

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

629 A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
April 19, 2012

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 160 (Anza).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2012-082 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 160 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 160.

Resolution No. 2012-083, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 160 to Landscaping and Lighting Maintenance District No. 89-1-

  
\_\_\_\_\_  
Juan C. Perez  
Director of Transportation

MH:jp

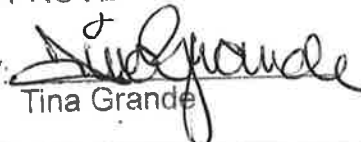
<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2011-12

<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

There are no General Funds used in this project.

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 3/27/12  
DALE A. GARDNER DATE  
Departmental Concurrence

Dept't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref:

District: 3/3

Agenda Number:

3.29

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 160 (Anza).

April 19, 2012

Page 2 of 3

Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the the annexation of Zone 160, 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. 2012-082 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed the annexation of Zone 160 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2012-083 declares the Board's intention of ordering the annexation of Zone 160 to L&LMD No. 89-1-C. Annexation of Zone 160 to L&LMD No. 89-1-C will fund the monitoring of Caltrans ROW, and ensure the possible future maintenance and servicing of dormant parkway landscaping (per Caltrans requirements) and the possible future provision of electricity for streetlights (per Anza Electric Cooperative Inc.'s requirements) within public right-of-way located southerly of SH-371/Cahuilla Rd and westerly of Maze Stone Rd in the Anza area and includes 3 commercial parcels totaling 2.96 acres.)

Calsense Irrigation Controllers and associated Calsense Communications subscriptions enable County staff to remotely monitor the irrigation activity of a proposed dormant L&LMD No. 89-1-C zone. Along with monitoring irrigation activity, the subscription enables County staff to check for power issues, irrigation breaks, water off conditions, and many other reports and saves time by not requiring frequent field inspections.

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-371/Cahuilla Rd will be the responsibility of the property owners within Zone 160, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 03/02/11). 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.

Per Anza Electric Cooperative Inc.'s Streetlight Agreement, the energy costs of the streetlights on SH-371/Cahuilla Rd are the responsibility of the property owner. Should the property owner default on this agreement, the energy costs will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active. Since no monies would have been collected prior to the account becoming due, the assessment for the fiscal year in which the dormant streetlight services become active will be for two fiscal year's worth to cover the back payments, and subsequent assessments will be for one fiscal year.

The proposed budget for fiscal year 2012-13 for Zone 160 is \$379 that will result in an assessment for fiscal year 2012-13 within Zone 160 of \$127.94 per acre. 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 2012 (**Standard Annual Adjustment**).

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 160 (Anza).

April 19, 2012

Page 3 of 3

In addition to the Standard Annual Adjustment, beginning in the fiscal year in which either of the dormant services becomes active, the annual assessments may be further increased. For the fiscal year in which the dormant maintenance and servicing of the parkway landscaping improvements on SH-371/Cahuilla Rd becomes active, the annual assessment may be increased by \$1,515.30 per acre, adjusted for inflation. Beginning in the fiscal year in which the dormant provision of electricity for streetlights on SH-371/Cahuilla Rd and Maze Stone Rd becomes active, the annual assessment may be increased by \$668.92 per acre, adjusted for inflation. When the dormant services are added to the assessment for the Caltrans ROW monitoring this will result in an aggregate assessment of \$2,312.16 per acre, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years. Under the proposed annexation, neither the assessment increases based on the Standard Annual Adjustment nor the further increases associated with the dormant services becoming active, will require any further approval of the property owners within Zone 160.

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 19, 2012 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 160 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2012-083, 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 160 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 160 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 19, 2012.

2 RESOLUTION NO. 2012-082

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 160 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
11 "Department") of the County that said Department has received an application from the owner (the  
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 160"),  
13 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be  
14 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 160 to  
17 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
18 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 160; and

23 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of  
24 Assessment Ballot Election" allowing for the election to be held on June 19, 2012; and

25 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
26 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: *Maria Gardner* DATE: 3/27/12  
DATE: \_\_\_\_\_  
NAME: \_\_\_\_\_

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 160  
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 May 1, 2012 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 160 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 160 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, communication with central irrigation control, and water for  
18 irrigation; and
- 19 (c) Providing electricity to all streetlights within the public right-of-way including  
20 incidental costs and expenses.

