

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

737A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 98 (Southeast Desert Hot Springs).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-023 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 98 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 98.

Resolution No. 2010-024, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 98 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 12/23/09
DATE
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

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

Prev. Agn. Ref. | **District:** 4 | **Agenda Number:**

3.52

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 98 (Southeast Desert Hot Springs).

January 13, 2010

Page 2 of 2

1972 for the provision of electricity for streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 98, 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. 2010-023 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 98 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-024 declares the Board's intention of ordering the annexation of Street Lighting Zone 98 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 98 to L&LMD No. 89-1-C will fund the provision of electricity for streetlights within public right-of-way located easterly of Corkill Rd and southerly of Dillon Rd in the Southeast Desert Hot Springs area and includes 1 commercial parcel, totaling .74 acre(s).

The proposed budget for fiscal year 2010-11 for Street Lighting Zone 98 is \$660 that will result in an assessment for fiscal year 2010-11 within Street Lighting Zone 98 of \$891.90 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 Street Lighting Zone 98 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-024, 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, Street Lighting Zone 98 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 Street Lighting Zone 98 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. 2010-023

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 98 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING
7 PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

8 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
9 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter
10 "Department") of the County that said Department has received an application from the owner (the
11 "Applicant") of all the property within the unincorporated area of the County (hereinafter Street Lighting
12 "Zone 98"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to
13 be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Street
16 Lighting Zone 98 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,
18 respectively, the "Act" and the "Street and Highways Code"); and

19 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
21 proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 98; and

22 WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of
23 Assessment Ballot Election" allowing for the election to be held on March 16, 2010; and

24 WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil
25 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
26 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve

FORM APPROVED COUNTY COUNSEL

BY *Cheryl Gardner* 12/23/09
CHERYL GARDNER
STATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street
2 Lighting Zone 98 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 Street
9 Lighting Zone 98 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 98
11 to pay the costs of the following services:

- 12 (a) Providing electricity to all streetlights within the public right-of-way including
13 incidental costs and expenses.

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
15 Zone 98 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
16 shown and described in Exhibit "A".

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

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 98 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 654-190-019 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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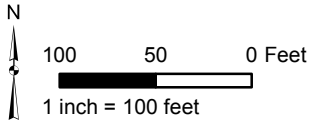
STREET LIGHTING ZONE 98

PORTION OF SECTION 11, T.3S., R.5E.
CONDITIONAL USE PERMIT NO. 03355R1

1 PARCEL



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ASSESSMENT DIAGRAM

Printed by jpickeri on 12/17/09



DENOTES MAINTAINED STREETLIGHT

2 RESOLUTION NO. 2010-024

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 98 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; 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 STREET LIGHTING ZONE 98; ORDERING AN
10 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. 2010-023 on January 26, 2010
16 initiating proceedings for the annexation of Street Lighting Zone 98 (hereinafter "Street Lighting
17 Zone 98"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to
18 Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State
19 of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets
21 and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a
22 report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 98 and the
23 assessments to be levied within Street Lighting Zone 98 each fiscal year beginning fiscal year 2010-11
24 for providing electricity for streetlights within the public right-of-way 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 Street
Lighting Zone 98; and

WHEREAS, the Board of Supervisors by Resolution No. 2010-023 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

APPROVED COUNTY COUNSEL
A. GARNER
DATE 12/23/10

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 sole owner of property within the proposed boundaries of Street Lighting
6 Zone 98 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent
7 Regarding Date of Assessment Ballot Election" allowing for the election to be held on March 16, 2010;
8 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 Street Lighting Zone 98, and the assessments to be levied on parcels within
13 Street Lighting Zone 98 beginning in fiscal year 2010-11;

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) The annual assessment for fiscal year 2010-11 on all parcels within Street Lighting
22 Zone 98 proposed to be annexed to L&LMD No. 89-1-C will be \$891.90 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Street Lighting Zone 98, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
25 and to levy and collect an annual assessment on all assessable lots and parcels of property within
26 Street Lighting Zone 98 commencing with the fiscal year 2010-11 as set forth in the Report. The Report

