

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

417A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
December 28, 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:

1. Adopt Resolution No. 2012-007, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 168 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein within the boundaries of Zone 168 for fiscal year 2012-13.

Patricia Romo
 Juan C. Perez Patricia Romo
 Director of Transportation Deputy Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL
 BY: *Wade A. Gardner* 12/12/11
 DALE A. GARDNER Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County	\$0	Budget	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% There are no General Funds used in this project.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
 BY: *Michael R. Shetler*
 Michael R. Shetler

County Executive Office Signature

Dept
 Per Exec.

Prev. Agn. Ref. 10/04/11, 3.24 District: 1 Agenda Number:
 11/22/11, 9.6

3.61

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).

December 28, 2011

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2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 168 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

BACKGROUND: On November 22, 2011, a public hearing was held to receive all testimony regarding the annexation of Zone 168 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on November 23, 2011 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 261 parcels out of a possible 261 were cast, and that 261 votes (or 100%) were cast in favor of the annexation of Zone 168 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

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. Zone 168 includes 261 single-family residential lots. 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.

Adoption of Resolution No. 2012-007 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2012-13 for Zone 168 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2012-13.

2 RESOLUTION NO. 2012-007

3
4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING
5 THE ANNEXATION OF ZONE 168 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
6 NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM
7 AND ASSESSMENT FOR ZONE 168 OF LANDSCAPING AND LIGHTING MAINTENANCE
8 DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE
9 LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE
10 FISCAL YEAR 2012-13

11 WHEREAS, on October 4, 2011 the Board of Supervisors (hereinafter the "Board of
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2011-242,
13 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the
14 intention of the Board of Supervisors to order the annexation of Zone 168 to Landscaping and Lighting
15 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
16 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of
17 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
18 9:30 a.m. on November 22, 2011 at the meeting room of the Board of Supervisors and requiring that
19 the notice of the public hearing and assessment ballots be mailed to all owners of property within
20 Zone 168 as shown on the equalized tax roll; and

21 WHEREAS, notice of said public hearing was duly published and mailed as required by
22 Resolution No. 2011-242, Section 22626 of the Streets and Highways Code and Sections 53753 and
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
24 property within said Zone 168 as shown on the equalized tax roll; and

25 WHEREAS, at 9:30 a.m. on November 22, 2011, as set forth in Resolution No. 2011-242, the
26 Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be
heard, and considered all oral statements and all written protest or communications made or filed by
any interested persons, closed the public hearing and directed the Director of Transportation, or his
designee, as an impartial person having no vested interest in the annexation of Zone 168 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Garnier 12/21/11
DALE A. GARNIER DATE

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 261 parcels out of a possible 261 parcels and that 261 parcels (100
5 percent of the assessment ballots received) voted in favor of annexation of Zone 168 to L&LMD No.
6 89-1-C and the levy of an annual assessment in said Zone 168 beginning fiscal year 2012-13; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 168 of
11 L&LMD No. 89-1-C beginning fiscal year 2012-13.

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on January 10, 2012 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 168 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 168 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2012-13, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 168 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 168 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 168 of L&LMD No. 89-1-C for the installation, the maintenance and
6 servicing of fossil filter improvements in said Zone 168 during the fiscal year
7 2012-13 as contained in the report of the Director of Transportation which is on
8 file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
9 based on benefits derived by such lots and parcels from the availability of such
10 fossil filter improvements, and are not based upon the ownership of such lots
11 and parcels.

12 **Section 2. Annexation.** Zone 168, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Tract Map Nos. 31908, 31908-1 and 31908-2 in the County
14 of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed
15 into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 168 of L&LMD
17 No. 89-1-C are:

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

21 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
22 the assessment of estimated costs for the installation, the maintenance and servicing of fossil filter
23 improvements in Zone 168 of L&LMD No. 89-1-C for fiscal year 2012-13 as contained in the Report
24 are confirmed.

25 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
26 Highways Code the adoption of this resolution constitutes the levy of the assessment for the

1 installation, the maintenance and servicing of fossil filter improvements in Zone 168 of L&LMD No.
2 89-1-C during fiscal year 2012-13, as contained in the Report, and such assessment is levied. The
3 Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the
4 diagram and assessment contained in the Report with the County Auditor-Controller of the County of
5 Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the
6 County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said
7 assessment.

8 **Section 6. Effective Date.** This Resolution shall take effect from and after its date
9 of adoption.

