

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

214A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:  
March 31, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 161 (Glen Valley).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-075 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 161 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 161.

Resolution No. 2011-076, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 161 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

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

Prev. Agn. Ref.

District: 1

Agenda Number:

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 161 (Glen Valley).

March 31, 2011

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89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of landscaping, traffic signals, and future median landscaping, 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 161, 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. 2011-075 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 161 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-076 declares the Board's intention of ordering the annexation of Zone 161 to L&LMD No. 89-1-C. Annexation of Zone 161 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic signals within public right-of-way located northerly of Cajalco Rd and at the intersection of Cajalco Rd and Wood Rd in the Glen Valley area and includes 8 commercial parcels, totaling 14.99 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 161 is \$5,460 that will result in an assessment for fiscal year 2011-12 within Zone 161 of \$364.22 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.

In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the future median improvements on Cajalco Rd are completed, the annual assessments may be further increased. For the fiscal year in which the future median improvements are completed, the annual assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per acre, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the future median improvements on Cajalco Rd are completed. Under the proposed annexation, neither the assessment increases based on the Standard Annual Adjustment nor the further increases associated with the completion of the future median improvements on Cajalco Rd will require any further approval of the landowners within Zone 161.

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 161 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-076, 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 161 will be annexed to L&LMD No. 89-1-C.

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of  
Zone 161 (Glen Valley).

March 31, 2011

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There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 161 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. 2011-075**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 161 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 161"), 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 161 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 XIII D 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 161; 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 161  
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 161 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 161 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way  
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,  
14 and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated  
16 with the landscaping, including but not limited to electricity for operation of the  
17 irrigation system and water for irrigation; and
- 18 (c) Providing electricity to and the maintenance and servicing of traffic signals within  
19 the public right-of-way including incidental costs and expenses.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 161 that are  
21 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
22 described in Exhibit "A".

23 **Section 4. Report.** The Director of the Department of the County, or his designee,  
24 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board  
25 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways  
26

1 Code and Section 4 of Article XIID of the California Constitution regarding said annexation and the  
2 levy.

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

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 161 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 8 parcels as shown on Parcel Map No. 36124 in the County of Riverside, State of California for fiscal year 2011-12.

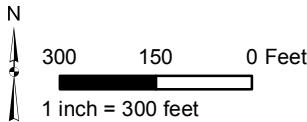
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