21 **Section 3. Boundaries and Designation.** The boundaries of Zone 160 that are  
22 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
23 described in Exhibit "A".

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

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.

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**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 160 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 576-080-022 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

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

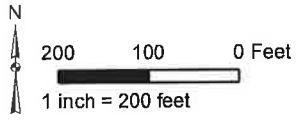
**ZONE 160**

PORTION OF SECTION 21, T.7S., R.3E.  
PLOT PLAN NO. 22940

3 PARCELS



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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 3/15/12



DENOTES DORMANT MAINTAINED STREETLIGHT



DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY



2 **RESOLUTION NO. 2012-083**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER THE ANNEXATION OF ZONE 160 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 CALSENSE CONTROLLER SUBSCRIPTION AND MONITORING, DORMANT**  
8 **PARKWAY LANDSCAPING, AND DORMANT STREETLIGHTS; ADOPTING THE PRELIMINARY**  
9 **ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE**  
10 **PUBLIC HEARING ON THE ANNEXATION OF ZONE 160; ORDERING AN ASSESSMENT**  
11 **PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE**  
12 **PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT**  
13 **AND ARTICLE XIIRD OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE**  
14 **ELECTIONS CODE**

15 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
16 Riverside (hereinafter the "County") has adopted Resolution No. 2012-082 on May 1, 2012 initiating  
17 proceedings for the annexation of Zone 160 (hereinafter "Zone 160", as described and shown in  
18 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
19 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
20 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
21 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
22 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
23 "Report") regarding the proposed annexation of Zone 160 and the assessments to be levied within  
24 Zone 160 each fiscal year beginning fiscal year 2012-13 for the the subscription and monitoring of a  
25 Calsense controller, and ensuring the maintenance and servicing of dormant parkway landscaping and  
26 the possible provision of electricity for streetlights within the public right-of-way within said Zone; and

27 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIRD of the  
28 California Constitution (hereinafter "Article XIIRD:."), the Act, and Section 4000 of the Elections Code  
29 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 160;  
30 and

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 3/27/12  
DATE

1           **WHEREAS**, the Board of Supervisors by Resolution No. 2012-082 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 Assessment  
8 Ballot Election" allowing for the election to be held on June 19, 2012; 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 160, and the assessments to be levied on parcels within Zone 160  
13 beginning in fiscal year 2012-13;

14           **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on May 1, 2012 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 2012-13 on all parcels within Zone 160 will be  
22 \$127.94 per acre.
- 23           (d) Beginning in the fiscal year in which the dormant services become active, the annual  
24 assessment and all subsequent annual assessments may be increased accordingly, as  
25 detailed in Section 5 of this Resolution.
- 26

1           **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
2 annexation of Zone 160, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
3 collect an annual assessment on all assessable lots and parcels of property within Zone 160  
4 commencing with the fiscal year 2012-13 as set forth in the Report. The Report expressly states that  
5 there are no parcels or lots within Zone 160 that are owned by a federal, state or other local  
6 governmental agency that will benefit from the services to be financed by the annual assessments. The  
7 annual assessments will be collected at the same time and in the same manner as property taxes are  
8 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
9 collection and enforcement of said assessments.

10           **Section 3.    Boundaries.** All the property within boundaries of Zone 160 is proposed to be  
11 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County  
12 as described and shown in Exhibit "A".

13           **Section 4.    Description of Services to be Provided.** The services associated with the  
14 subscription and monitoring of a Calsense controller, and ensuring the maintenance and servicing of  
15 dormant parkway landscaping and the possible provision of electricity for streetlights authorized for  
16 Zone 160 of L&LMD No. 89-1-C are:

- 17           (a)    The maintenance and servicing of landscaping within the public right-of-way including  
18                   the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
19                   ornamental vegetation; and
- 20           (b)    The maintenance and servicing of irrigation and electrical facilities associated with the  
21                   landscaping, including but not limited to electricity for operation of the irrigation system,  
22                   communication associated with central irrigation control, and water for irrigation; and
- 23           (c)    Providing electricity to all streetlights within the public right-of-way including incidental  
24                   costs and expenses.

25           **Section 5.    Amount to be Levied.** The assessment to be levied upon each parcel that  
26 benefits from the annexation of Zone 160 to L&LMD No. 89-1-C will be \$127.94 per acre for fiscal year

1 2012-13. As stated in the Report, the total budget for Zone 160 for the fiscal year 2012-13 is \$379;  
2 there is 1 parcel that is to be assessed that aggregates to 2.96 acres.

