

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

734A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 152 (Glen Ivy Hot Springs).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-027 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 152 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 152.

Resolution No. 2011-028, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 152 to Landscaping and Lighting Maintenance District No.

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
Tina Grande

County Executive Office Signature

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

Departmental Concurrence

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 1

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.49

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 152 (Glen Ivy Hot Springs).

March 3, 2011

Page 2 of 2

89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of future median landscaping; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 152, 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. 2011-027 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 152 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-028 declares the Board's intention of ordering the annexation of Zone 152 to L&LMD No. 89-1-C. Annexation of Zone 152 to L&LMD No. 89-1-C will fund the maintenance and servicing of future median landscaping within public right-of-way located easterly of Temescal Canyon Rd in the Glen Ivy Hot Springs area and includes 1 commercial parcel, totaling .74 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 152 is \$481 that will result in an assessment for fiscal year 2011-12 within Zone 152 of \$650.26 per acre. 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 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 Zone 152 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-028, 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, Zone 152 will be annexed to L&LMD No. 89-1-C.

RESOLUTION NO. 2011-027

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 152 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 "Zone 152"), 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 Zone 152 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 XIID 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 Zone 152; 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 Zone 152 to L&LMD No. 89-1-C.

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

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 Zone 152 to
7 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
8 purpose of levying an annual assessment on all parcels within Zone 152 to pay the costs of the
9 following services:

10 (a) The maintenance and servicing of landscaping within the public right-of-way
11 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
12 and other ornamental vegetation; and

13 (b) The maintenance and servicing of irrigation and electrical facilities associated
14 with the landscaping, including but not limited to electricity for operation of the
15 irrigation system and water for irrigation.

16 **Section 3. Boundaries and Designation.** The boundaries of Zone 152 that are
17 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
18 described in Exhibit "A".

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

24 **Section 5. Effective Date.** This Resolution shall take effect from and after its date
25 of adoption.
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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 152 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 283-180-038 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

ZONE 152

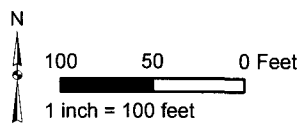
PORTION OF SECTION 34, T.4S., R.6W.

