

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

215A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 31, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 154 (Rancho California).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-069 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 154 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 154.

Resolution No. 2011-070, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 154 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 3/21/11

DATE

Departmental Concurrence

☒ Policy

☐ Consent

Dep't Recomm.:

☒ Policy

☐ Consent

Per Exec. Ofc.:

Prev. Agn. Ref.

District: 3

Agenda Number:

3.24

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 154 (French 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 streetlights, future median landscaping, and dormant parkway 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 154, 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. 2011-069 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 154 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-070 declares the Board's intention of ordering the annexation of Zone 154 to L&LMD No. 89-1-C. Annexation of Zone 154 to L&LMD No. 89-1-C will fund the the provision of electricity for streetlights, the future maintenance and servicing of median landscaping, and ensure possible future maintenance and servicing of parkway landscaping within public right-of-way located northeasterly of Pacific Sunset Dr, northerly of Temecula Creek Rd, and southerly of SH-79 in the Rancho California area, and includes 1 commercial parcel, totaling 4.93 acre(s).

Per Caltrans requirements, parkway landscape improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula Creek Rd will be the responsibility of the property owners within Zone 154, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 05/07/09). Should the property owners default on this agreement, the maintenance and servicing of the parkway landscaping will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active.

The proposed budget for fiscal year 2011-12 for Zone 154 is \$660 that will result in an assessment for fiscal year 2011-12 within Zone 154 of \$133.86 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 SH-79 are completed, and/or the dormant maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula Creek Rd becomes active, 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 \$318.86 per acre, which when added to the assessment for streetlights will result in an aggregate assessment of \$452.72, adjusted for inflation. For the fiscal year in which the dormant parkway landscaping improvements should become active, the annual assessment may be increased by \$858.10 per acre, which when added to the assessment for streetlights and future median landscaping will result in an aggregate assessment of \$1,310.82, 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 SH-79 are completed and/or the dormant parkway landscaping improvements on SH-79, Pacific Sunset Dr, and Temecula Creek Rd should become active. Under the proposed annexation, neither the

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 154 (French Valley).

March 31, 2011

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assessment increases based on the Standard Annual Adjustment nor the further increases associated with the completion of the future median improvements on SH-79, or the dormant maintenance and servicing of parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula Creek Rd becoming active, will require any further approval of the property owners within Zone 154.

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 154 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-070, 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 154 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 154 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. 2011-069

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 154 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 154"), 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 154 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIIIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 154; 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 154
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 154 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 154 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
18 (c) Providing electricity to all streetlights within the public right-of-way including
19 incidental costs and expenses.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 154 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

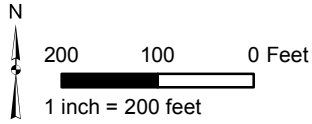
The boundaries of Zone 154 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 966-040-043 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

ZONE 154

PORTION OF SECTIONS 10 & 15, T.8S., R.2W.