3 Each succeeding fiscal year the special assessment may be subject to an annual adjustment  
4 that is the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer  
5 Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California  
6 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the  
7 United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative  
8 increase, if any, in the "Index" as it stands on March of each year over the base Index for March of  
9 2012. Any increase larger than the greater of 2% or the "CPI-U" annual adjustment requires a majority  
10 approval of all the property owners in Zone 160. The annual assessment increase derived from the  
11 application of the foregoing formula is referred to as the "Standard Annual Adjustment."

12 In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the dormant  
13 services become active, the annual assessments may be further increased. For the fiscal year in which  
14 the dormant maintenance and servicing of the parkway landscaping on SH-371/Cahuilla Rd becomes  
15 active, the annual assessments may be further increased by \$1,515.30 per acre which, when added to  
16 the assessment for the Calsense controller subscription and monitoring, will result in an aggregate  
17 assessment of \$1,634.24 per acre, adjusted for inflation; for the fiscal year in which the dormant  
18 streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd become active, the annual  
19 assessment may be increased by \$668.92 per acre which, when added to the assessment for the  
20 Calsense controller subscription and monitoring and the dormant parkway landscaping improvements,  
21 will result in an aggregate assessment of \$2,312.16 per acre, adjusted for inflation; for subsequent  
22 fiscal years following the dormant streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd  
23 becoming active, the annual assessment may be decreased to \$334.46 per acre which, when added to  
24 the assessment for the Calsense controller subscription and monitoring and the dormant parkway  
25 landscaping improvements, will result in an aggregate assessment of \$1,968.70 per acre, adjusted for  
26 inflation, as detailed in the Report. The Standard Annual Adjustment will be applied to this increased

1 assessment in all subsequent fiscal years following the year in which the dormant services became  
2 active without regard to the \$2,312.16 per acre, inflation adjusted, assessment ceiling.

3 Except for assessment increases associated with the dormant services becoming active, and  
4 assessment increases resulting from the application of the Standard Annual Adjustment, any other  
5 increase in the annual assessment requires a majority approval of all the property owners within  
6 Zone 160. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the  
7 Board of Supervisors undertakes proceedings for the dissolution of Zone 160 of L&LMD No. 89-1-C.  
8 The annual assessment will fund the services described in Section 4 of this Resolution. For further  
9 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of  
10 Supervisors.

11 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.  
12 89-1-C is Zone 160. The boundaries of Zone 160 are located within the unincorporated area of the  
13 County and are described and shown in the Report and Exhibit "A".

14 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
15 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
16 the Report for a full and detailed description of the services, the boundaries of Zone 160, and the  
17 annual assessment to be levied upon assessable lots and parcels within Zone 160 proposed to be  
18 annexed to L&LMD No. 89-1-C.

19 **Section 8. Public Hearing.** The question of whether Zone 160 shall be annexed to L&LMD  
20 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at  
21 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the  
22 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
23 California.

24 **Section 9. Majority Protest.** Each owner of record of property within Zone 160 is to receive  
25 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
26 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the

1 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority  
2 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment  
3 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be  
4 weighted according to the proportional financial obligation of the affected property.

5 **Section 10. Information.** Any property owner desiring additional information regarding  
6 Zone 160 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan  
7 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080  
8 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at  
9 jpickeri@rctlma.org.

10 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
11 annexation of Zone 160 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
12 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
13 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
14 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,  
15 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
16 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
17 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
18 Section 4000 of the California Elections Code to all owners of record of property within Zone 160 as  
19 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
20 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,  
21 2012.

22 **Section 12 Effective Date.** This Resolution shall take effect from and after its date of  
23 adoption.  
24  
25  
26

**EXHIBIT "A"**  
**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 160 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 576-080-022 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

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

**ZONE 160**

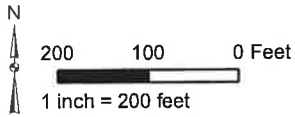
PORTION OF SECTION 21, T.7S., R.3E.

