

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

731A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 101 (Southeast Desert Hot Springs).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-031 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 101 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 101.

Resolution No. 2011-032, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 101 to Landscaping and Lighting Maintenance District

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:	2010-11
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: Dale A. Gardner 2/23/11
DATE: 2/23/11
Departmental Concurrence

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

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

3.46

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 101 (Southeast Desert Hot Springs).

March 3, 2011

Page 2 of 2

No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 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 101, 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. 2011-031 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 101 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-032 declares the Board's intention of ordering the annexation of Street Lighting Zone 101 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 101 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 2011-12 for Street Lighting Zone 101 is \$660 that will result in an assessment for fiscal year 2011-12 within Street Lighting Zone 101 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 2011.

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 May 3, 2011 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 101 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-032, 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 101 will be annexed to L&LMD No. 89-1-C.

RESOLUTION NO. 2011-031

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 101 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter Street Lighting "Zone 101"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Street Lighting Zone 101 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIIIID of the California Constitution 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 101; and

WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil engineer, has expertise with respect to the annexation of territory to landscaping and lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street Lighting Zone 101 to L&LMD No. 89-1-C.

FORM APPROVED COUNTY COUNSEL

BY: *Wesley Gardner* 2/23/11

DATE: DALE A. GARDNER

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
2 Board of Supervisors of the County of Riverside assembled in regular session on March 15, 2011 as
3 follows:

4 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
5 the above recitals are true and correct.

6 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street
7 Lighting Zone 101 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
8 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 101
9 to pay the costs of the following services:

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

12 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
13 Zone 101 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
14 shown and described in Exhibit "A".

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

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Street Lighting Zone 101 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 2011-12.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

