

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

213A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 31, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 155 (French Valley).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-071 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 155 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 155.

Resolution No. 2011-072, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 155 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

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY: Dale A. Gardner DATE: 3/21/11

Departmental Concurrence

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

Prev. Agn. Ref.

District: 3

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 155 (French Valley).

March 31, 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, and the provision of electricity for, traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 155, 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. 2011-071 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 155 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-072 declares the Board's intention of ordering the annexation of Zone 155 to L&LMD No. 89-1-C. Annexation of Zone 155 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and the provision of electricity for, traffic signals within public right-of-way located at the intersection of Benton Rd and Temeku St in the French Valley area and includes 1 commercial parcel, totaling 1.39 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 155 is \$578 that will result in an assessment for fiscal year 2011-12 within Zone 155 of \$415.82 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 June 7, 2011 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 155 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-072, 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 155 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 Zone 155 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 June 7, 2011.

RESOLUTION NO. 2011-071

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 155 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 155"), 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 155 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 155; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on June 7, 2011; 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

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 155
2 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 April 12, 2011 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 Zone 155 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 155 to pay the costs of the
11 following services:

- 12 (a) Providing electricity to and the maintenance and servicing of traffic signals within
13 the public right-of-way including incidental costs and expenses.

14 **Section 3. Boundaries and Designation.** The boundaries of Zone 155 that are
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
16 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
19 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
20 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the
21 levy.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 155 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 963-070-013 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 155

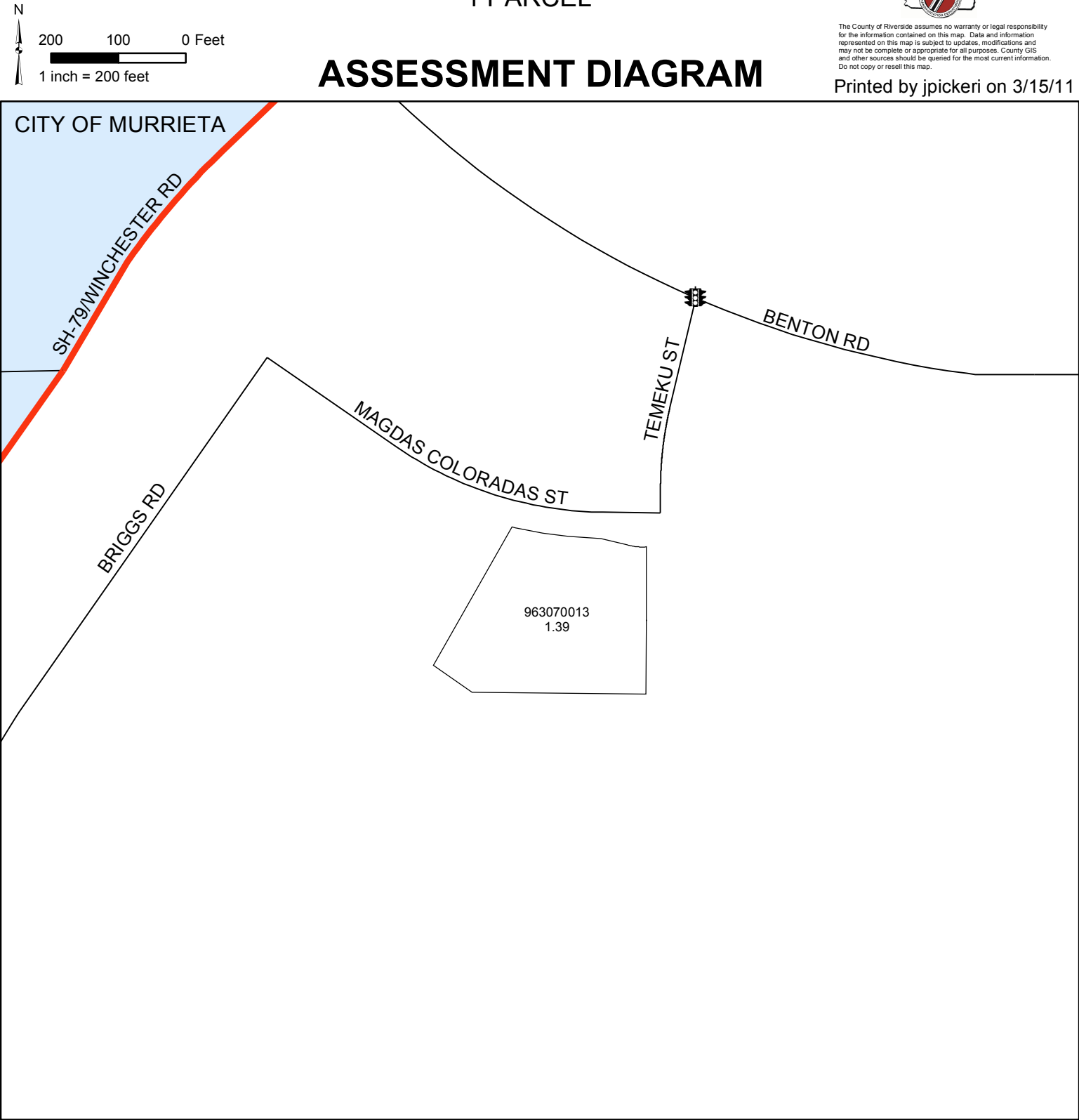
PORTION OF SECTION 6, T.7S., R.2W.
PLOT PLAN NO. 23975
1 PARCEL