PLOT PLAN NO. 22940

3 PARCELS

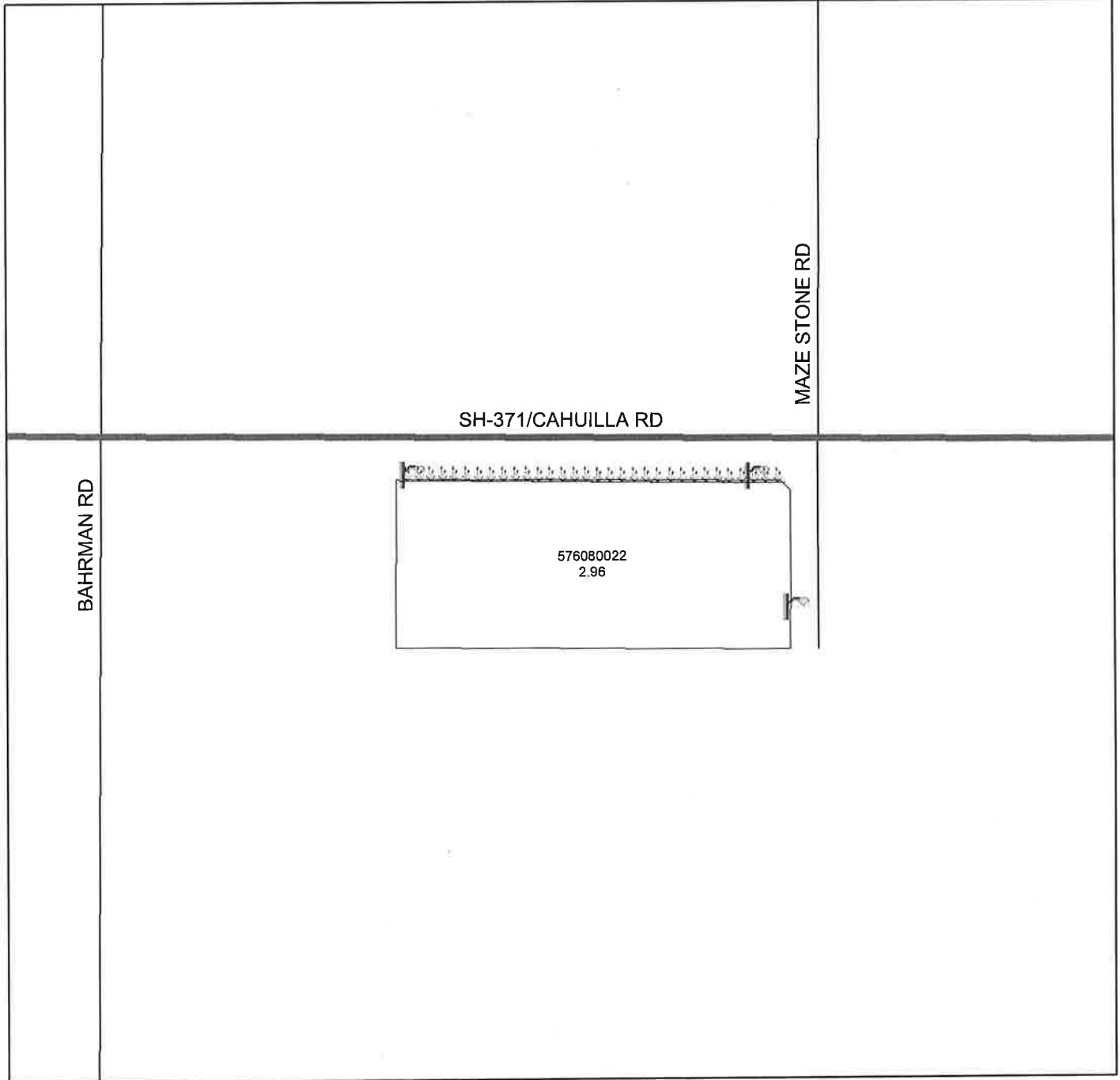


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**ASSESSMENT DIAGRAM**

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DENOTES DORMANT MAINTAINED STREETLIGHT



DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY



**COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**



**ENGINEER'S REPORT FOR FISCAL YEAR 2012-13**

**for**

**LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED  
ZONE 160  
(ANZA)**

**PREPARED BY:**

**RIVERSIDE COUNTY  
TRANSPORTATION DEPARTMENT  
APRIL 12, 2012**

**AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA**  
**PROJECT LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**  
**NO. 89-1-CONSOLIDATED - ZONE 160 ANNEXATION**  
**TO: BOARD OF SUPERVISORS**

**ENGINEER'S REPORT**  
**FOR FISCAL YEAR 2012-13**  
**TABLE OF CONTENTS**

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 ("L&LMD No. 89-1-C") - Zone 160 Annexation consisting of five (5) parts as follows:

**PART I INTRODUCTION PAGE I - 1**

A background of the procedures for the preparation of the Engineer's Report for L&LMD No. 89-1-C.

