

**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



ENGINEER'S REPORT FOR FISCAL YEAR 2011-12

for

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
ZONE 157
(RANCHO CALIFORNIA)**

PREPARED BY:

**RIVERSIDE COUNTY
TRANSPORTATION DEPARTMENT
NOVEMBER 8, 2010**

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - ZONE 157 ANNEXATION**

TO: BOARD OF SUPERVISORS

**ENGINEER'S REPORT
FOR FISCAL YEAR 2011-12**

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 157 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the bio-swale improvements proposed to be funded.

PART II

An estimate of the cost of the bio-swale improvements and maintenance including incidental costs and expenses in connection therewith for fiscal year 2011-12, is as set forth on the lists thereof, attached hereto.

PART III

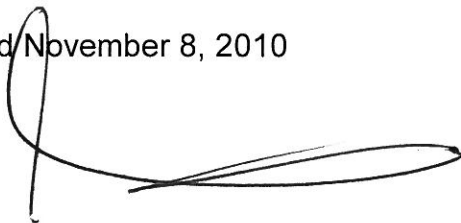
A diagram showing Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157 Annexation, the lines and dimensions of each parcel of land within said Zone 157, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2011-12 is filed in the Office of the Riverside 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 for fiscal year 2011-12 upon each parcel of land within said Zone 157, in proportion to the estimated benefits to be received by such parcels from said bio-swale improvements, is set forth upon the assessment roll filed herewith and made a part hereof.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 157 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 January 25, 2011; a copy of said waiver is filed herewith and made a part hereof.

Dated November 8, 2010



Juan C. Perez, Director of Transportation
Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157,
County of Riverside, California

PART I

DESCRIPTION OF IMPROVEMENTS AND MAINTENANCE PLANS FOR FISCAL YEAR 2011-12 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 157 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 157 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of bio-swales within the public right-of-way:

- Northerly of Rancho California 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 157

PORTION OF SECTION 33, T.7S., R.2W.

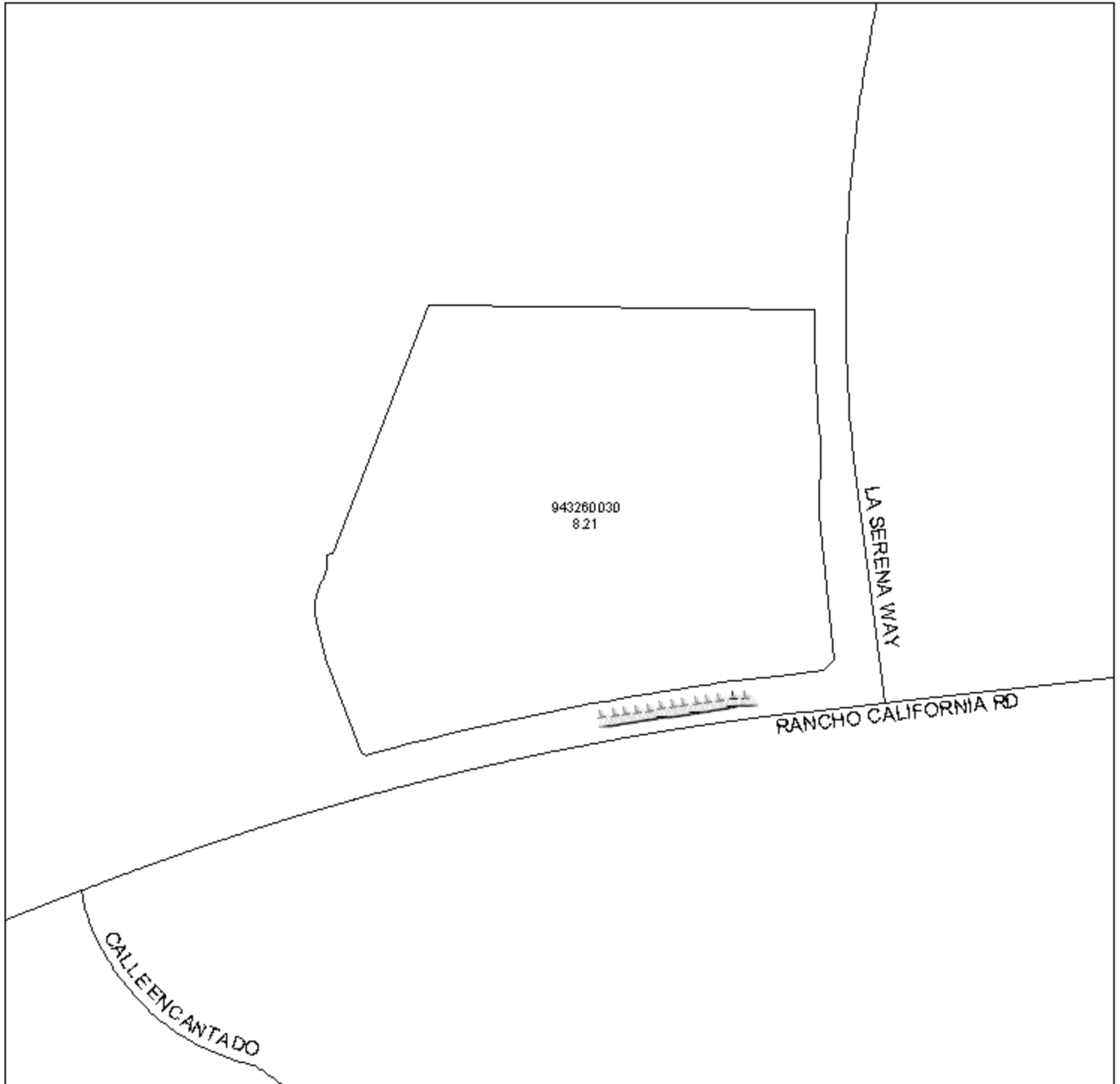
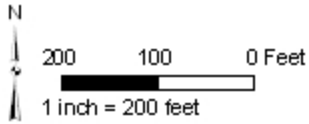
PLOT PLAN NO. 24405