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ASSESSMENT DIAGRAM

Printed by jpickeri on 3/15/11



DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2011-072

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 155 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 155; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2011-071 on April 12, 2011 initiating proceedings for the annexation of Zone 155 (hereinafter "Zone 155"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 155 and the assessments to be levied within Zone 155 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of, and the provision of electricity for, traffic signals within the public right-of-way within said Zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the 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 Zone 155; and

WHEREAS, the Board of Supervisors by Resolution No. 2011-071 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *John A. Gardner* DATE *3/21/11*

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 Applicant has executed a "Waiver and Consent Regarding Date of
6 Assessment Ballot Election" allowing for the election to be held on June 7, 2011; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
10 Report, the annexation of Zone 155, and the assessments to be levied on parcels within Zone 155
11 beginning in fiscal year 2011-12;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on April 12, 2011 as follows:

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2011-12 on all parcels within Zone 155 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$415.82 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 155, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
23 collect an annual assessment on all assessable lots and parcels of property within Zone 155
24 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 155 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

1 annual assessments will be collected at the same time and in the same manner as property taxes are
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
3 collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Zone 155 is proposed to be
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of,
8 and the provision of electricity for, traffic signals authorized for Zone 155 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
10 public right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 155 of L&LMD No. 89-1-C will be \$415.82 per acre for fiscal year
13 2011-12. As stated in the Report, the total budget for Zone 155 for the fiscal year 2011-12 is \$578;
14 there is 1 parcel that is to be assessed that aggregates to 1.39 acres. The annual assessment will be
15 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
16 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-
17 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the
18 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will
19 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the
20 base Index for March of 2011. Any increase larger than the greater of 2.0% or the CPI-U annual
21 adjustment requires a majority approval of all the property owners within Zone 155. The Board of
22 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors
23 undertakes proceedings for the dissolution of Zone 155 of L&LMD No. 89-1-C. The annual assessment
24 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be
25 made to the Report on file in the Office of the Clerk of the Board of Supervisors.
26

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Zone 155. The boundaries of Zone 155 are located within the unincorporated area of the
3 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 Zone 155, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 155 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 155 shall be annexed into
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12 shall be
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 7, 2011, at 9:30
12 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
13 Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 155 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
18 Zone 155 if there is a majority protest with regard to the annexation of Zone 155. A majority protest
19 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
20 in opposition to the annexation and assessment of Zone 155 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 155.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 155 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
24 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
25 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 Zone 155 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
3 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
5 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 7,
6 2011. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
7 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
8 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
9 Section 4000 of the California Elections Code to all owners of record of property within Zone 155 as
10 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
11 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 7,
12 2011.