PLOT PLAN NO. 20161

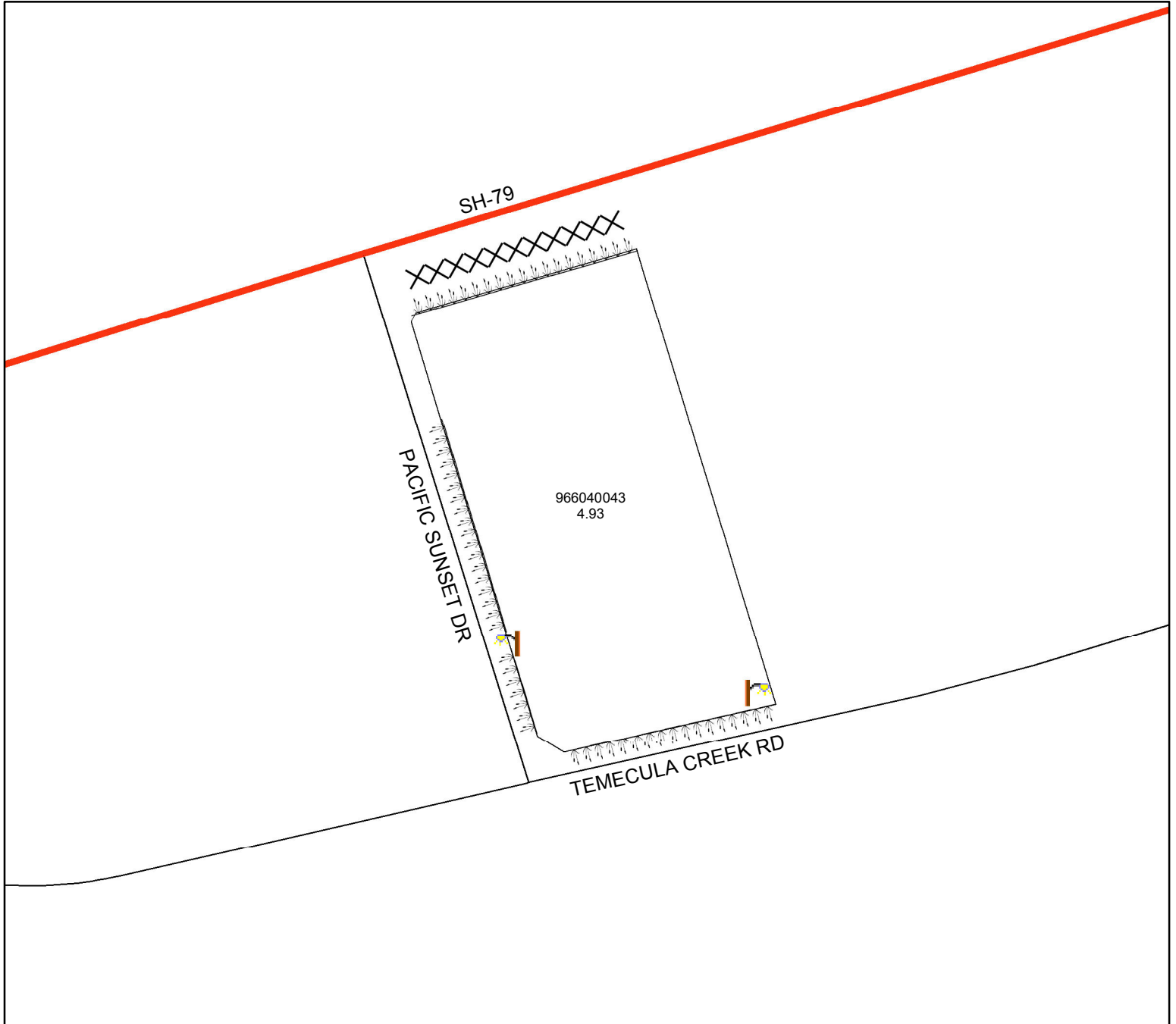
1 PARCEL



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Date and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map.

Printed by jpickeri on 3/15/11

ASSESSMENT DIAGRAM



 DENOTES MAINTAINED STREETLIGHT

 DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

 DENOTES LANDSCAPED AND (CURRENTLY DORMANT) MAINTAINED PARKWAY

RESOLUTION NO. 2011-070

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 154 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 STREETLIGHTS, FUTURE MEDIAN LANDSCAPING, AND DORMANT PARKWAY 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 154; 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. 2011-069 on April 12, 2011 initiating proceedings for the annexation of Zone 154 (hereinafter "Zone 154"), 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 154 and the assessments to be levied within Zone 154 each fiscal year beginning fiscal year 2011-12 for the the provision of electricity for streetlights, and the maintenance and servicing of future median landscaping and dormant parkway landscaping 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 154; and

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2011-069 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 154, and the assessments to be levied on parcels within Zone 154
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 154 proposed
22 to be annexed to L&LMD No. 89-1-C will be \$133.86 per acre.
- 23 (d) Beginning in the fiscal year in which the future median improvements on SH-79 are
24 completed and/or the dormant maintenance and servicing of the parkway landscaping
25 on SH-79, Pacific Sunset Dr, and Temecula Creek Rd becomes active, the annual
26 assessment and all subsequent annual assessments will be increased accordingly. The

1 annual assessment may be increased by \$318.86 per acre, which when added to the
2 assessment for streetlights will result in an aggregate assessment of \$452.72, adjusted
3 for inflation, in the fiscal year in which the future median improvements are completed,
4 and may be increased by \$858.10 per acre, which when added to the assessment for
5 streetlights and future median landscaping will result in an aggregate assessment of
6 \$1,310.82, adjusted for inflation, in the fiscal year in which the dormant parkway
7 landscaping improvements should become active, as detailed in the Report. Subsequent
8 annual assessments will be increased, without regard to the \$1,310.82 per acre ceiling,
9 in accordance with the standard annual adjustment formula outlined in Section 5 of this
10 Resolution.