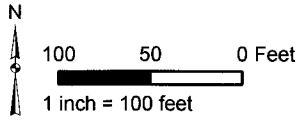
STREET LIGHTING ZONE 101

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

1 PARCEL

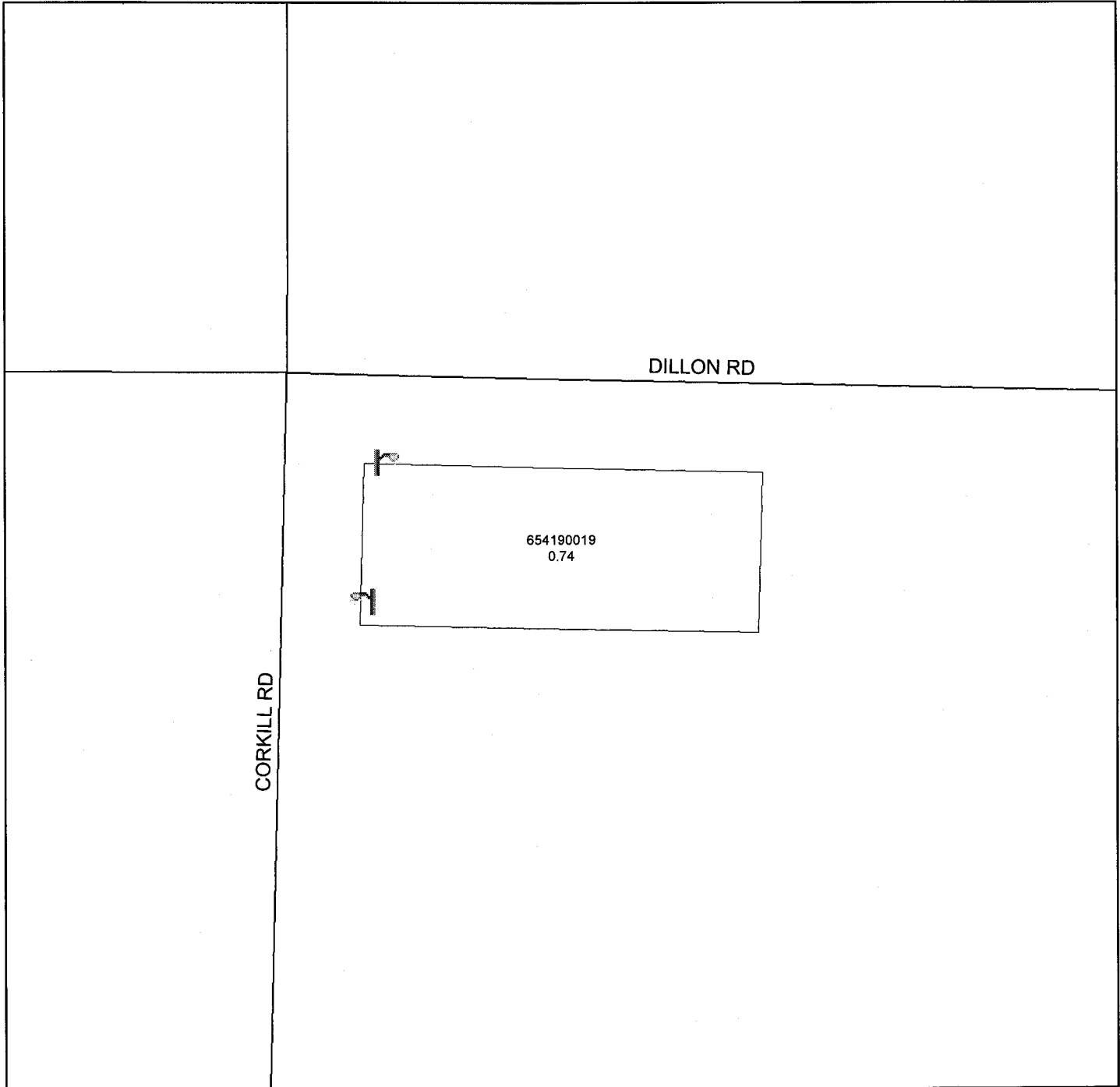


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ASSESSMENT DIAGRAM

Printed by jpickeri on 2/1/11



 DENOTES MAINTAINED STREETLIGHT

2 RESOLUTION NO. 2011-032

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 101 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 101; 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 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. 2011-031 on March 15, 2011 initiating
16 proceedings for the annexation of Street Lighting Zone 101 (hereinafter "Street Lighting Zone 101"), as
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping
18 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,
19 (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter
20 the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways
21 Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 101 and the
23 assessments to be levied within Street Lighting Zone 101 each fiscal year beginning fiscal year 2011-
24 12 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 XIID of the
26 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 Street
Lighting Zone 101; and

WHEREAS, the Board of Supervisors by Resolution No. 2011-031 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 2/23/11
DATE
DALE A. GARDNER

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**, it is necessary that the Board of Supervisors adopt a resolution of intention
6 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
7 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
8 Report, the annexation of Street Lighting Zone 101, and the assessments to be levied on parcels within
9 Street Lighting Zone 101 beginning in fiscal year 2011-12;

10 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
11 Board of Supervisors in regular session assembled on March 15, 2011 as follows:

12 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 13 (a) The foregoing recitals are true and correct;
- 14 (b) The Report contains all matters required by Sections 22565 through 22574 of the
15 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
16 approved by the Board of Supervisors;
- 17 (c) The annual assessment for fiscal year 2011-12 on all parcels within Street Lighting
18 Zone 101 proposed to be annexed to L&LMD No. 89-1-C will be \$891.90 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Street Lighting Zone 101, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
21 and to levy and collect an annual assessment on all assessable lots and parcels of property within
22 Street Lighting Zone 101 commencing with the fiscal year 2011-12 as set forth in the Report. The
23 Report expressly states that there are no parcels or lots within Street Lighting Zone 101 that are owned
24 by a federal, state or other local governmental agency that will benefit from the services to be financed
25 by the annual assessments. The annual assessments will be collected at the same time and in the

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1 same manner as property taxes are collected, and all laws providing for the collection and enforcement
2 of property taxes shall apply to the collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 101 is
4 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
5 area of the County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The service authorized for Street
7 Lighting Zone 101 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
8 right-of-way including incidental costs and expenses.

9 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
10 benefits from the annexation of Street Lighting Zone 101 of L&LMD No. 89-1-C will be \$891.90 per acre
11 for fiscal year 2011-12. As stated in the Report, the total budget for Street Lighting Zone 101 for the
12 fiscal year 2011-12 is \$660; there is 1 parcel(s) that is to be assessed that aggregates to .74 acre(s).
13 The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative
14 percentage increase, if any, in the Consumer Price Index for all Urban Consumers for "electricity"
15 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
16 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
17 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands
18 on March of each year over the base Index for March of 2010. Any increase larger than the greater of
19 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within
20 Street Lighting Zone 101. The Board of Supervisors will levy the assessment in each subsequent fiscal
21 year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting
22 Zone 101 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4
23 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of
24 the Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Street Lighting Zone 101. The boundaries of Street Lighting Zone 101 are located within the
3 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the services, the boundaries of Street Lighting
7 Zone 101, and the annual assessment to be levied upon assessable lots and parcels within Street
8 Lighting Zone 101 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 101 shall be
10 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on May 3, 2011, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting
15 Zone 101 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be
17 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property
18 within the boundaries of Street Lighting Zone 101 if there is a majority protest with regard to the
19 annexation of Street Lighting Zone 101. A majority protest exists if, upon the conclusion of the Public
20 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and
21 assessment of Street Lighting Zone 101 exceeds the assessment ballots in favor of the annexation and
22 assessment of Street Lighting Zone 101.