PLOT PLAN NO. 06844S2

1 PARCEL

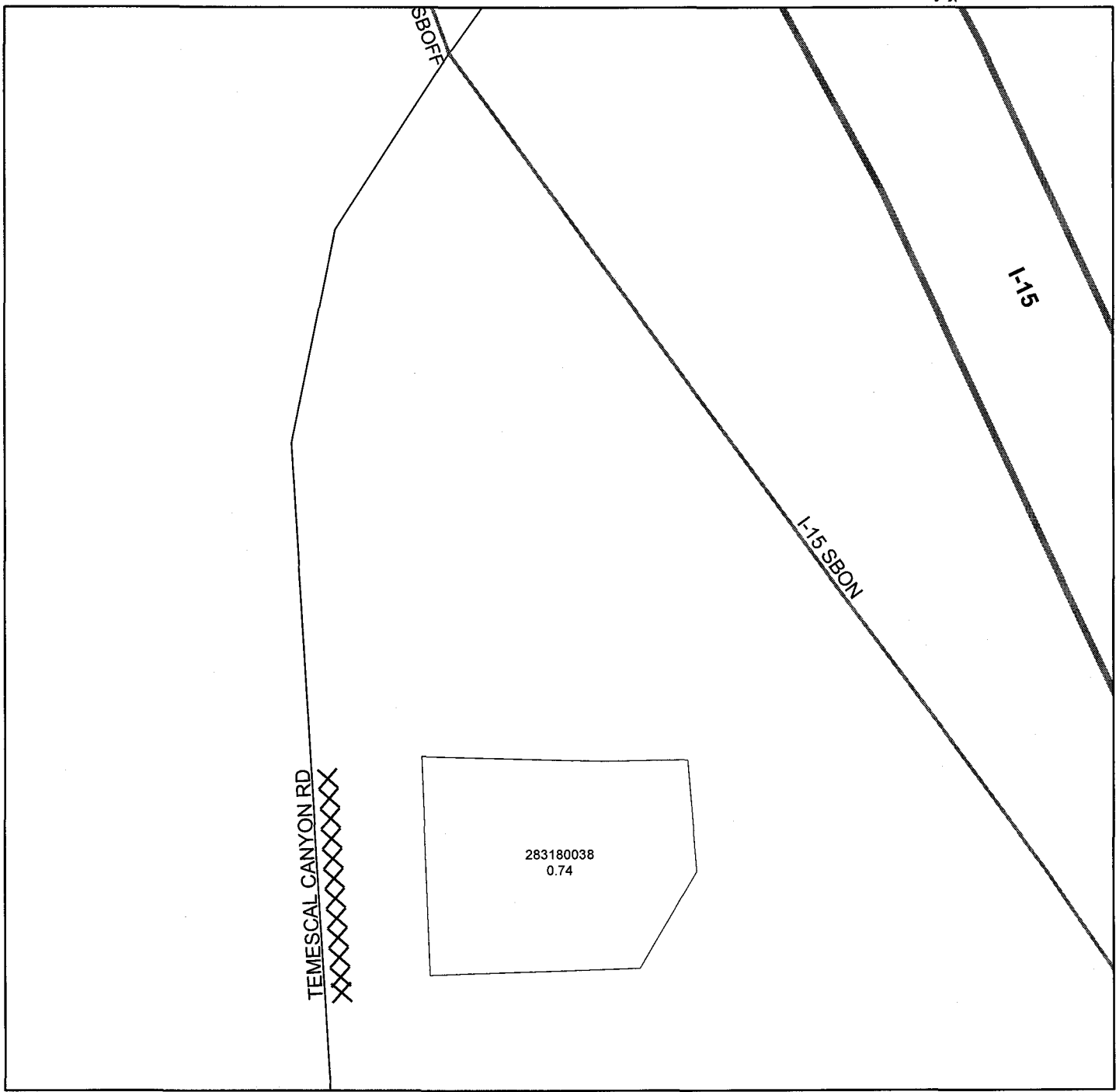


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ASSESSMENT DIAGRAM

Printed by jpickeri on 1/31/11



XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

2 RESOLUTION NO. 2011-028

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 152 TO LANDSCAPING AND LIGHTING
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE
7 AND SERVICING OF FUTURE MEDIAN LANDSCAPING; 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 ZONE 152; ORDERING AN ASSESSMENT
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE
12 XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

13 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
14 Riverside (hereinafter the "County") has adopted Resolution No. 2011-027 on March 15, 2011 initiating
15 proceedings for the annexation of Zone 152 (hereinafter "Zone 152"), as described and shown in
16 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 152 and the assessments to be levied within
22 Zone 152 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of future
23 median landscaping within the public right-of-way within said Zone; and

24 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the
25 California Constitution (hereinafter "Article XIIID:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 152;
and

WHEREAS, the Board of Supervisors by Resolution No. 2011-027 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *Ruby of Anderson* 2/23/11
DALE A. GARDNER DATE

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 Zone 152, and the assessments to be levied on parcels within Zone 152
9 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 Zone 152 proposed
18 to be annexed to L&LMD No. 89-1-C will be \$650.26 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Zone 152, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
21 collect an annual assessment on all assessable lots and parcels of property within Zone 152
22 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that
23 there are no parcels or lots within Zone 152 that are owned by a federal, state or other local
24 governmental agency that will benefit from the services to be financed by the annual assessments. The
25 annual assessments will be collected at the same time and in the same manner as property taxes are

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

3 **Section 3. Boundaries.** All the property within boundaries of Zone 152 is proposed to be
4 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
5 County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
7 future median landscaping authorized for Zone 152 of L&LMD No. 89-1-C are:

- 8 (a) The maintenance and servicing of landscaping within the public right-of-way including
9 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
10 ornamental vegetation; and
11 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
12 landscaping, including but not limited to electricity for operation of the irrigation system
13 and water for irrigation.

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
15 benefits from the annexation of Zone 152 of L&LMD No. 89-1-C will be \$650.26 per acre for fiscal year
16 2011-12. As stated in the Report, the total budget for Zone 152 for the fiscal year 2011-12 is \$481;
17 there is 1 parcel that is to be assessed that aggregates to .74 acres. The annual assessment will be
18 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
19 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
20 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
21 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
22 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
23 March of 2010. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
24 majority approval of all the property owners within Zone 152. The Board of Supervisors will levy the
25 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
26 the dissolution of Zone 152 of L&LMD No. 89-1-C. The annual assessment will fund the services

1 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
2 on file in the Office of the 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 Zone 152. The boundaries of Zone 152 are located within the unincorporated area of the
5 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 Zone 152, and the
9 annual assessment to be levied upon assessable lots and parcels within Zone 152 proposed to be
10 annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 152 shall be annexed into
12 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12 shall be
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on May 3, 2011, at 9:30
14 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
15 Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 152 is to receive
17 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
18 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
19 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
20 Zone 152 if there is a majority protest with regard to the annexation of Zone 152. A majority protest
21 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
22 in opposition to the annexation and assessment of Zone 152 exceeds the assessment ballots in favor
23 of the annexation and assessment of Zone 152.