1 expressly states that there are no parcels or lots within Street Lighting Zone 98 that are owned by a
2 federal, state or other local governmental agency that will benefit from the services to be financed by
3 the annual assessments. The annual assessments will be collected at the same time and in the same
4 manner as property taxes are collected, and all laws providing for the collection and enforcement of
5 property taxes shall apply to the collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 98 is
7 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
8 area of the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The service authorized for Street
10 Lighting Zone 98 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
11 right-of-way including incidental costs and expenses.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
13 benefits from the annexation of Street Lighting Zone 98 of L&LMD No. 89-1-C will be \$891.90 per acre
14 for fiscal year 2010-11. As stated in the Report, the total budget for Street Lighting Zone 98 for the
15 fiscal year 2010-11 is \$660; there is 1 parcel(s) that is to be assessed that aggregates to .74 acre(s).
16 The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative
17 percentage increase, if any, in the Consumer Price Index for all Urban Consumers for "electricity"
18 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
19 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
20 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands
21 on March of each year over the base Index for March of 2009. Any increase larger than the greater of
22 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within
23 Street Lighting Zone 98. The Board of Supervisors will levy the assessment in each subsequent fiscal
24 year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting
25 Zone 98 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of
26

1 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
2 Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
4 89-1-C is Street Lighting Zone 98. The boundaries of Street Lighting Zone 98 are located within the
5 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
8 the Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 98,
9 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting
10 Zone 98 proposed to be annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 98 shall be
12 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11
13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on March 16, 2010,
14 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
15 1st Floor, Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting
17 Zone 98 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4
18 of Article XIII D and Section 4000 of the California Elections Code. The assessment ballots are to be
19 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property
20 within the boundaries of Street Lighting Zone 98 if there is a majority protest with regard to the
21 annexation of Street Lighting Zone 98. A majority protest exists if, upon the conclusion of the Public
22 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and
23 assessment of Street Lighting Zone 98 exceeds the assessment ballots in favor of the annexation and
24 assessment of Street Lighting Zone 98.

25 **Section 10. Information.** Any property owner desiring additional information regarding Street
26 Lighting Zone 98 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the
2 County of 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 Street Lighting Zone 98 to L&LMD No. 89-1-C shall be given consistent with Section
6 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
7 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
8 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public
9 Hearing that is March 16, 2010. Publication of this Resolution is to be effected by the Clerk of the Board
10 of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
11 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
12 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
13 Street Lighting Zone 98 as shown on the last equalized assessment roll of the County. Mailing is to be
14 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
15 Public Hearing on March 16, 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 Street Lighting Zone 98 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 654-190-019 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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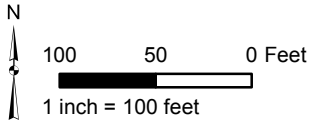
STREET LIGHTING ZONE 98

PORTION OF SECTION 11, T.3S., R.5E.
CONDITIONAL USE PERMIT NO. 03355R1

1 PARCEL



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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED STREETLIGHT

**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



ENGINEER'S REPORT FOR FISCAL YEAR 2010-11

for

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 98
(SOUTHEAST DESERT HOT SPRINGS)**

PREPARED BY:

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

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - STREET LIGHTING ZONE 98 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 - Street Lighting Zone 98 Annexation consisting of four (4) parts as follows:

PART I

A general description of the street lighting services proposed to be funded.

PART II

An estimate of the cost of the street lighting services including incidental costs and expenses in connection therewith for fiscal year 2010-11, is as set forth on the lists thereof, attached hereto.

PART III

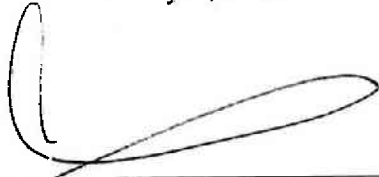
A diagram displaying each streetlight to be energized illustrating the parcels receiving the service, the lines and dimensions of each parcel of land within said Street Lighting Zone 98, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2010-11 is filed in the Office 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 street lighting services for fiscal year 2010-11 upon each parcel of land within said Street Lighting Zone 98, in proportion to the estimated benefits to be received by such parcels from said streetlights, 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 Street Lighting Zone 98 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, Street Lighting Zone 98, County of Riverside, California

PART I

DESCRIPTION OF SPECIFICATIONS FOR STREET LIGHTING SERVICES FOR FISCAL YEAR 2010-11 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, STREET LIGHTING ZONE 98 COUNTY OF RIVERSIDE, CALIFORNIA

Specifications

Specifications displaying the street lighting services are shown on Street Lighting Zone 98 exhibit within the public right-of-way:

Provision of electricity to all streetlights within the public right-of-way to be funded by Street Lighting Zone 98 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated including incidental costs and expenses:

- Easterly of Corkill Rd
- Southerly of Dillon Rd

Description of Services

Services to be funded include electrical costs for street lighting, and incidental administrative costs.

