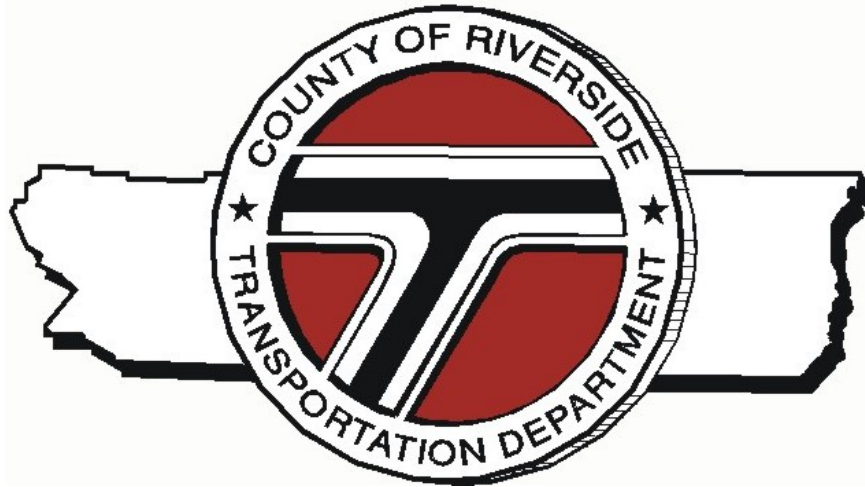


**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



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.

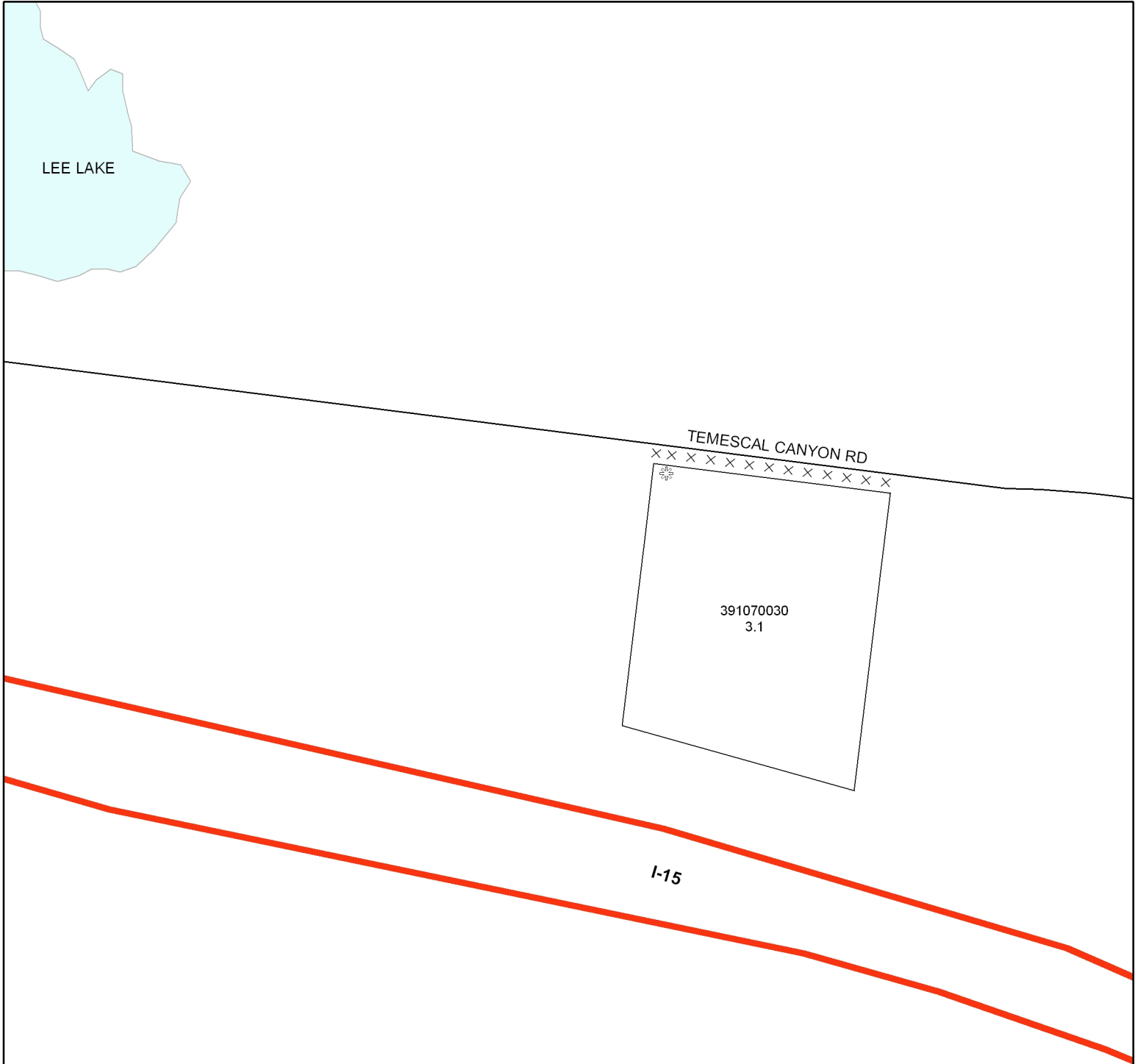
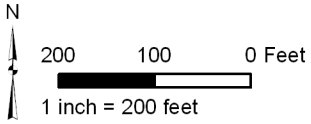
PLOT PLAN NO. 24107