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

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 155
(FRENCH VALLEY)**

PREPARED BY:

**RIVERSIDE COUNTY
TRANSPORTATION DEPARTMENT
MARCH 24, 2011**

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - ZONE 155 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 155 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the traffic signal improvements proposed to be funded.

PART II

An estimate of the cost of the traffic signal 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 155 Annexation, the lines and dimensions of each parcel of land within said Zone 155, 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 155, in proportion to the estimated benefits to be received by such parcels from said traffic signal 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 155 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 June 7, 2011; a copy of said waiver is filed herewith and made a part hereof.

Dated March 24, 2011

A handwritten signature in dark ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 155,
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 155 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 155 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of, and the provision of electricity for, traffic signals within the public right-of-way:

- At the intersection of Benton Rd and Temeku St

Maintenance Plans

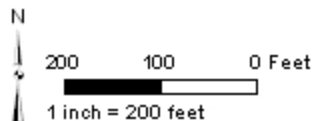
Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

ZONE 155

PORTION OF SECTION 6, T.7S., R.2W.

PLOT PLAN NO. 23975

1 PARCEL



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DENOTES MAINTAINED TRAFFIC SIGNAL

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 155
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 155

Costs for Maintenance of Improvements

| | |
|--|--------------|
| Maintenance ¹ & Servicing ² of the Traffic Signals | \$550 |
| Administrative Costs ³ | <u>28</u> |
| Total Amount to be Assessed for FY 2011-12 | \$578 |

¹Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of traffic signals, and appurtenances including repair and replacement.

²Servicing means funding of energy costs for traffic signals.

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 155
 SUMMARY
 ANNUAL BUDGET
 FISCAL YEAR 2011-12

| QUANTITY | COST PER TRAFFIC SIGNAL | TOTAL FOR TRAFFIC SIGNALS | ANNUAL ADMIN. COST | ANNUAL RATE |
|----------|----------------------------|------------------------------|-----------------------|----------------|
| 1 | \$ 550 | \$ 550 | \$ 28 | \$ 578 |

| | |
|--------------------------------|----------------|
| TOTAL BUDGET | \$ 578 |
| FISCAL YEAR 2011-12 ASSESSMENT | \$ 415.82/acre |

1.39 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 155
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 155

Annexation of Zone 155 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.