**ZONE 161**

PORTION OF SECTION 8, T.4S., R.4W.  
PARCEL MAP NO. 36124  
8 PARCELS

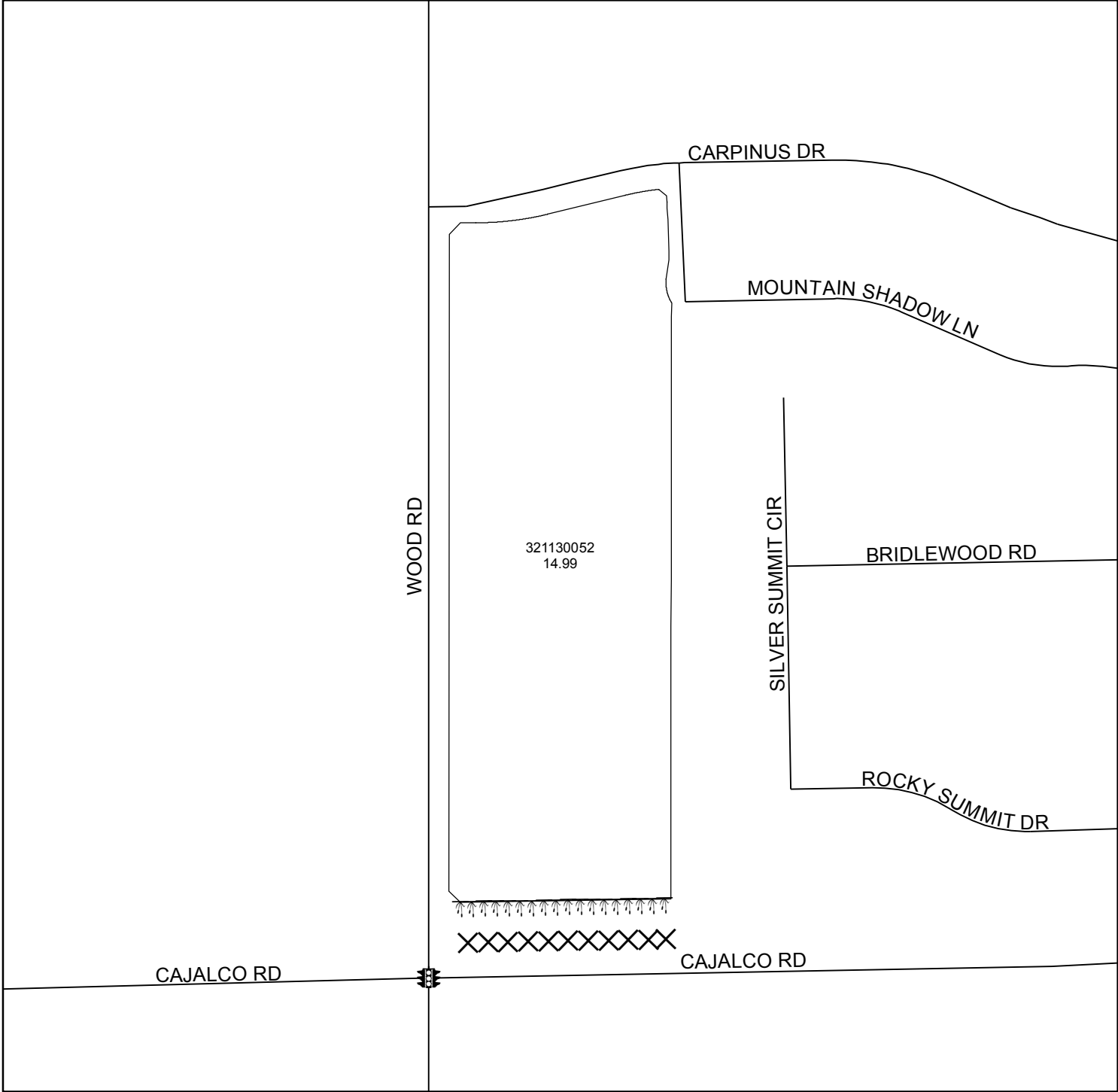


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 3/16/11



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

DENOTES MAINTAINED TRAFFIC SIGNAL



RESOLUTION NO. 2011-076

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 161 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 LANDSCAPING, TRAFFIC SIGNALS, AND FUTURE MEDIAN; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 161; 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. 2011-075 on April 12, 2011 initiating proceedings for the annexation of Zone 161 (hereinafter "Zone 161"), 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 161 and the assessments to be levied within Zone 161 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of landscaping, traffic signals, and future median landscaping, 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 161; and

1       **WHEREAS**, the Board of Supervisors by Resolution No. 2011-075 directed the Director of the  
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the  
4 Street and Highways Code and Section 4 of Article XIID; and

5       **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and  
6 the Report has been presented to and considered by the Board of Supervisors; and

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

9       **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
12 Report, the annexation of Zone 161, and the assessments to be levied on parcels within Zone 161  
13 beginning in fiscal year 2011-12;

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

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

- 17       (a)    The foregoing recitals are true and correct;
- 18       (b)    The Report contains all matters required by Sections 22565 through 22574 of the  
19               Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
20               approved by the Board of Supervisors;
- 21       (c)    The annual assessment for fiscal year 2011-12 on all parcels within Zone 161 proposed  
22               to be annexed to L&LMD No. 89-1-C will be \$364.22 per acre.
- 23       (d)    Beginning in the fiscal year in which the future median improvements on Cajalco Rd are  
24               completed, the annual assessment and all subsequent annual assessments will be  
25               increased accordingly. The annual assessment may be increased by \$65.06 which will  
26               result in an aggregate assessment of \$429.28 per acre, adjusted for inflation, in the

1 fiscal year in which the future median improvements on Cajalco Rd are completed as  
2 detailed in the Report. Subsequent annual assessments will be increased, without  
3 regard to the \$429.28 per acre ceiling, in accordance with the standard annual  
4 adjustment formula outlined in Section 5 of this Resolution.

5 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
6 annexation of Zone 161, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
7 collect an annual assessment on all assessable lots and parcels of property within Zone 161  
8 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that  
9 there are no parcels or lots within Zone 161 that are owned by a federal, state or other local  
10 governmental agency that will benefit from the services to be financed by the annual assessments. The  
11 annual assessments will be collected at the same time and in the same manner as property taxes are  
12 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
13 collection and enforcement of said assessments.

14 **Section 3. Boundaries.** All the property within boundaries of Zone 161 is proposed to be  
15 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
16 County as described and shown in Exhibit "A".

17 **Section 4. Description of Services to be Provided.** The maintenance and servicing of  
18 landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic  
19 signals authorized for Zone 161 of L&LMD No. 89-1-C are:

- 20 (a) The maintenance and servicing of landscaping within the public right-of-way including  
21 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
22 ornamental vegetation; and  
23 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
24 landscaping, including but not limited to electricity for operation of the irrigation system  
25 and water for irrigation; and  
26

1 (c) Providing electricity to and the maintenance and servicing of traffic signals within the  
2 public right-of-way including incidental costs and expenses.