23 **Section 10. Information.** Any property owner desiring additional information regarding Street
24 Lighting Zone 101 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
25 Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside,
26 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Street Lighting Zone 101 to L&LMD No. 89-1-C shall be given consistent with Section
3 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
4 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
5 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public
6 Hearing that is May 3, 2011. Publication of this Resolution is to be effected by the Clerk of the Board of
7 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
9 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
10 Street Lighting Zone 101 as shown on the last equalized assessment roll of the County. Mailing is to be
11 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
12 Public Hearing on May 3, 2011.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 101 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 2011-12.

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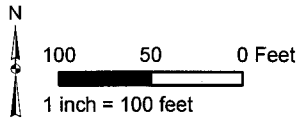
STREET LIGHTING ZONE 101

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

1 PARCEL

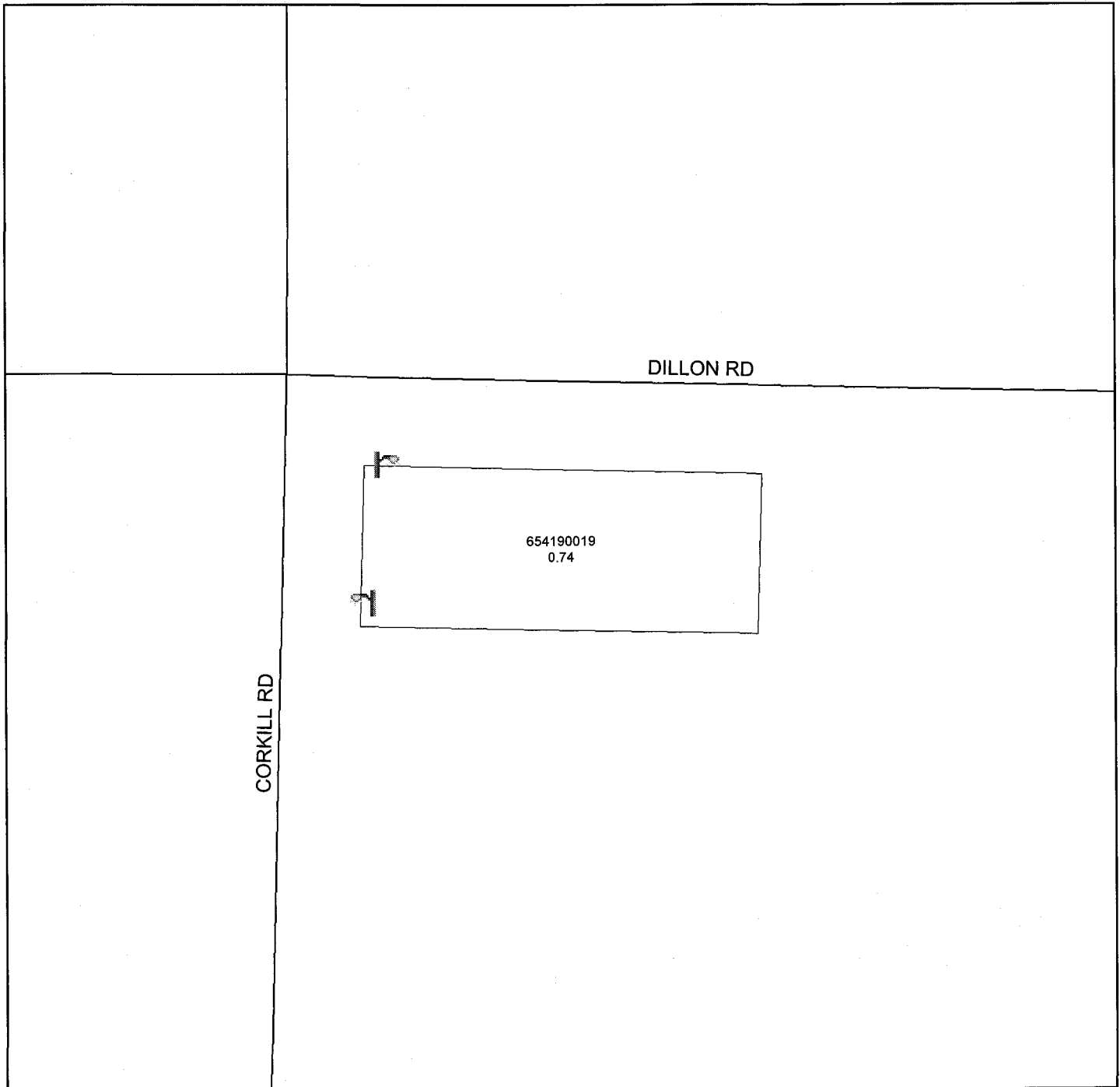


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 DENOTES MAINTAINED STREETLIGHT