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

ZONE 155

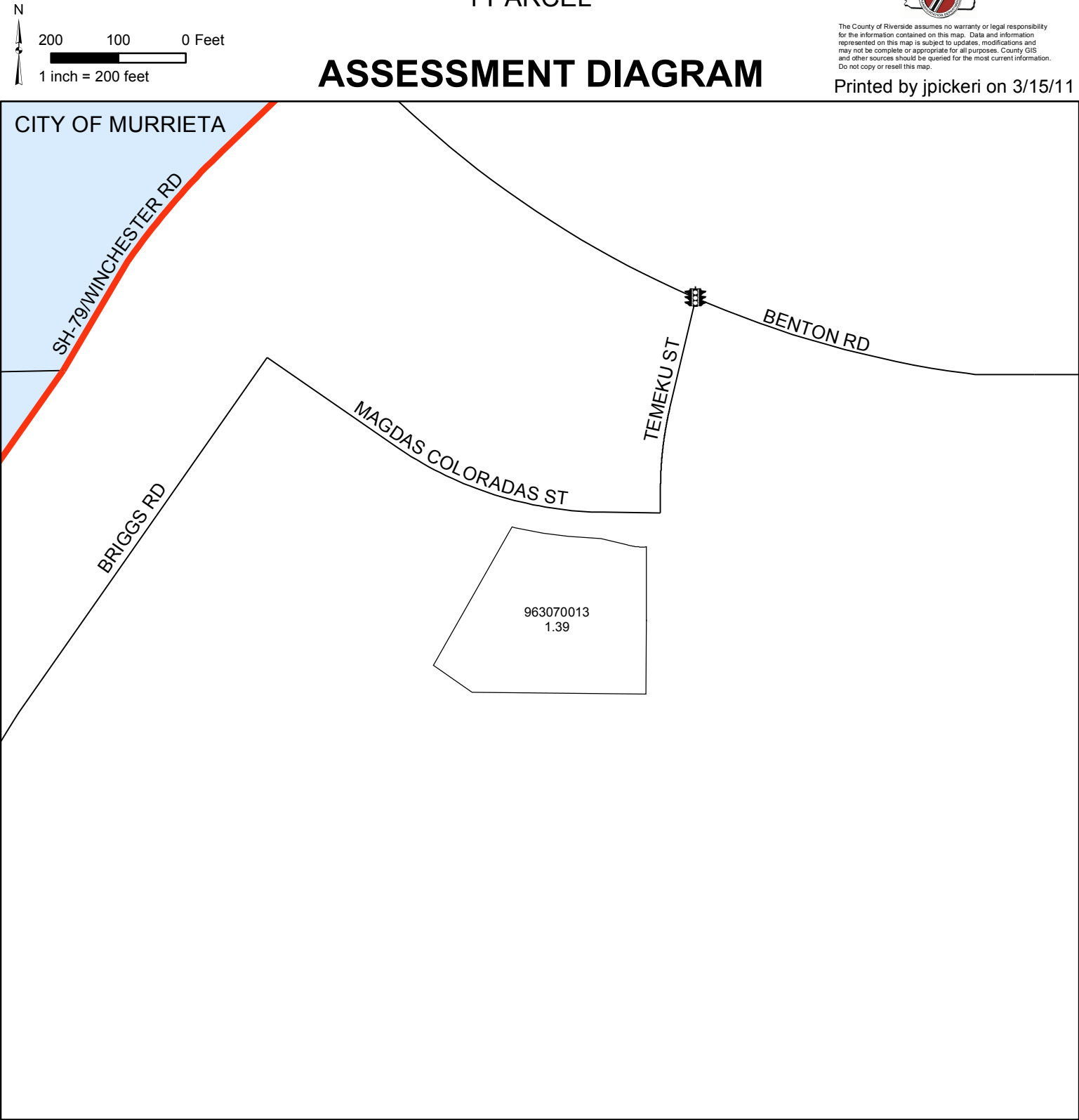
PORTION OF SECTION 6, T.7S., R.2W.
PLOT PLAN NO. 23975
1 PARCEL



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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED TRAFFIC SIGNAL

PART IV

**ASSESSMENT FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 155
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 April 12, 2011 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. 2011-071 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 155 (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 traffic signal improvements
- b. An estimate of the costs of servicing traffic signal 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 155 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 traffic signals provides direct and special benefit to those properties located within Zone 155 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Traffic signals enhance the properties within the DISTRICT, improve neighborhood protection, allow traffic into and out of the development, and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The costs and expenses for the traffic signal improvements within Zone 155 are apportioned on a per parcel basis and do not exceed 10% per signal of the total maintenance cost.

The dollar per acre value for Fiscal Year 2011-12 for Zone 155 is as follows:

$$\begin{array}{rcl} \text{Total Budget} & = & \$578 \\ \text{Total No. Acres} & 1.39 & = \$415.82/\text{acre} \end{array}$$

The assessment for Fiscal Year 2011-12 for Zone 155 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$415.82 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 for “electricity” (“CPI-U” “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 2011. 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 Zone 155.

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 155 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 June 7, 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 155 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated March 24, 2011

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 155,
County of Riverside, California

| APN | ACRES | ASSESSMENT |
|-------------|-------|------------|
| 963-070-013 | 1.39 | 577.98 |

att. Ms. Joan Pickering 951-955-0049

**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 Resiung 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 2011-12 (the "Property"): APN(s) 963-070-013.

The Owner has made application that the Property be annexed as Zone 155 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 June 7, 2011

**OWNER: Resiung Enterprises Inc
(Name of Company
as Stated in Initial Paragraph)**

By: Claire K.T. Reiss
Signature

Name: CLAIRE K.T. REISS
Print

Title: President