**PART II DESCRIPTIONS PAGE II-1**

A general description and maintenance plans of the Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlight improvements proposed to be funded.

An estimate of the cost of the Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlight maintenance including incidental costs and expenses in connection therewith for fiscal year 2012-13, is as set forth on the lists thereof, attached hereto.

A diagram showing L&LMD No. 89-1-C Zone 160 annexation, the lines and dimensions of each parcel of land within said Zone 160, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2012-13 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.

A proposed assessment of the total costs and expense of the proposed improvements for fiscal year 2012-13 upon each parcel of land within said Zone 160, in proportion to the estimated benefits to be received by such parcels from said Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlight improvements, is set forth upon the assessment roll filed herewith and made a part hereof.

## **PART I**

### **INTRODUCTION**

#### **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**

#### **NO. 89-1-CONSOLIDATED, ZONE 160**

#### **COUNTY OF RIVERSIDE, CALIFORNIA**

Since the Passage of Proposition 218, Right to Vote on Taxes Act, which added Articles XIII C and XIII D to the California Constitution, new procedures must be followed to levy annual assessments under the Landscaping and Lighting Act.

Proposition 218 requires that all annual assessments be supported by a detailed Engineer's Report (hereinafter referred to as the "Report") prepared by a registered professional engineer. The Report includes the information required by law.

The Act provides for the annual levy of assessments for the Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter referred to as the District and Zones) for the express purpose of installing, maintaining, and servicing landscaping, trails, fossil filters and bio-swales; providing electricity for streetlights; the maintenance and electricity for traffic signals and bridge lights; and graffiti abatement improvements. The costs associated with the installation, maintenance, and servicing of the improvements may be assessed against those properties which are specially benefited by the installation, maintenance, and servicing. A County may levy annual assessments for an assessment district after complying with the requirements of the Act, and the provisions in Proposition 218.

The County initiates proceedings for the annual levy of assessments by passing a resolution, which proposes the annual levy under the Act. This resolution also describes the improvements, describes the location of the District, and finally orders an engineer,

who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

The report prepared by the engineer must include maintenance plans for the improvements. The Report must also include an estimate of the costs of the improvements, a diagram, i.e., map of the District showing the boundary of the District, and an assessment of the estimated costs of the improvements against the parcels or lots which benefit from the improvements. Once the report is completed it is presented to the County Board of Supervisors for its review and approval as presented, or it may be modified and approved.

After the report is preliminarily approved, the County Board of Supervisors may adopt a Resolution of Intention, which declares its intent to levy the annual assessments against parcels within the existing District, describes the improvements, and refers to the Report for details of the District. The Resolution of Intention also sets a time and place for a hearing on the annual levy of assessments for the District.

In accordance with Proposition 218, property owners of the assessed parcels must approve any new or increased assessments.

## **PART II**

### **DESCRIPTION OF IMPROVEMENTS AND MAINTENANCE PLANS FOR FISCAL YEAR 2012-13 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 160 COUNTY OF RIVERSIDE, CALIFORNIA**

#### **Description of Improvements**

Improvements to be funded by Zone 160 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the subscription and monitoring of a Calsense controller, and ensure the maintenance and servicing of dormant parkway landscaping and the possible provision of electricity for streetlights within the public right-of-way:

- SH-371/Cahuilla Rd
- Maze Stone Rd

#### **Maintenance Plans**

Plans for the improvements of Zone 160 are not bound in this report but by this reference are incorporated and made a part of this report. The landscape and streetlight plans for Plot Plan No. 22940 shall be, upon final approval, on file in the office of the Riverside County Transportation Department, 4080 Lemon St 2<sup>nd</sup> Floor, Riverside, CA 92501, where they are available for public inspection. A reduced map of the maintained improvements is filed in Part IV of this Report; see Assessment Diagram.