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EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

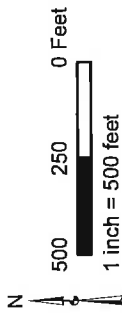
The boundaries of Zone 168 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of lots 1 through 87 as shown on Tract Map No. 31908, and lots 1 through 115 as shown on Tract Map No. 31908-1, and lots 1 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

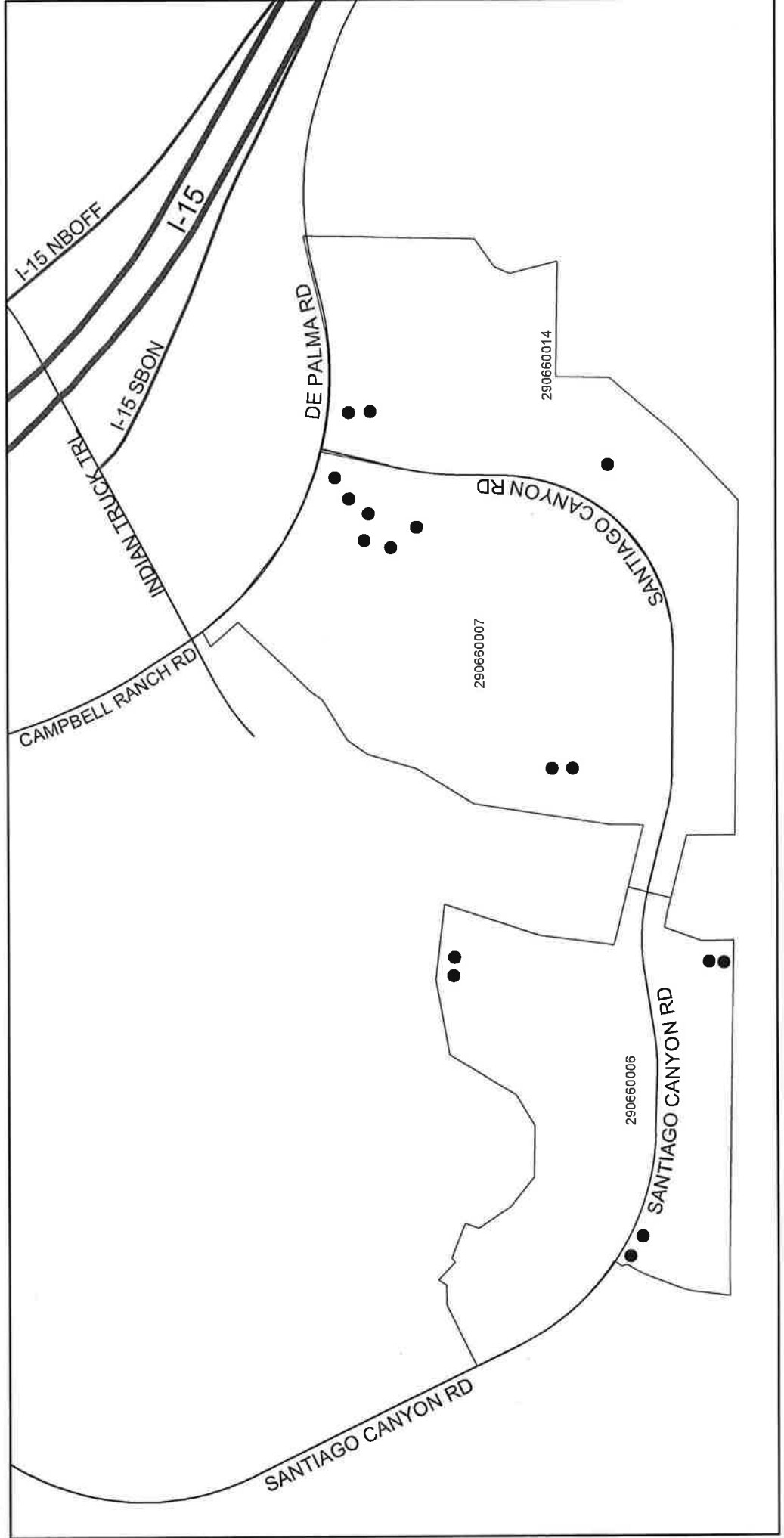
261 PARCELS



The County of Riverside assumes no warranty or legal responsibility for the accuracy of the information represented on this map. It is subject to updates, modifications and corrections. The County GIS Department will be pleased to provide the most current information, on the map or results of this map.

ASSESSMENT DIAGRAM

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● DENOTES MAINTAINED FOSSIL FILTER