11 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
12 annexation of Zone 154, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
13 collect an annual assessment on all assessable lots and parcels of property within Zone 154
14 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that
15 there are no parcels or lots within Zone 154 that are owned by a federal, state or other local
16 governmental agency that will benefit from the services to be financed by the annual assessments. The
17 annual assessments will be collected at the same time and in the same manner as property taxes are
18 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
19 collection and enforcement of said assessments.

20 **Section 3. Boundaries.** All the property within boundaries of Zone 154 is proposed to be
21 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
22 County as described and shown in Exhibit "A".

23 **Section 4. Description of Services to be Provided.** The provision of electricity for
24 streetlights, and the maintenance and servicing of future median landscaping and dormant parkway
25 landscaping authorized for Zone 154 of L&LMD No. 89-1-C are:
26

- 1 (a) The maintenance and servicing of landscaping within the public right-of-way including
2 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
3 ornamental vegetation; and
- 4 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
5 landscaping, including but not limited to electricity for operation of the irrigation system
6 and water for irrigation; and
- 7 (c) Providing electricity to all streetlights within the public right-of-way including incidental
8 costs and expenses.

9 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
10 benefits from the annexation of Zone 154 of L&LMD No. 89-1-C will be \$133.86 per acre for fiscal year
11 2011-12. As stated in the Report, the total budget for Zone 154 for the fiscal year 2011-12 is \$660;
12 there is 1 parcel that is to be assessed that aggregates to 4.93 acres. The annual assessment will be
13 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
14 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
15 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
16 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
17 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
18 March of 2011. The annual assessment increase derived from the application of the foregoing formula
19 is referred to as the "Standard Annual Adjustment." In addition to the Standard Annual Adjustment,
20 beginning in the fiscal year in which the future median improvements on SH-79 are completed and/or
21 the dormant maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and
22 Temecula Creek Rd becomes active, the annual assessments may be further increased. For the fiscal
23 year in which the future median improvements are completed, the annual assessment may be
24 increased by \$318.86 per acre, which when added to the assessment for streetlights will result in an
25 aggregate assessment of \$452.72, adjusted for inflation. For the fiscal year in which the dormant
26 parkway landscaping improvements should become active, the annual assessment may be increased

1 by \$858.10 per acre, which when added to the assessment for streetlights and future median
2 landscaping will result in an aggregate assessment of \$1,310.82, adjusted for inflation. The Standard
3 Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following
4 the year in which the future median improvements on SH-79 are completed, and/or the dormant
5 maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula
6 Creek Rd becomes active, without regard to the \$1,310.82 per acre, inflation adjusted, assessment
7 ceiling required during the fiscal year the future median improvements were first completed and/or the
8 fiscal year the parkway improvements became active. Except for assessment increases associated with
9 the completion of the future median improvements, and/or the parkway improvements becoming active,
10 and assessment increases resulting from the application of the Standard Annual Adjustment, any other
11 increase in the annual assessment requires a majority approval of all the property owners within
12 Zone 154. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
13 Board of Supervisors undertakes proceedings for the dissolution of Zone 154 of L&LMD No. 89-1-C.
14 The annual assessment will fund the services described in Section 4 of this Resolution. For further
15 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
16 Supervisors.

17 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
18 89-1-C is Zone 154. The boundaries of Zone 154 are located within the unincorporated area of the
19 County and are described and shown in the Report and Exhibit "A".

20 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
21 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
22 the Report for a full and detailed description of the services, the boundaries of Zone 154, and the
23 annual assessment to be levied upon assessable lots and parcels within Zone 154 proposed to be
24 annexed to L&LMD No. 89-1-C.

25 **Section 8. Public Hearing.** The question of whether Zone 154 shall be annexed into
26 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12 shall be

1 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 7, 2011, at 9:30
2 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
3 Riverside, California.