**PART III**

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES  
FOR FISCAL YEAR 2012-13  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 160  
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 160**

**Costs for Maintenance of Improvements**

Servicing <sup>1</sup> of the Calsense Controller Subscription and Monitoring	\$250
Administrative Costs <sup>2</sup>	<u>129</u>
<b>Total Amount to be Assessed for FY 2012-13</b>	<b>\$379</b>

<sup>1</sup>Servicing means communication associated with central irrigation control.

<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 160**  
**SUMMARY**  
**ANNUAL BUDGET**  
**FISCAL YEAR 2012-13**

MAINTENANCE OF CALSENSE CONTROLLER SUBSCRIPTION AND MONITORING	
FUNCTION	ZONE 160
Calsense Controller Subscription	\$ 175
Field Inspection/Management	\$ 75
	<b>\$ 250</b>

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 160
Assessment Engineer	\$ 4
County Counsel	\$ 3
Auditor-Controller/Treasurer	\$ 115
Transportation Administration/Miscellaneous Expense	\$ 7
	<b>\$ 129</b>

<b>TOTAL BUDGET</b>	<b>\$ 379</b>
<b>FISCAL YEAR 2012-13 ASSESSMENT</b>	<b>\$ 127.94/acre</b>

2.96 acre(s)



**PART III**

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES  
FOR DORMANT PARKWAY LANDSCAPING  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 160  
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 160**

**Costs for Maintenance of Improvements**

Maintenance <sup>1</sup> & Servicing <sup>2</sup> of the Dormant Parkway Landscaping	\$4,314
Administrative Costs <sup>3</sup>	<u>171</u>
<b>Total Additional Amount to be Assessed in Fiscal Year in which Dormant Improvements Become Active</b>	<b>\$4,485</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 and preparation of Engineer's Report.

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED**  
**ZONE 160**  
**SUMMARY**  
**ANNUAL BUDGET**  
**FOR DORMANT PARKWAY LANDSCAPING IMPROVEMENTS**  
**(SH-371/CAHUILLA RD)**

MAINTENANCE OF DORMANT PARKWAY LANDSCAPING	
FUNCTION	ZONE 160
Landscaping and Water	\$ 2,127
Backflow Certification	\$ 50
Electricity	\$ 35
Mulch	\$ 369
Tree Trimming	\$ 350
Field Inspection/Management	\$ 319
Repair/Replacement	\$ 1,064
	<b>\$ 4,314</b>

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 160
Assessment Engineer	\$ 51
County Counsel	\$ 34
Transportation Administration/Miscellaneous Expense	\$ 86
	<b>\$ 171</b>

<b>TOTAL BUDGET</b>	<b>\$ 4,485</b>
<b>FISCAL YEAR 2012-13 ASSESSMENT</b>	<b>\$ 1,515.30/acre</b>

2.96 acre(s)

**PART III**

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES  
FOR DORMANT STREET LIGHTING  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 160  
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 160**

**Costs for Maintenance of Improvements**

Servicing <sup>1</sup> of the Dormant Streetlights	\$1,800
Administrative Costs <sup>2</sup>	<u>180</u>
<b>Total Additional Amount to be Assessed in Fiscal Year in which Dormant Improvements Become Active</b>	<b>\$1,980</b>

<sup>1</sup>Servicing means funding of energy costs for streetlights.

<sup>2</sup>Administrative Costs include County administration and preparation of Engineer's Report.

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED**  
**ZONE 160**  
**SUMMARY**  
**ANNUAL BUDGET**  
**FOR DORMANT STREETLIGHT ENERGY COSTS**  
**(SH-371/CAHUILLA RD AND MAZE STONE RD)**

<b>QUANTITY</b>	<b>COST PER STREETLIGHT</b>	<b>TOTAL FOR STREETLIGHTS</b>	<b>ANNUAL ADMIN. COST</b>	<b>ANNUAL RATE</b>
3	\$ 600*	\$ 1,800	\$ 180	\$ 1,980

<b>TOTAL BUDGET</b>	<b>\$ 1,980</b>
<b>INITIAL FISCAL YEAR ASSESSMENT*</b>	<b>\$ 668.92/acre</b>
<b>SUBSEQUENT FISCAL YEAR ASSESSMENTS**</b>	<b>\$ 334.46/acre</b>

\*Represents two fiscal year's worth to cover back payments

\*\*Adjusted for inflation

2.96 acre(s)

Utility Provider: Anza Electric

## **PART IV**

### **ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION FOR FISCAL YEAR 2012-13 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 160 COUNTY OF RIVERSIDE, CALIFORNIA**

#### **Assessment Diagram**

The boundary map/Assessment Diagram for Zone 160 by this reference is incorporated and made a part of this Report. Only the parcels identified within the Assessment Diagram are within said boundary.

If any parcel submitted for collection is identified by the County Auditor-Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel number will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Information identified on this map was received from several sources including the owner/developer, Transportation Department, and the Riverside County Assessor.

## **Changes in Organization**

Zone 160

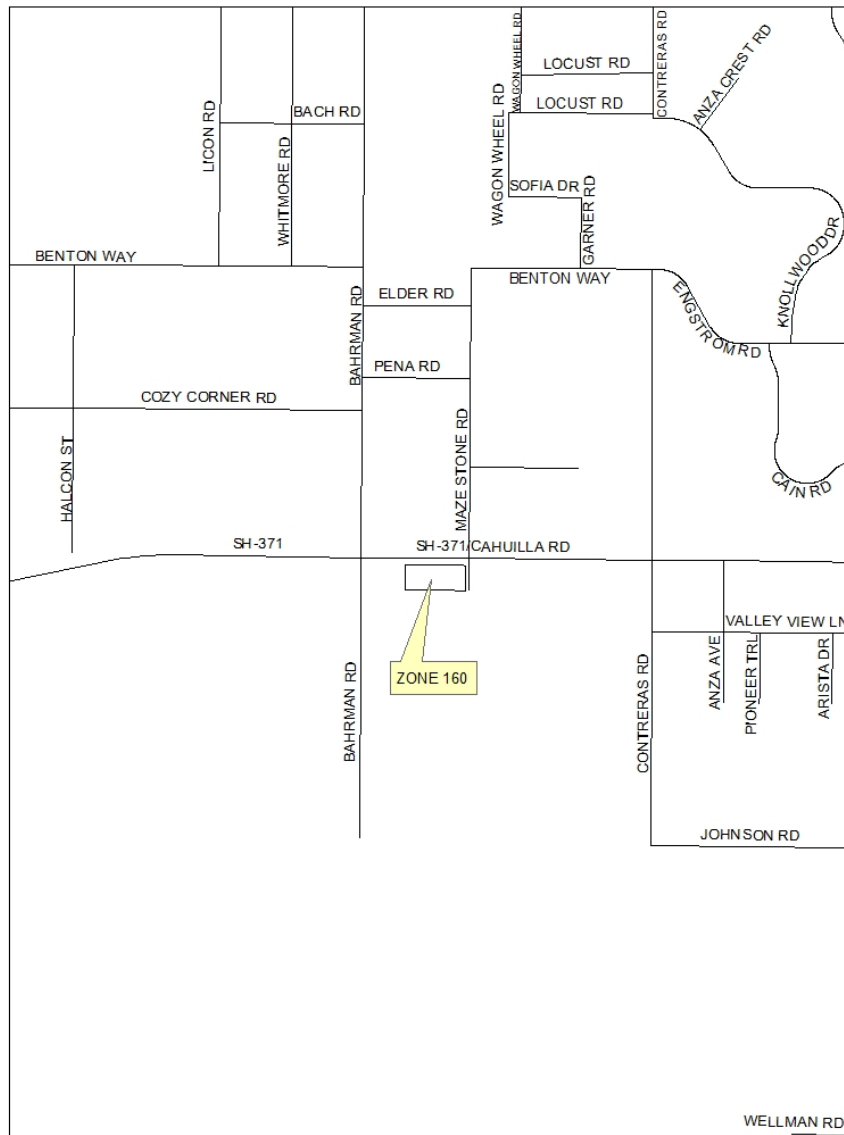
Annexation of Zone 160 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2012-13.

# EXHIBIT "A"

## Description of Boundaries

The boundaries of Zone 160 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 576-080-022 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

### Vicinity Map (Anza Area)



**PART V**

**ASSESSMENT FOR FISCAL YEAR 2012-13  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 160  
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 May 1, 2012 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. 2012-082 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 160 (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 dormant parkway landscaping, and dormant streetlight improvements
- b. An estimate of the costs of servicing Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlight 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 160 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 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lot(s) or parcel(s) of land within an assessment district in proportion to the estimated benefits to be received by each lot or parcel from the improvements rather than assessed value.

