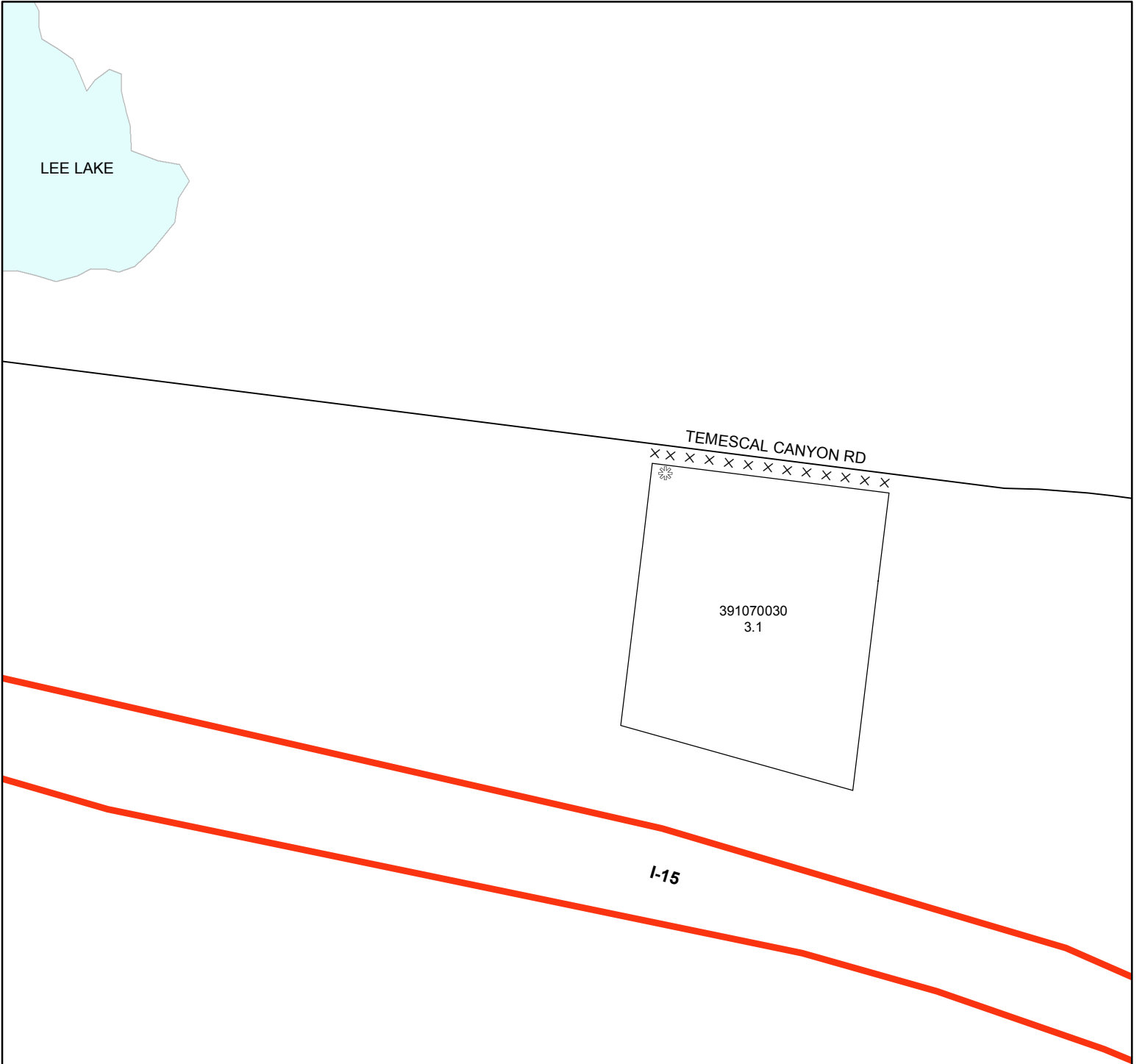
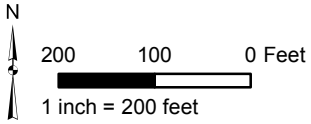
1 PARCEL



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## ASSESSMENT DIAGRAM

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