

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

107A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 3, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 149 (Bermuda Dunes).

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2010-166, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 149 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2010-11.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 149 of Landscaping and Lighting

Juan C. Perez
Director of Transportation

MH:jp

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:

Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY: Wally A. Gardner DATE: 5/13/10

Departmental Concurrence

Policy Policy

Consent Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref. 03/16/10, 3.61
05/04/10, 9.4

District: 4

Agenda Number:

3.30

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 149 (Bermuda Dunes).

June 3, 2010

Page 2 of 2

Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

BACKGROUND: On May 4, 2010, a public hearing was held to receive all testimony regarding the annexation of Zone 149 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on May 5, 2010 at 10:00 a.m. in Conference Room D on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Zone 149 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2010-11 for Zone 149 (within public rights-of-way located at the intersection of Washington St and 41st Ave and westerly of Sparkey Way) is \$1,569 that will result in an assessment for fiscal year 2010-11 within Zone 149 of \$412.96 per acre. Zone 149 includes 1 commercial parcel totaling 3.8 acres. 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.

Adoption of Resolution No. 2010-166 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2010-11 for Zone 149 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2010-11.

RESOLUTION NO. 2010-166

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 149 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 149 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2010-11

WHEREAS, on March 16, 2010 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2010-073, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Zone 149 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on May 4, 2010 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Zone 149 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2010-073, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Zone 149 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 4, 2010, as set forth in Resolution No. 2010-073, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Zone 149 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY Wade E. Gardner 5/13/10
DALE A. GARDNER DATE

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 149 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 149 beginning fiscal year 2010-11; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 149 of
11 L&LMD No. 89-1-C beginning fiscal year 2010-11.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on June 15, 2010 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 149 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 149 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2010-11, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 149 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 149 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 149 of L&LMD No. 89-1-C for the installation, the maintenance and
6 servicing of fossil filters and traffic signals, and the provision of electricity for
7 streetlight and traffic signal improvements in said Zone 149 during the fiscal
8 year 2010-11 as contained in the report of the Director of Transportation which
9 is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
10 based on benefits derived by such lots and parcels from the availability of such
11 fossil filters, streetlights, and traffic signals improvements, and are not based
12 upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Zone 149, as proposed to be annexed to L&LMD No.
14 89-1-C, includes all the property subject to Plot Plan No. 21408 in the County of Riverside, State of
15 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 149 of L&LMD
17 No. 89-1-C are:

18 (a) The maintenance and servicing of fossil filters within the public right-of-way
19 including the removal of petroleum hydrocarbons and other pollutants from
20 water runoff; and

21 (b) Providing electricity to and the maintenance and servicing of traffic signals within
22 the public right-of-way including incidental costs and expenses; and

23 (c) Providing electricity to all streetlights within the public right-of-way including
24 incidental costs and expenses.

25 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
26 the assessment of estimated costs for the installation, the maintenance and servicing of fossil filters

1 and traffic signals, and the provision of electricity for streetlight and traffic signal improvements in
2 Zone 149 of L&LMD No. 89-1-C for fiscal year 2010-11 as contained in the Report are confirmed.

3 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
4 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
5 installation and the maintenance and servicing of fossil filters and traffic signals, and the provision of
6 electricity for streetlight and traffic signal improvements in Zone 149 of L&LMD No. 89-1-C during fiscal
7 year 2010-11, as contained in the Report, and such assessment is levied. The Clerk of the Board of
8 Supervisors is directed to file a certified copy of this resolution, together with the diagram and
9 assessment contained in the Report with the County Auditor-Controller of the County of Riverside,
10 who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll
11 opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

12 **Section 6. Effective Date.** This Resolution shall take effect from and after its date
13 of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 149 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 607-040-078 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 149