3 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits from  
4 the annexation of Zone 161 to L&LMD No. 89-1-C will be \$364.22 per acre for fiscal year 2011-12. As  
5 stated in the Report, the total budget for Zone 161 for the fiscal year 2011-12 is \$5,460.00; there are 8  
6 parcels that are to be assessed. The annual assessment will be increased by the greater of two percent  
7 (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban  
8 Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
9 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
10 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it  
11 stands on March of each year over the base Index for March of 2011. The annual assessment increase  
12 derived from the application of the foregoing formula is referred to as the "Standard Annual  
13 Adjustment." In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the  
14 future median improvements on Cajalco Rd are completed, the annual assessments may be further  
15 increased. For the fiscal year in which the future median improvements are completed, the annual  
16 assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per  
17 acre, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased  
18 assessment in all subsequent fiscal years following the year in which the future median improvements  
19 on Cajalco Rd are completed without regard to the \$429.28 per acre, inflation adjusted, assessment  
20 ceiling required during the fiscal year the future median improvements were first completed. Except for  
21 assessment increases associated with the completion of the future median improvements on Cajalco  
22 Rd, and assessment increases resulting from the application of the Standard Annual Adjustment, any  
23 other increase in the annual assessment requires a majority approval of all the property owners within  
24 Zone 161. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the  
25 Board of Supervisors undertakes proceedings for the dissolution of Zone 161 of L&LMD No. 89-1-C.  
26 The annual assessment will fund the services described in Section 4 of this Resolution. For further  
particulars, reference is to be made to the Report on file in the Office of 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 Zone 161. The boundaries of Zone 161 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 161, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 161 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9       **Section 8.    Public Hearing.** The question of whether Zone 161 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, 1<sup>st</sup> Floor,  
13 Riverside, California.

14       **Section 9.    Majority Protest.** Each owner of record of property within Zone 161 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 161 if there is a majority protest with regard to the annexation of Zone 161. 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 161 exceeds the assessment ballots in favor  
21 of the annexation and assessment of Zone 161.

22       **Section 10.   Information.** Any property owner desiring additional information regarding  
23 Zone 161 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 161 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 161 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 161  
(GLEN 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 161 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 161 Annexation consisting of four (4) parts as follows:

**PART I**

A general description and plans of the landscaping, traffic signal, and future median improvements proposed to be funded.

**PART II**

An estimate of the cost of the landscaping, traffic signal, and future median 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 161 Annexation, the lines and dimensions of each parcel of land within said Zone 161, 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 161, in proportion to the estimated benefits to be received by such parcels from said landscaping, traffic signal, and future median 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 161 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, appearing to be 'Juan C. Perez', written over a horizontal line.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 161,  
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 161 COUNTY OF RIVERSIDE, CALIFORNIA**

#### **Description of Improvements**

Improvements to be funded by Zone 161 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic signals within the public right-of-way:

- Northerly of Cajalco Rd
- At the intersection of Cajalco Rd and Wood Rd

#### **Maintenance Plans**

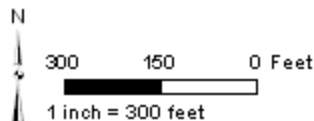
Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

# ZONE 161

PORTION OF SECTION 8, T.4S., R.4W.

PARCEL MAP NO. 36124

8 PARCELS



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DENOTES LANDSCAPED AND MAINTAINED PARKWAY



DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN



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 161  
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 161**

#### **Costs for Maintenance of Improvements**

Maintenance <sup>1</sup> & Servicing <sup>2</sup> of the Landscaping and Traffic Signals	\$5,280
Administrative Costs <sup>3</sup>	<u>180</u>
<b>Total Amount to be Assessed for FY 2011-12</b>	<b>\$5,460</b>

<sup>1</sup>Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping and traffic signals, and appurtenances including repair, removal, replacement, providing for the life growth, health, beauty of landscaping, removal of trimmings, rubbish, debris and other solid wastes.

<sup>2</sup>Servicing means furnishing of energy and water to the landscaping improvements and funding of energy costs for traffic signals.