1 PARCEL



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TRANS. BIOSWALES

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
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 157

Costs for Maintenance of Improvements

| | |
|---|----------------|
| Maintenance ¹ & Servicing ² of the Bio-Swales | \$6,400 |
| Administrative Costs ³ | <u>335</u> |
| Total Amount to be Assessed for FY 2011-12 | \$6,735 |

¹Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the bio-swale 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 bio-swale 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 157
SUMMARY
ANNUAL BUDGET
FISCAL YEAR 2011-12

| MAINTENANCE OF BIO-SWALES | |
|-----------------------------|-----------------|
| FUNCTION | ZONE 157 |
| Bio-Swales | \$ 4,200 |
| Water | \$ 300 |
| Electricity | \$ 300 |
| Field Inspection/Management | \$ 640 |
| Repair/Replacement | \$ 960 |
| | \$ 6,400 |

| ADMINISTRATIVE COSTS | |
|---|---------------|
| FUNCTION | ZONE 157 |
| Assessment Engineer | \$ 100 |
| County Counsel | \$ 65 |
| Transportation Administration/Miscellaneous Expense | \$ 170 |
| | \$ 335 |

| | |
|---------------------------------------|-----------------------|
| TOTAL BUDGET | \$ 6,735 |
| FISCAL YEAR 2011-12 ASSESSMENT | \$ 820.46/acre |

8.21 acre(s)

PART III

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
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 157

Annexation of Zone 157 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2011-12.

ZONE 157

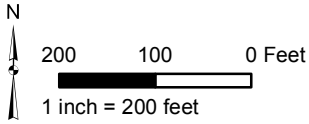
PORTION OF SECTION 33, T.7S., R.2W.