4 **Section 9. Majority Protest.** Each owner of record of property within Zone 154 is to receive
5 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
6 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
7 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
8 Zone 154 if there is a majority protest with regard to the annexation of Zone 154. A majority protest
9 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
10 in opposition to the annexation and assessment of Zone 154 exceeds the assessment ballots in favor
11 of the annexation and assessment of Zone 154.

12 **Section 10. Information.** Any property owner desiring additional information regarding
13 Zone 154 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
14 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
15 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.

16 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
17 annexation of Zone 154 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
18 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
19 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
20 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 7,
21 2011. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
22 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
23 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
24 Section 4000 of the California Elections Code to all owners of record of property within Zone 154 as
25 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
26

1 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 7,
2 2011.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

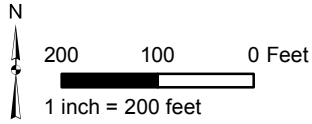
The boundaries of Zone 154 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 966-040-043 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

ZONE 154

PORTION OF SECTIONS 10 & 15, T.8S., R.2W.

PLOT PLAN NO. 20161

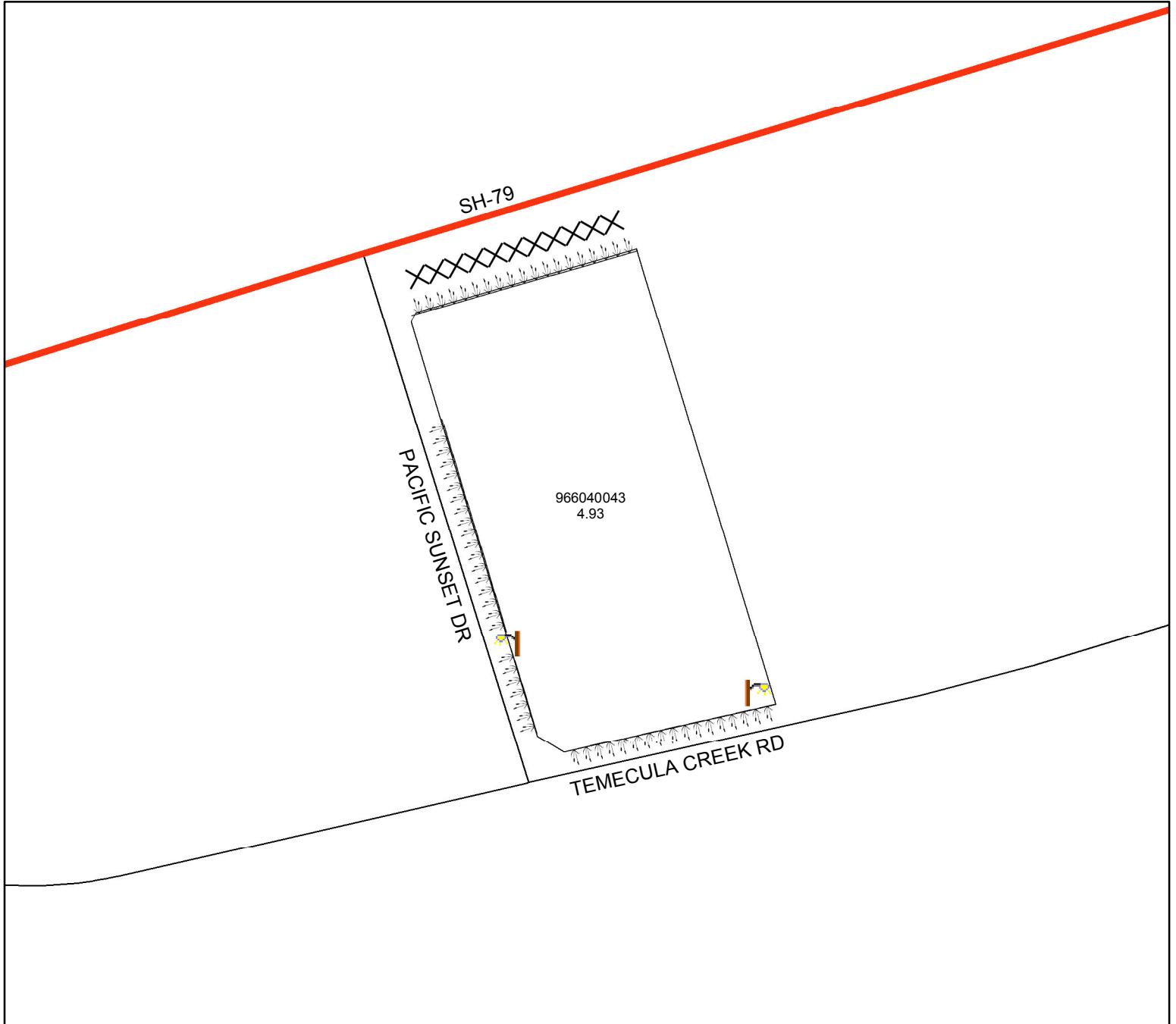
1 PARCEL



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ASSESSMENT DIAGRAM



 DENOTES MAINTAINED STREETLIGHT

 DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

 DENOTES LANDSCAPED AND (CURRENTLY DORMANT) MAINTAINED PARKWAY

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 154
(RANCHO CALIFORNIA)**

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 154 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 154 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the streetlight, future median landscaping, and dormant parkway landscaping improvements proposed to be funded.

PART II

An estimate of the cost of the streetlight, future median landscaping, and dormant parkway landscaping 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

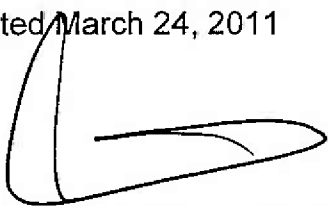
A diagram showing Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 154 Annexation, the lines and dimensions of each parcel of land within said Zone 154, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2011-12 is filed in the Office of the Riverside 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 154, in proportion to the estimated benefits to be received by such parcels from said streetlight, future median landscaping, and dormant parkway landscaping 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 154 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~~ March 24, 2011

A handwritten signature in black ink, appearing to read 'Juan C. Perez', is written over a horizontal line.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 154,
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 154 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 154 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the provision of electricity for streetlights, and the maintenance and servicing of future median landscaping and dormant parkway landscaping within the public right-of-way:

- Northeasterly of Pacific Sunset Dr
- Northerly of Temecula Creek Rd
- Southerly of SH-79

Maintenance Plans

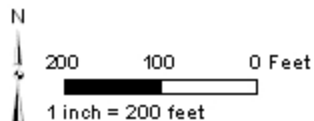
Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

ZONE 154

PORTION OF SECTIONS 10 & 15, T.8S., R.2W.