1 PARCEL



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- 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

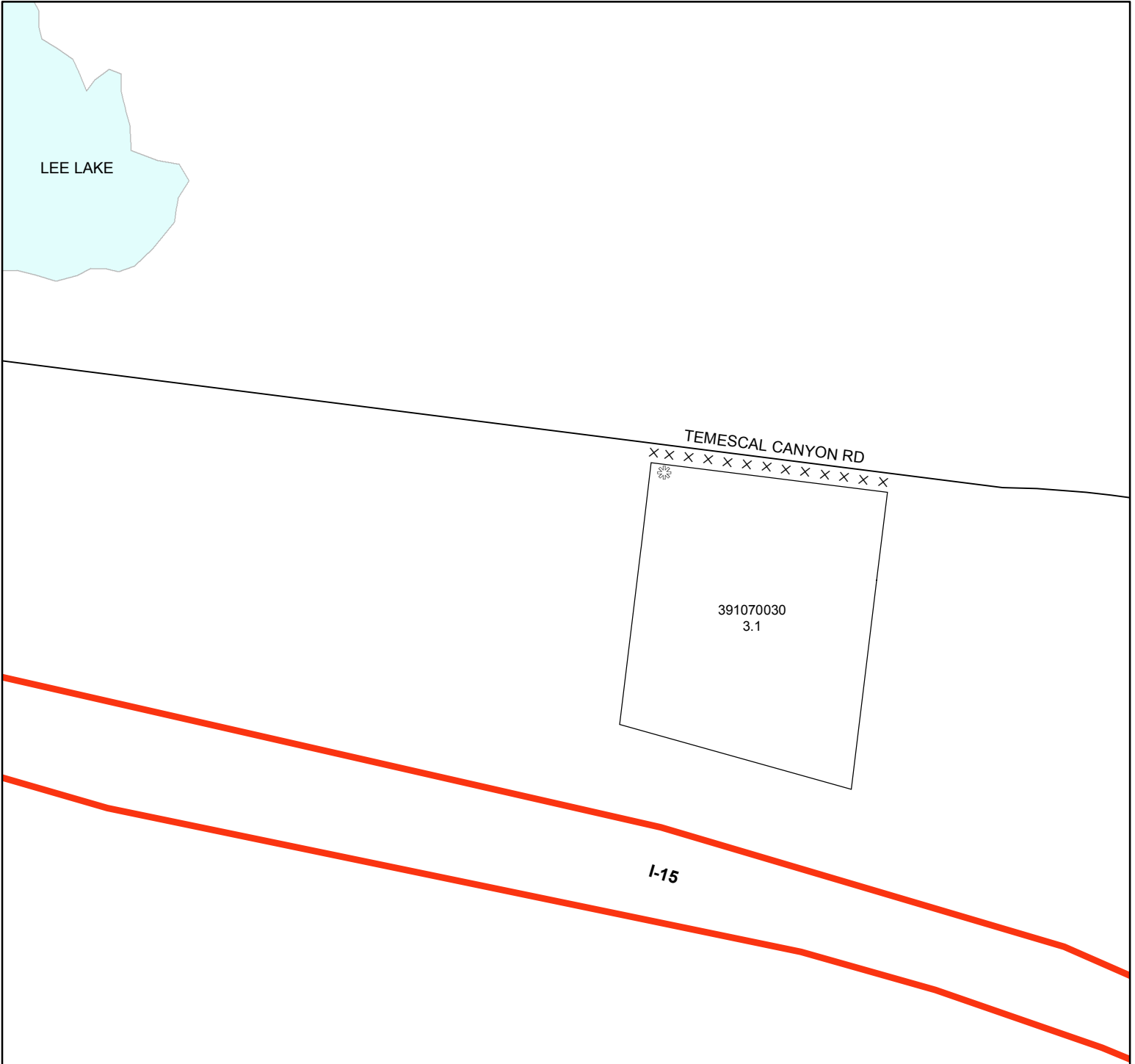
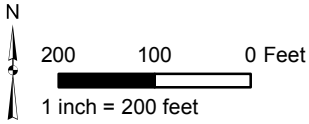
1 PARCEL



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ASSESSMENT DIAGRAM



DENOTES FUTURE MAINTAINED STREETLIGHT

x x x x 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: *Don Shubin*
Signature

Name: Ronald Shubin
Print

Title: Managing Member