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

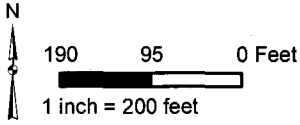
PLOT PLAN NO. 21408

1 PARCEL

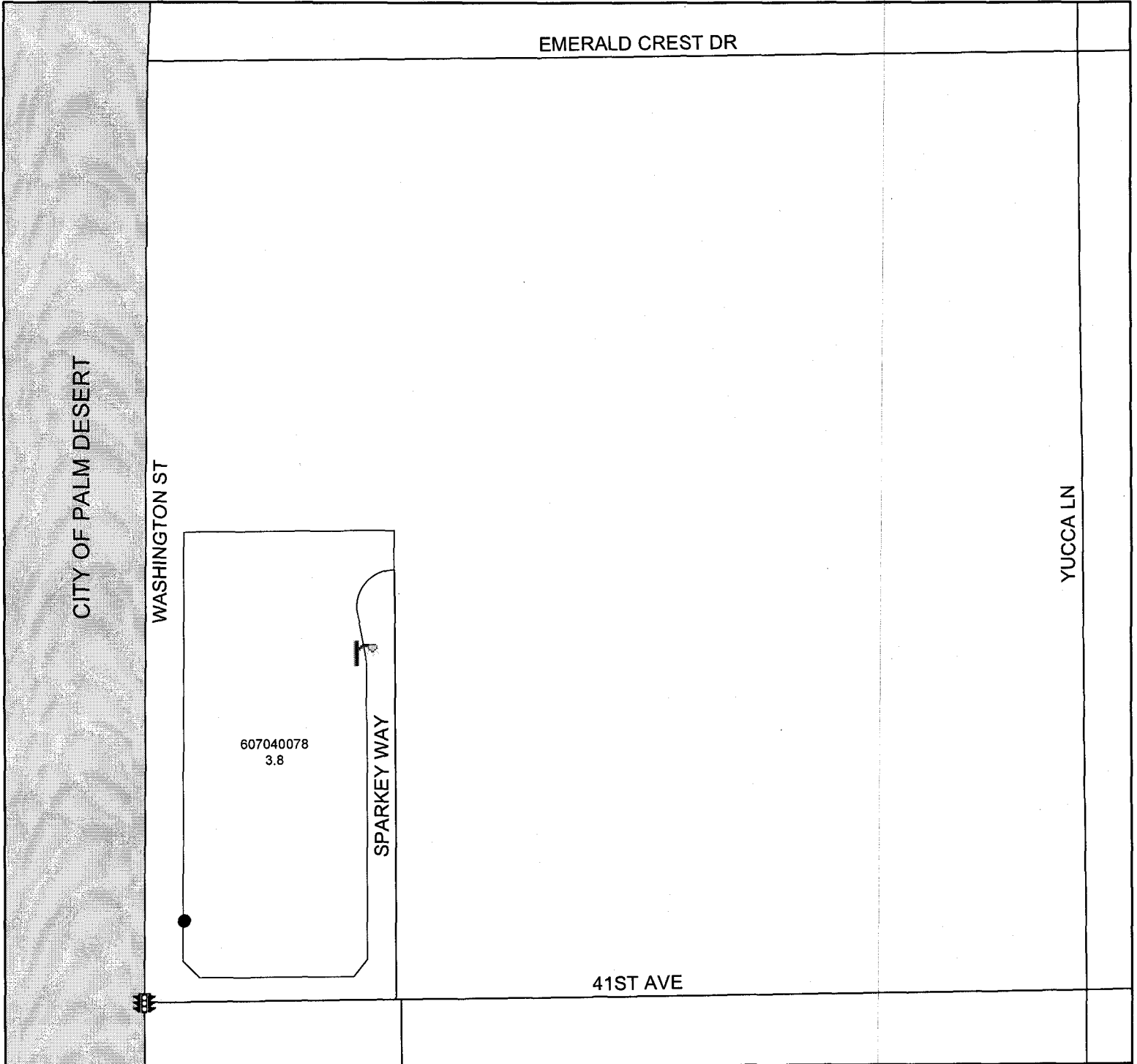


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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

Printed by jpickeri on 2/3/10



ASSESSMENT DIAGRAM



- DENOTES MAINTAINED STREETLIGHT
- DENOTES MAINTAINED FOSSIL FILTER
- DENOTES MAINTAINED TRAFFIC SIGNAL