<sup>3</sup>Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
 ZONE 161  
 SUMMARY  
 ANNUAL BUDGET  
 FISCAL YEAR 2011-12

MAINTENANCE OF LANDSCAPING, TRAFFIC SIGNALS, AND FUTURE MEDIAN	
FUNCTION	ZONE 161
Landscaping & Water	\$ 2,245
Electricity	\$ 37
Traffic Signals	\$ 1,540
Field Inspection/Management	\$ 336
Repair/Replacement	\$ 1,122
	<b>\$ 5,280</b>

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 161
Assessment Engineer	\$ 55
County Counsel	\$ 35
Transportation Administration/Miscellaneous Expense	\$ 90
	<b>\$ 180</b>

<b>TOTAL BUDGET</b>	<b>\$ 5,460</b>
<b>FISCAL YEAR 2011-12 ASSESSMENT</b>	<b>\$ 364.22/acre</b>

14.99 acre(s)

## PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES  
FOR FUTURE MEDIAN ON CAJALCO RD  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 161  
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 161**

#### **Costs for Maintenance of Improvements**

Maintenance <sup>1</sup> & Servicing <sup>2</sup> of the Future Median	\$930
Administrative Costs <sup>3</sup>	<u>45</u>
<b>Total Additional Amount to be Assessed in Fiscal Year in which Additional Improvements are Completed</b>	<b>\$975</b>

<sup>1</sup>Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping and appurtenances including repair, removal, replacement, providing for the life growth, health, beauty of landscaping, removal of trimmings, rubbish, debris and other solid wastes.

<sup>2</sup>Servicing means furnishing of energy and water to the landscaping improvements.

<sup>3</sup>Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
 ZONE 161  
 SUMMARY  
 ANNUAL BUDGET  
 FOR FUTURE MEDIAN ON CAJALCO RD

MAINTENANCE OF FUTURE MEDIAN LANDSCAPING	
FUNCTION	ZONE 161
Landscaping & Water	\$ 558
Electricity	\$ 9
Field Inspection/Management	\$ 84
Repair/Replacement	\$ 279
	<b>\$ 930</b>

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 161
Assessment Engineer	\$ 15
County Counsel	\$ 10
Transportation Administration/Miscellaneous Expense	\$ 20
	<b>\$ 45</b>

<b>TOTAL BUDGET</b>	<b>\$ 975</b>
<b>FUTURE ADDITIONAL ANNUAL ASSESSMENT</b>	<b>\$ 65.06/acre</b>

14.99 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 161  
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 161