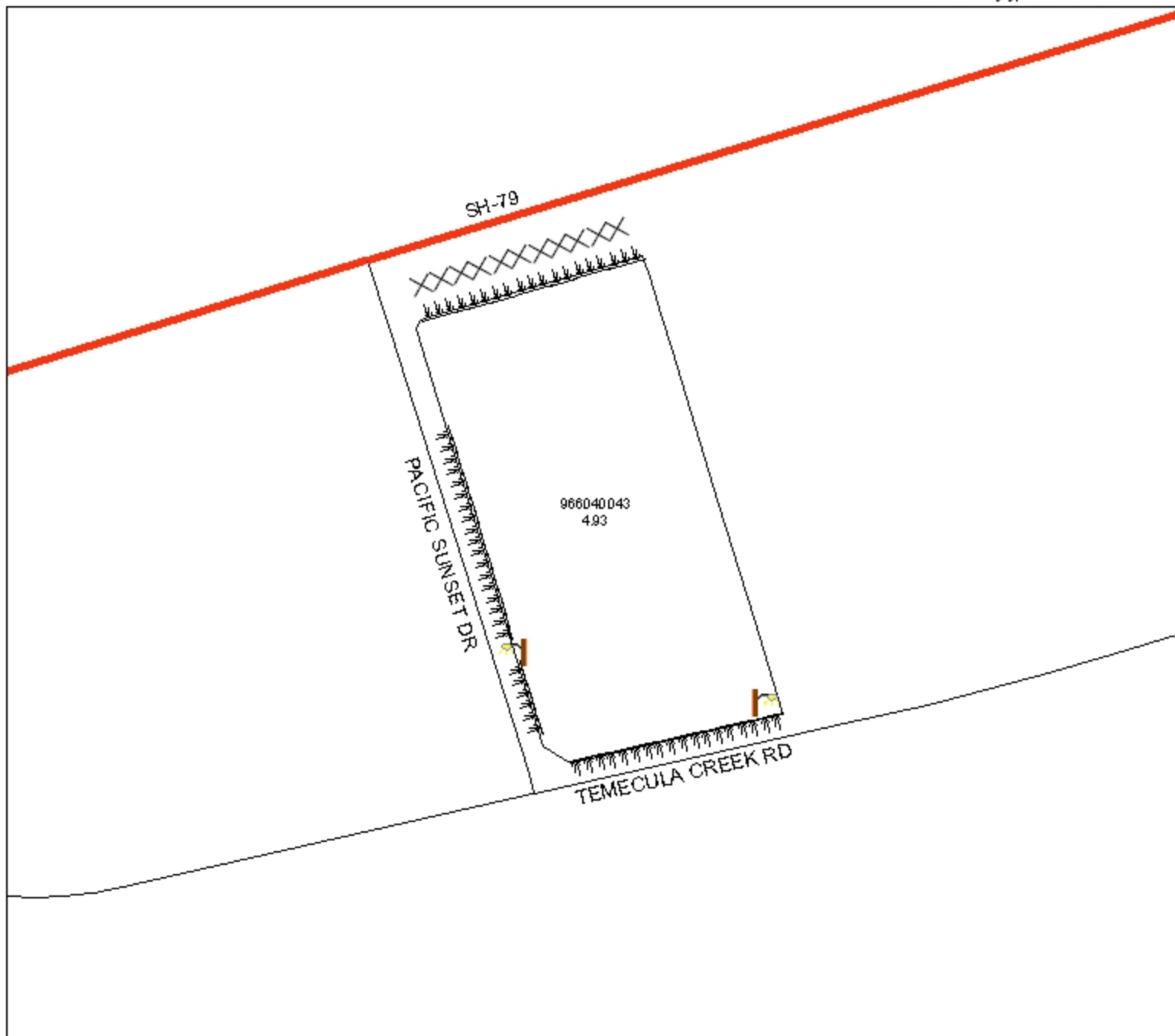
PLOT PLAN NO. 20161

1 PARCEL



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DENOTES MAINTAINED STREETLIGHT



DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN



DENOTES LANDSCAPED AND (CURRENTLY DORMANT) MAINTAINED PARKWAY

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 154
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 154

Costs for Maintenance of Improvements

Servicing ¹ of the Streetlights	\$600
Administrative Costs ³	<u>60</u>
Total Amount to be Assessed for FY 2011-12	\$660

¹Servicing means funding of energy costs for streetlights.

²Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 154
SUMMARY
ANNUAL BUDGET
FISCAL YEAR 2011-12

QUANTITY	COST PER STREETLIGHT	TOTAL FOR STREETLIGHTS	ANNUAL ADMIN. COST	ANNUAL RATE
2	\$ 300	\$ 600	\$ 60	\$ 660

TOTAL BUDGET	\$ 660
FISCAL YEAR 2011-12 ASSESSMENT	\$ 133.86/acre

4.93 acre(s)

Utility Provider: SCE

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FUTURE MEDIAN ON SH-79
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 154
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 154

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Future Median Landscaping	\$1,502
Administrative Costs ³	<u>70</u>
Total Amount to be Assessed for FY 2011-12	\$1,572

¹Maintenance 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.

²Servicing means furnishing of energy and water to the landscaping improvements.

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

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
 ZONE 154
 SUMMARY
 ANNUAL BUDGET
 FOR FUTURE SH-79 MEDIAN IMPROVEMENTS

MAINTENANCE OF FUTURE MEDIAN LANDSCAPING	
FUNCTION	ZONE 154
Landscaping and Water	\$ 902
Electricity	\$ 15
Field Inspection/Management	\$ 135
Repair/Replacement	\$ 450
	\$ 1,502

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 154
Assessment Engineer	\$ 20
County Counsel	\$ 15
Transportation Administration/Miscellaneous Expense	\$ 35
	\$ 70

TOTAL BUDGET	\$ 1,572
FUTURE ADDITIONAL ANNUAL ASSESSMENT	\$ 318.86/acre

4.93 acre(s)

PART II

ENGINEER'S ESTIMATE OF COSTS AND EXPENSES FOR DORMANT PARKWAY LANDSCAPING IMPROVEMENTS LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 154 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 154

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Dormant Parkway Landscaping	\$4,060
Administrative Costs ³	<u>170</u>
Total Amount to be Assessed for FY 2011-12	\$4,230

¹Maintenance 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.