STREET LIGHTING ZONE 98

PORTION OF SECTION 11, T.3S., R.5E.

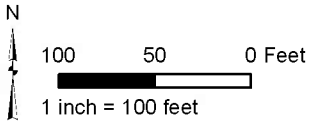
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DENOTES MAINTAINED STREETLIGHT

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR STREET LIGHTING SERVICES
FOR FISCAL YEAR 2010-11
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, STREET LIGHTING ZONE 98
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 Street Lighting Zone 98

Costs for Provision of Electricity

Servicing ¹ of the Streetlights	\$600
Administrative Costs ²	<u>60</u>
Total Amount to be Assessed for FY 2010-11	\$660

¹Servicing means funding of energy costs.

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

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
 STREET LIGHTING ZONE 98
 SUMMARY
 ANNUAL BUDGET
 FISCAL YEAR 2010-11

QUANTITY	COST PER STREETLIGHT	TOTAL FOR STREETLIGHTS	ANNUAL ADMIN. COST	ANNUAL RATE
2	\$ 300	\$ 600	\$ 60	\$ 660

TOTAL BUDGET	\$ 660
FISCAL YEAR 2010-11 ASSESSMENT	\$ 891.90/acre

.74 acre(s)

Utility Provider: SCE

PART III

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2010-11
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, STREET LIGHTING ZONE 98
COUNTY OF RIVERSIDE, CALIFORNIA**

Assessment Diagram

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

Changes in Organization

Street Lighting Zone 98

A map displaying all streetlights within Street Lighting Zone 98 Annexation as shown on the following Exhibit is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2010-11.

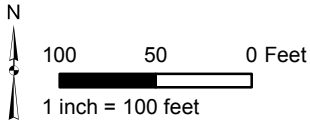
STREET LIGHTING ZONE 98

PORTION OF SECTION 11, T.3S., R.5E.
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1 PARCEL



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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED STREETLIGHT

PART IV

**ASSESSMENT FOR FISCAL YEAR 2010-11
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, STREET LIGHTING ZONE 98
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. 2010-023 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, Street Lighting Zone 98 (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. Specifications for the street lighting services
- b. An estimate of the street lighting services
- c. A diagram for the assessment district
- d. An assessment of the estimated costs for the street lighting services

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 Street Lighting Zone 98 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 funding of energized streetlights provides direct and special benefit to those properties located within Street Lighting Zone 98 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Streetlights enhance the properties within the DISTRICT, improve neighborhood property protection, increase traffic safety by improving visibility, and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The costs and expenses for energizing streetlight improvements are apportioned on a per acre basis.

The dollar per acre value for Fiscal Year 2010-11 for Street Lighting Zone 98 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \$660 & \\ \text{Total No. Acres} & .74 & = \quad \$891.90/\text{acre} \end{array}$$

The assessment for Fiscal Year 2010-11 for Street Lighting Zone 98 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$891.90 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 “electricity” 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” “electricity” 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” “electricity” annual adjustment requires a majority approval of all the property owners within Street Lighting Zone 98.

Waiver and Consent Regarding Date of Assessment Ballot Election

There is only one property owner within the proposed boundaries of Street Lighting Zone 98 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, Street Lighting Zone 98 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, Street Lighting
Zone 98, 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 Bhatti Enterprises Inc (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) 654-190-019.

The Owner has made application that the Property be annexed as Street Lighting Zone 98 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: Bhatti Enterprises Inc
(Name of Company
as Stated in Initial Paragraph)

By: 
Signature

Name: BALJEET SINGH
Print

Title: (President)

APN

ACRES

ASSESSMENT

654-190-019

.74

660.00

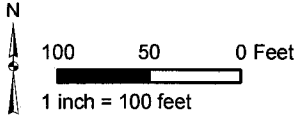
STREET LIGHTING ZONE 98

PORTION OF SECTION 11, T.3S., R.5E.
CONDITIONAL USE PERMIT NO. 03355R1

1 PARCEL



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ASSESSMENT DIAGRAM

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 DENOTES MAINTAINED STREETLIGHT