24 **Section 10. Information.** Any property owner desiring additional information regarding
25 Zone 152 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
26

1 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
2 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.

3 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
4 annexation of Zone 152 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
7 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is May 3,
8 2011. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
9 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
10 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
11 Section 4000 of the California Elections Code to all owners of record of property within Zone 152 as
12 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
13 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on May 3,
14 2011.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 152 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 283-180-038 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

ZONE 152

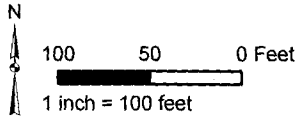
PORTION OF SECTION 34, T.4S., R.6W.

PLOT PLAN NO. 06844S2

1 PARCEL

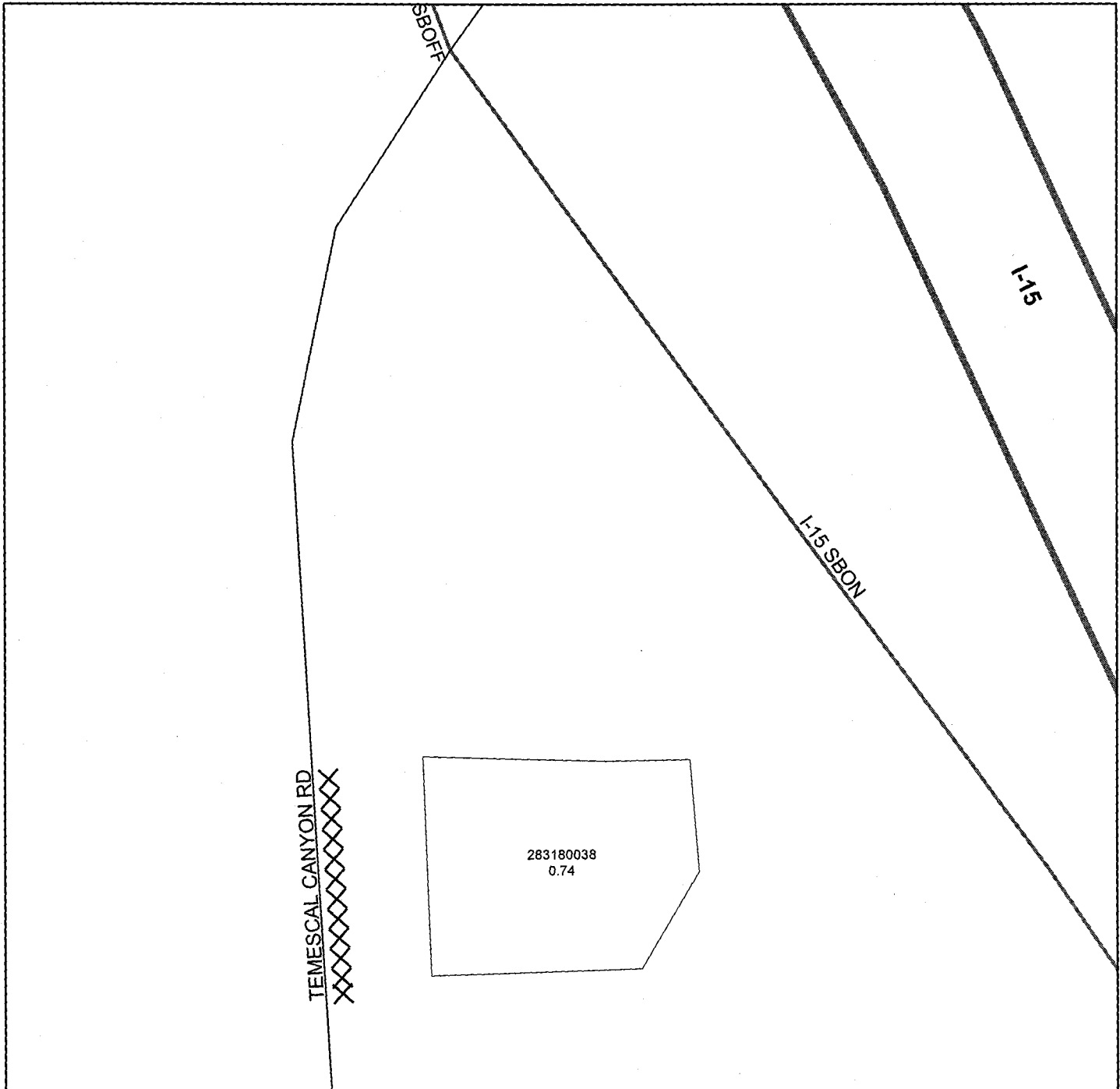


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ASSESSMENT DIAGRAM

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XXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN