

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

303
A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
September 22, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 168 (Glen Ivy Hot Springs/Horsethief Canyon).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-241 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 168 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 168.

Resolution No. 2011-242, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 168 to Landscaping and Lighting Maintenance District No.

Juan C. Perez
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL

BY Dale A. Gardner DATE 9/21/11

Departmental Concurrence

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:	2011-12

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

- Dept't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. _____ **District:** 1 **Agenda Number:** _____

3.24

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 168 (Glen Ivy Hot Springs/Horsethief Canyon).

September 22, 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 fossil filters; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 168, 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. 2011-241 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 168 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-242 declares the Board's intention of ordering the annexation of Zone 168 to L&LMD No. 89-1-C. Annexation of Zone 168 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located southerly of De Palma Rd, westerly of Glen Eden Rd, and easterly, northerly and southerly of Santiago Canyon Rd in the Glen Ivy Hot Springs/Horsethief Canyon area and includes 261 single-family residential lots.

The proposed budget for fiscal year 2012-13 for Zone 168 is \$15,616 that will result in an assessment for fiscal year 2012-13 within Zone 168 of \$59.82 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U, if any, as it stands as of March of each year over the base index for March of 2011.

Consistent with the Board's direction regarding compliance with Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, the attached resolutions have been prepared and a public hearing scheduled for 9:30 a.m. on November 22, 2011 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 168 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-242, 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 168 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 168 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 November 22, 2011.

RESOLUTION NO. 2011-241

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 168 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 168"), 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 168 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 XIIID 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 168; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on November 22, 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

FORM APPROVED COUNTY COUNSEL
BY *Dale A. Gardner* 9/17/11
DALE A. GARDNER DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 168
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 October 4, 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 168 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 168 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way
13 including the removal of petroleum hydrocarbons and other pollutants from
14 water runoff.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 168 that are
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
17 described in Exhibit "A".

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

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

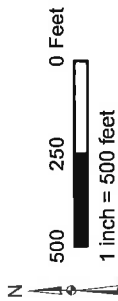
The boundaries of Zone 168 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of lots 1 through 87 as shown on Tract Map No. 31908, and lots 1 through 115 as shown on Tract Map No. 31908-1, and lots 1 through 59 as shown on Tract Map No. 31908-2 in the County of Riverside, State of California for fiscal year 2012-13.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 168

PORTION OF SECTION 7, T.5S., R.5W. & PORTION OF SECTION 12, T.5S., R.6W
TRACT MAP NOS. 31908, 31908-1 & 31908-2

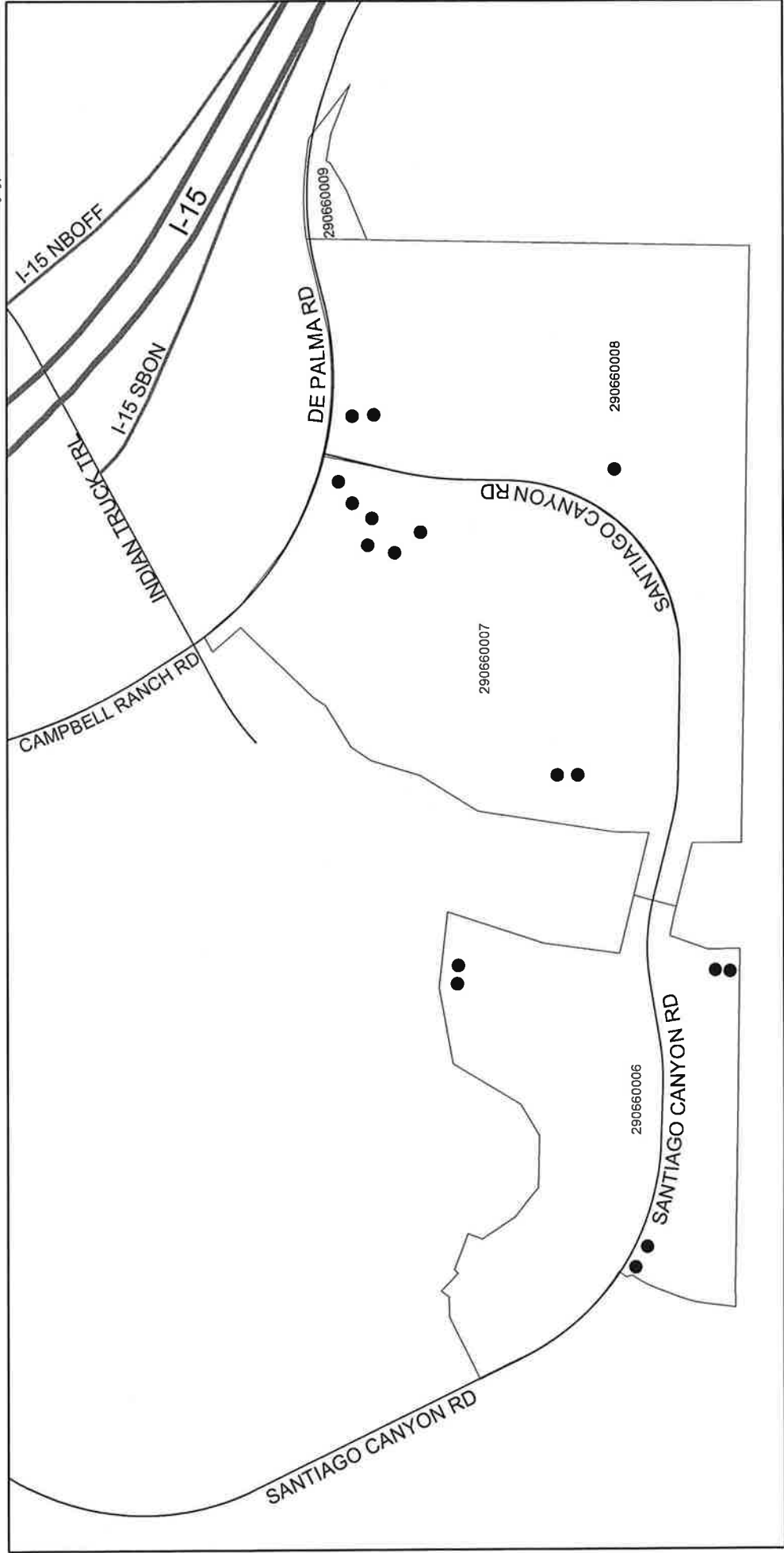
261 PARCELS



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ASSESSMENT DIAGRAM



● DENOTES MAINTAINED FOSSIL FILTER

2 RESOLUTION NO. 2011-242

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 168 TO LANDSCAPING AND LIGHTING
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE
7 AND SERVICING OF FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 168; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA
12 CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

13 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
14 Riverside (hereinafter the "County") has adopted Resolution No. 2011-241 on October 4, 2011 initiating
15 proceedings for the annexation of Zone 168 (hereinafter "Zone 168"), as described and shown in
16 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 168 and the assessments to be levied within
22 Zone 168 each fiscal year beginning fiscal year 2012-13 for the the maintenance and servicing of fossil
23 filters within the public right-of-way within said Zone; and

24 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 168;
and

WHEREAS, the Board of Supervisors by Resolution No. 2011-241 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 9/17/11
DATE

1 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
2 Street and Highways Code and Section 4 of Article XIID; and

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

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of
6 Assessment Ballot Election" allowing for the election to be held on November 22, 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 168, and the assessments to be levied on parcels within Zone 168
11 beginning in fiscal year 2012-13;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on October 4, 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 2012-13 on all parcels within Zone 168 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$59.82 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 168, 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 168
24 commencing with the fiscal year 2012-13 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 168 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 168 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 fossil filters authorized for Zone 168 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 168 of L&LMD No. 89-1-C will be \$59.82 per parcel for fiscal year
13 2012-13. As stated in the Report, the total budget for Zone 168 for the fiscal year 2012-13 is \$15,616;
14 there are 261 parcels that are to be assessed. The annual assessment may be increased by the
15 greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price
16 Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
17 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
18 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative
19 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2011.
20 Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority
21 approval of all the property owners within Zone 168. The Board of Supervisors will levy the assessment
22 in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the
23 dissolution of Zone 168 of L&LMD No. 89-1-C. The annual assessment will fund the services described
24 in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in
25 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 168. The boundaries of Zone 168 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 168, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 168 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 168 shall be annexed into
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on November 22, 2011, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 168 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID 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 168 if there is a majority protest with regard to the annexation of Zone 168. 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 168 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 168.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 168 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.
26

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 168 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
6 November 22, 2011. Publication of this Resolution is to be effected by the Clerk of the Board of
7 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
9 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
10 Zone 168 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
11 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
12 Hearing on November 22, 2011.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

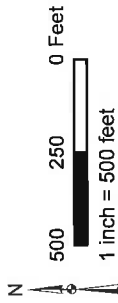
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 168

PORTION OF SECTION 7, T.5S., R.5W. & PORTION OF SECTION 12, T.5S., R.6W
TRACT MAP NOS. 31908, 31908-1 & 31908-2

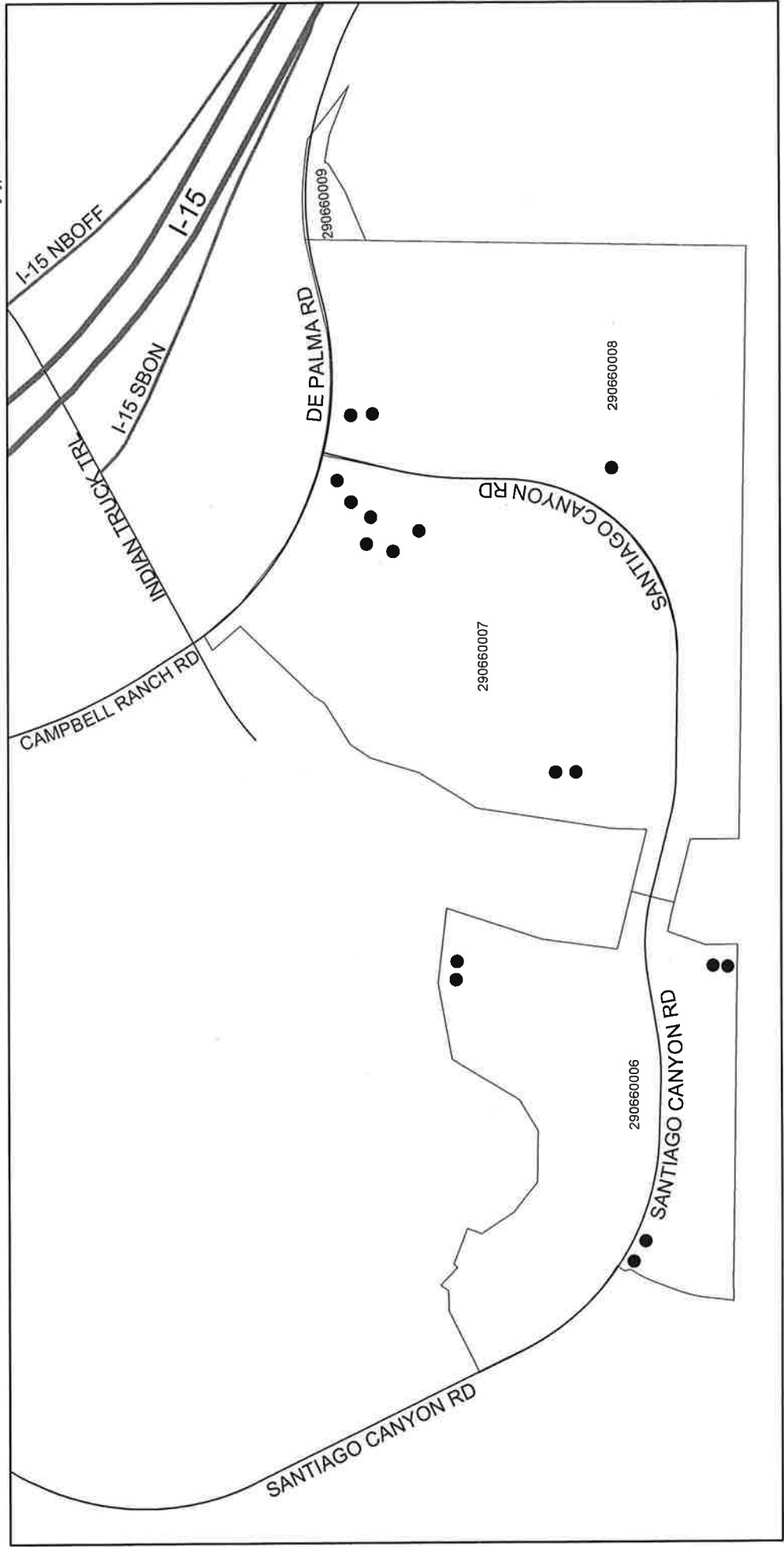
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ASSESSMENT DIAGRAM



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