Annexation of Zone 161 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

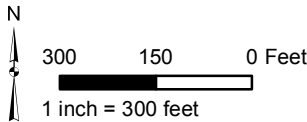
**ZONE 161**

PORTION OF SECTION 8, T.4S., R.4W.  
PARCEL MAP NO. 36124

8 PARCELS

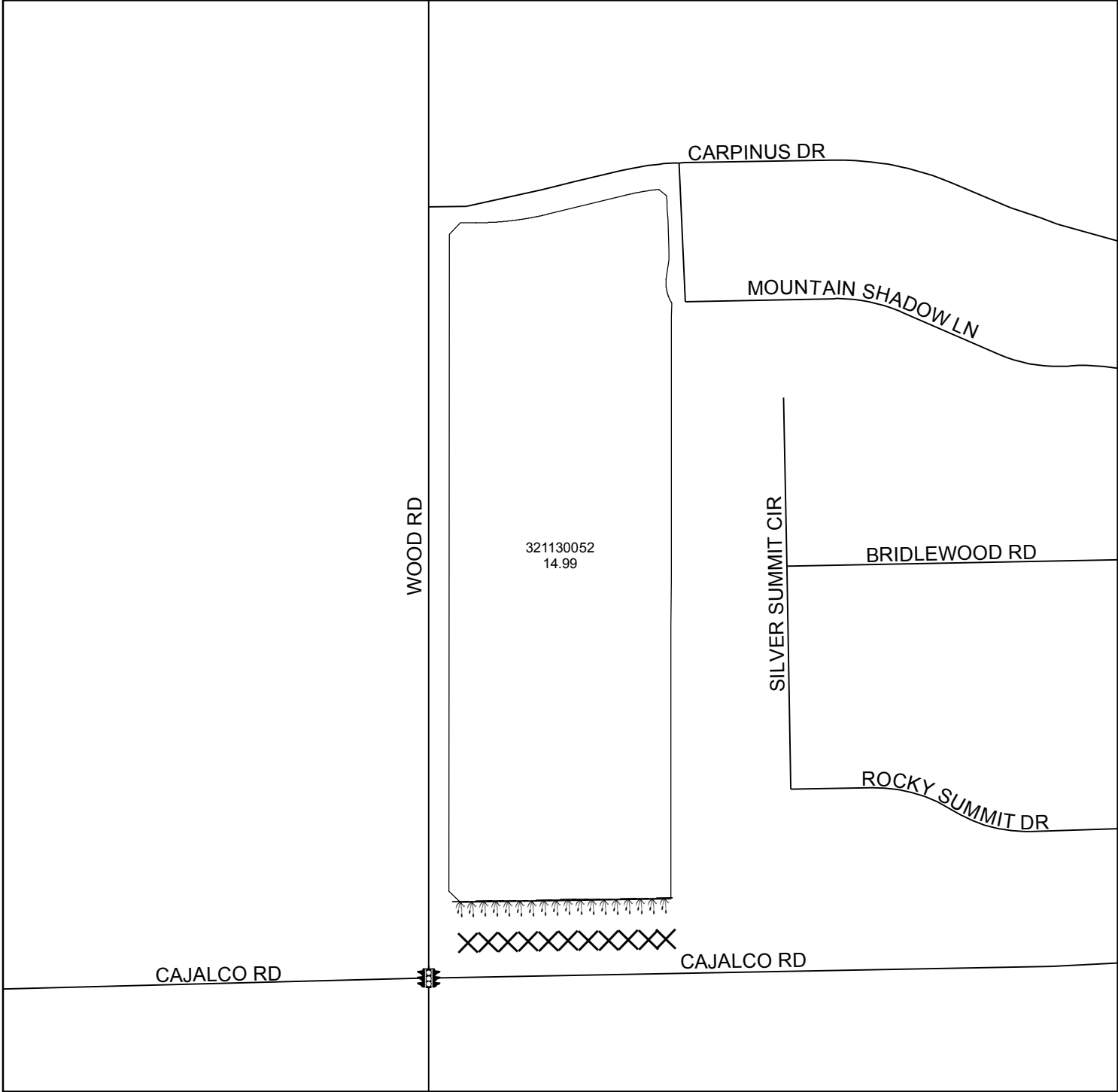


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 3/16/11



DENOTES LANDSCAPED AND MAINTAINED PARKWAY



DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN



DENOTES MAINTAINED TRAFFIC SIGNAL

## **PART IV**

### **ASSESSMENT FOR FISCAL YEAR 2011-12 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 161 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. 2011-075 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 161 (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 landscaping, traffic signal, and future median improvements
- b. An estimate of the costs of servicing landscaping, traffic signal, and future median 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 161 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 landscaping, traffic signals, and future median provides direct and special benefit to those properties located within Zone 161 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Landscaping and traffic signals enhance the properties within the DISTRICT, improve erosion control, provide dust abatement, increase public safety (controls sight distance restrictions and fire hazards), improve neighborhood aesthetics, 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 landscaping and future median improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 161 are discrete neighborhoods or communities for which the landscaping and future median improvements were installed. Landscaping and future median 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. The costs and expenses for the traffic signal improvements within Zone 161 do not exceed 28% per signal of the total maintenance cost. The costs and expenses for the landscaping, traffic signal, and future median improvements maintenance and services are apportioned on a per acre basis.

The dollar per acre value for Fiscal Year 2011-12 for Zone 161 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \$5,460 & \\ \text{Total No. Acres} & 14.99 & = \$364.22/\text{acre} \end{array}$$

The assessment for Fiscal Year 2011-12 for Zone 161 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$364.22 per acre. The annual assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per acre, starting the fiscal year in which the future median improvements on Cajalco Rd are completed. 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 2011. 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 161.

#### **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 161 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 161 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 and a small flourish.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 161,  
County of Riverside, California

APN

ACRES

ASSESSMENT

321-130-052

14.99

5,459.66

**LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED  
OF THE COUNTY OF RIVERSIDE, CALIFORNIA**

**WAIVER AND CONSENT REGARDING DATE OF  
ASSESSMENT BALLOT ELECTION**

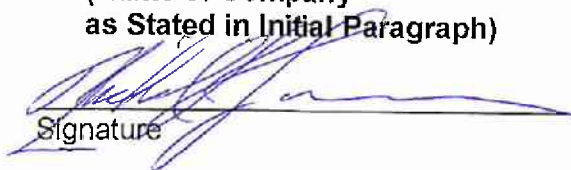
The undersigned, an authorized representative of B & C Land-Boulder Springs, LLC (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessors Parcel Numbers for fiscal year 2011-12 (the "Property"): APN(s) 321-130-052.

The Owner has made application that the Property be annexed as Zone 161 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: B & C Land-Boulder Springs, LLC**  
**(Name of Company**  
**as Stated in Initial Paragraph)**

By:

  
Signature

Name: Nicholas J. Coussoulis  
Print

Title: Member