PLOT PLAN NO. 24405

1 PARCEL

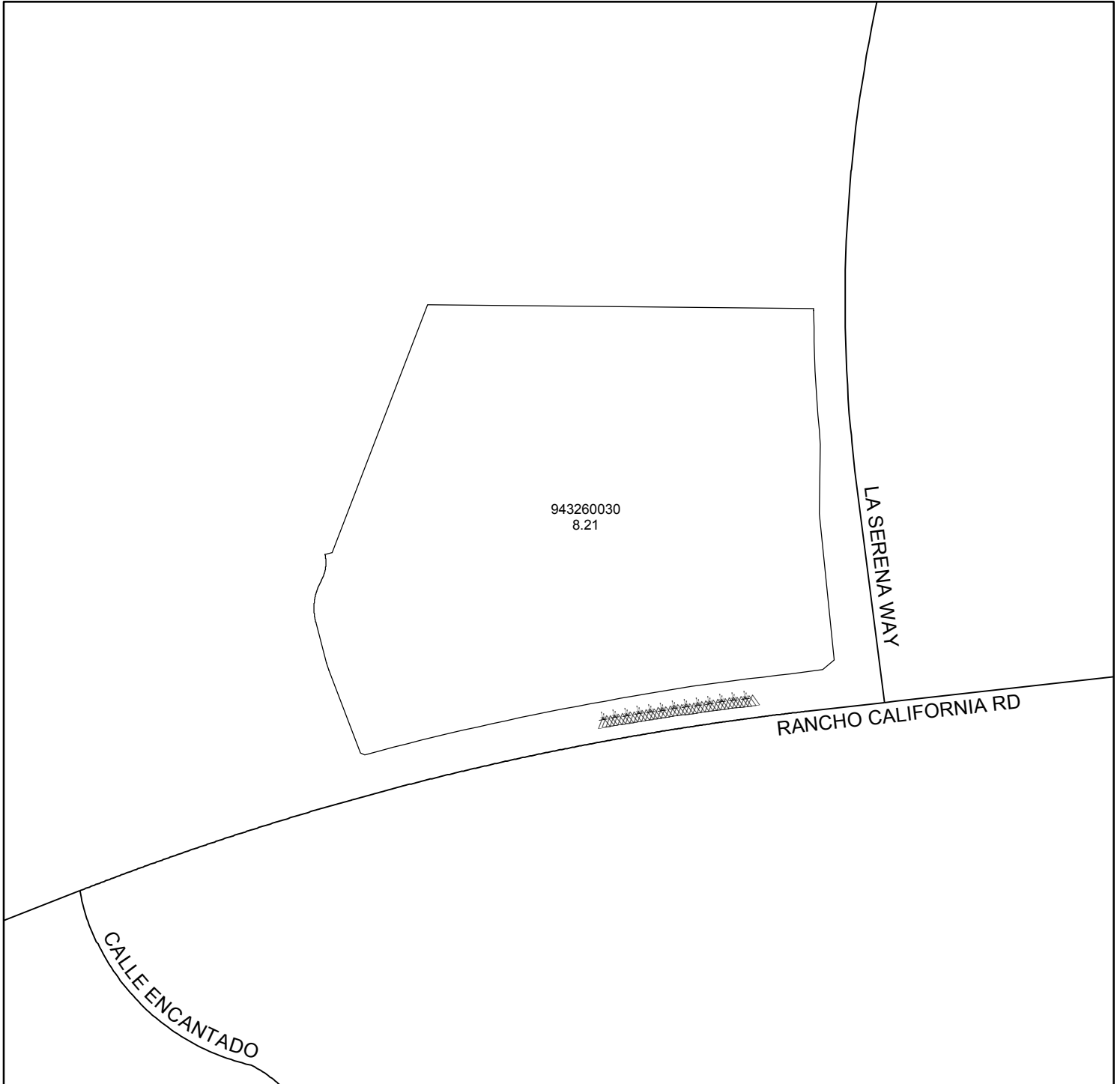


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ASSESSMENT DIAGRAM

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TRANS.BIOSWALES

PART IV

**ASSESSMENT FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
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 November 30, 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. 2010-304 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 157 (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 bio-swale improvements
- b. An estimate of the costs of servicing bio-swale improvements
- c. A diagram for the assessment district
- d. An assessment of the estimated costs of maintenance of the 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 157 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 bio-swales provides direct and special benefit to those properties located within Zone 157 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Bio-swales enhance the properties within the DISTRICT, improve water quality control, increase public safety, improve neighborhood aesthetics, and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The bio-swale improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 157 are discrete neighborhoods or communities for which the bio-swale improvements were installed. Bio-swale 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 and the costs and expenses for the bio-swale improvements maintenance and services are apportioned on a per acre basis.

The dollar per acre value for Fiscal Year 2011-12 for Zone 157 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \underline{\$6,735} & \\ \text{Total No. Acres} & 8.21 & = \quad \$820.46/\text{acre} \end{array}$$

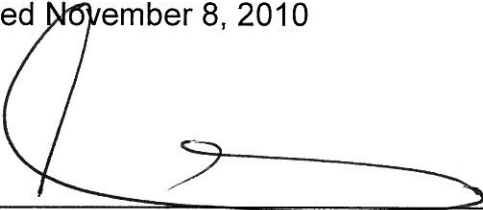
The assessment for Fiscal Year 2011-12 for Zone 157 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$820.46 per acre. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in 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 2010. 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 157.

Waiver and Consent Regarding Date of Assessment Ballot Election

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 157 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 January 25, 2011; 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 157 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated November 8, 2010

A handwritten signature in black ink, appearing to read 'Juan C. Perez', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke.

Juan C. Perez, Director of Transportation
Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157,
County of Riverside, California

APN

ACRES

ASSESSMENT

943-260-030

8.21

6,735.98

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 Eurppa Village 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 2011-12 (the "Property"): APN(s) 943-260-030.

The Owner has made application that the Property be annexed as Zone 157 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 January 25, 2011

OWNER: Eurppa Village LLC
(Name of Company
as Stated in Initial Paragraph)

By:


Signature

Name:

Daniel L. Stephenson
Print

Title:

Manager