²Servicing means furnishing of energy and water to the landscaping improvements.

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

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 154
SUMMARY
ANNUAL BUDGET
FOR DORMANT PARKWAY IMPROVEMENTS
(SH-79, PACIFIC SUNSET DR, & TEMECULA CREEK RD)

MAINTENANCE OF DORMANT PARKWAY LANDSCAPING	
FUNCTION	ZONE 154
Landscaping and water	\$ 2,172
Electricity	\$ 36
Mulch	\$ 168
Tree Trimming	\$ 275
Field Inspection/Management	\$ 325
Repair/Replacement	\$ 1,084
	\$ 4,060

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 154
Assessment Engineer	\$ 50
County Counsel	\$ 35
Transportation Administration/Miscellaneous Expense	\$ 85
	\$ 170

TOTAL BUDGET	\$ 4,230
DORMANT ANNUAL ASSESSMENT	\$ 858.10/acre

4.93 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 154
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 154

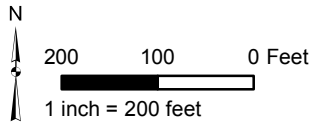
Annexation of Zone 154 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2011-12.

ZONE 154

PORTION OF SECTIONS 10 & 15, T.8S., R.2W.

PLOT PLAN NO. 20161

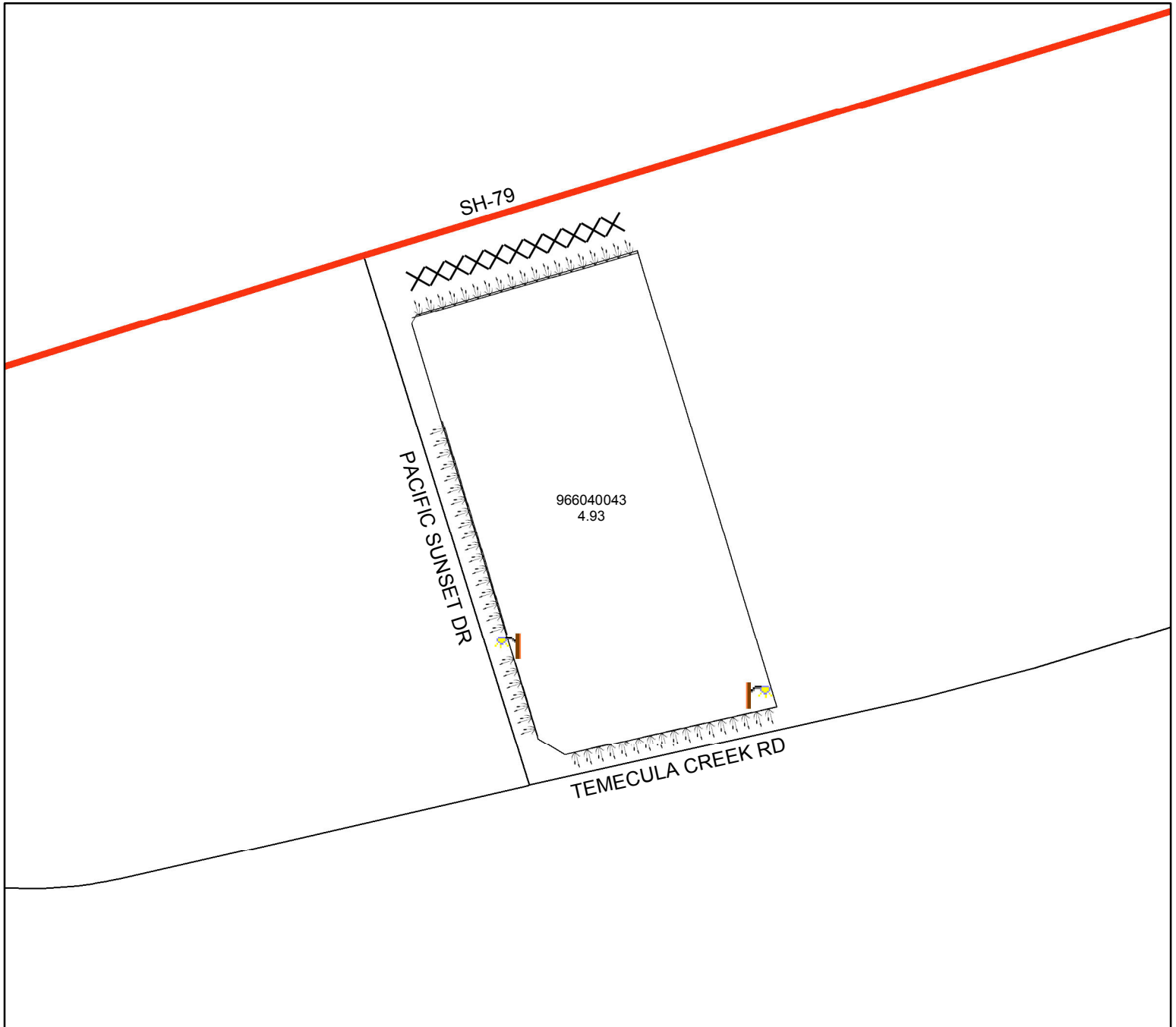
1 PARCEL



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ASSESSMENT DIAGRAM



 DENOTES MAINTAINED STREETLIGHT

 DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

 DENOTES LANDSCAPED AND (CURRENTLY DORMANT) MAINTAINED PARKWAY

PART IV

ASSESSMENT FOR FISCAL YEAR 2011-12 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 154 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. 2011-069 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 154 (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 streetlight, future median landscaping, and dormant parkway landscaping improvements
- b. An estimate of the costs of servicing streetlight, future median landscaping, and dormant parkway landscaping 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 154 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 streetlights, future median landscaping, and dormant parkway landscaping provides direct and special benefit to those properties located within Zone 154 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Streetlights, future median landscaping, and dormant parkway landscaping enhance the properties within the DISTRICT, improve erosion control, provide dust abatement, increase public safety (controls sight distance restrictions and fire hazards), improve neighborhood protection, increase traffic safety by improving visibility, improve neighborhood aesthetics, and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The streetlight, future median landscaping, and dormant parkway landscaping improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 154 are discrete neighborhoods or communities for which the future median landscaping and dormant parkway landscaping improvements were installed. Future median landscaping, and dormant parkway landscaping 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 streetlight, future median landscaping, and dormant parkway landscaping improvements maintenance and services are apportioned on a per acre basis.

Per Caltrans requirements, parkway landscape improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula Creek Rd will be the responsibility of the property owners within Zone 154, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 05/07/09). Should the property owners default on this agreement, the maintenance and servicing of the parkway landscaping will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active.

The dollar per acre value for Fiscal Year 2011-12 for Zone 154 is as follows:

$$\begin{array}{rcl} \text{Total Budget} & = & \$660 \\ \text{Total No. Acres} & 4.93 & = \$133.86/\text{acre} \end{array}$$

The assessment for Fiscal Year 2011-12 for Zone 154 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$133.86 per acre.

Beginning in the fiscal year in which the future median improvements on SH-79 are completed, and/or the dormant maintenance and servicing of the parkway landscaping on SH-79, Pacific Sunset Dr, and Temecula Creek Rd becomes active, 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 \$318.86 per acre, which when added to the assessment for streetlights will result in an aggregate assessment of \$452.72, adjusted for inflation. For the fiscal year in which the dormant parkway landscaping improvements should become active, the annual assessment may be increased by \$858.10 per acre, which when added to the assessment for streetlights and future median landscaping will result in an aggregate assessment of \$1,310.82, adjusted for inflation.

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 154.

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 154 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 154 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 loop.

Juan C. Perez, Director of Transportation

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 154,
County of Riverside, California

APN

ACRES

ASSESSMENT

966-040-043

4.93

659.92

**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 Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints (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) 966-040-043.

The Owner has made application that the Property be annexed as Zone 154 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: Corporation of the Presiding
Bishop of the Church of Jesus
Christ of Latter-day Saints**
**(Name of Company
as Stated in Initial Paragraph)**

By: _____

Signature

Name: _____

Print

Title: _____