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

The formula used for calculating assessments reflects the composition of the parcels and the improvements and services provided by the District to fairly apportion the costs based on the estimated benefit to each parcel.

In addition, Article XIII D of the California Constitution (the “Article”) requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Article provides that only special benefits are assessable, and the County must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

### **Special Benefit**

The funding of energized streetlights and the maintenance of Calsense controller subscription and monitoring and parkway landscaping provides direct and special benefit to those properties located within Zone 160 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT).

Each and every parcel within the DISTRICT, receives a particular and distinct benefit from the improvements over and above general benefits conferred by the improvements. First, all of the improvements were conditions of approval for the creation or development of the parcels. In order to create or develop the parcels, the County required the original developer to install a Calsense controller, parkway landscaping, and streetlights and guarantee the maintenance of parkway landscaping, and streetlights and appurtenant facilities to serve the parcels. Therefore, each and

every parcel within the proposed DISTRICT could not have been developed in the absence of the installation and promised maintenance of these facilities.

In addition, the improvements continue to confer a particular and distinct special benefit upon parcels within the DISTRICT because of the nature of the improvements. The proper maintenance of parkway landscaping, and streetlights and appurtenant facilities specially benefit parcels within the DISTRICT by moderating temperatures, providing oxygenation, attenuating noise from adjacent streets and controlling dust for those properties in close proximity to the landscaping; improved erosion and water quality control, dust abatement, improved neighborhood property protection, increased public safety (e.g., control sight distance restrictions and fire hazards), improved neighborhood aesthetics (improves the attractiveness of the properties within the DISTRICT and provides a positive visual experience each and every time a trip is made to or from the property), allowing traffic into and out of the development, and increasing traffic safety by improving visibility. The spraying and treating of landscaping for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout the properties within the DISTRICT.

The proper maintenance of the landscaping, ornamental structures, and appurtenant facilities reduces property-related crimes (especially vandalism) against properties in the DISTRICT the screening of properties within the DISTRICT from arterial streets.

Streetlights also provide safety for pedestrians and motorists living and owning property in the DISTRICT during the nighttime hours, and to assign rights-of-way for the safety of pedestrians and motorists by defining a specific path during all hours of the day.

Streets are constructed for the safe and convenient travel of vehicles and pedestrians. They also provide an area for underground and overhead utilities. These elements are a distinct and special benefit to all developed parcels in the DISTRICT. Streetlights are installed on and are for street purposes and are maintained and serviced to allow the street to perform to the standards it was designed.

Streetlights are determined to be an integral part of “streets” as a “permanent public improvement.” One of the principal purposes of fixed roadway lighting is to create a nighttime environment conducive to quick, accurate, and comfortable seeing for the user of the facility. These factors, if attained, combine to improve traffic safety and achieve efficient traffic movement. Fixed lighting can enable the motorist to see detail more distinctly and to react safely toward roadway and traffic conditions present on or near the roadway facility.

The system of streets within the DISTRICT is established to provide access to each parcel in the DISTRICT. Streetlights provide a safer street environment for owners of the parcels served. If the parcels were not subdivided to provide individual parcels to owners within the DISTRICT, there would be no need for a system of streets with streetlights. Therefore, the installation of streetlights is for the express, special benefit of the parcels within the DISTRICT.

Finally, the proper maintenance of parkway landscaping and streetlights, and appurtenant structures provides an enhanced quality of life and sense of well being for properties within the DISTRICT.

Because all benefiting properties consist of a uniform land use, it is determined that all non-residential parcels benefit equally from the improvements and the costs and expenses for the the subscription and monitoring of a Calsense controller, ensuring the maintenance and servicing of dormant parkway landscaping and the possible provision of electricity for streetlights and are apportioned on a per acre basis.

Based on the benefits described above, parkway landscaping and streetlights are an integral part of the quality of life of each community. This quality of life is a special benefit to those parcels that are not government owned easements, easements, and flood channel parcels. Government-owned easement, utility easement and flood channel parcels do not benefit from the improvements due to their use and lack of habitation on such parcels. Parcels of this nature are usually vacant narrow strips of land or flood control channels and therefore do not generate or experience pedestrian or vehicle traffic. Nor do these types of parcels support dwelling units or other structures

that would promote frequent use of the parcels by the traveling public. As a result of this lack of activity on such parcels they do not receive any benefit from parkway landscaping and streetlights and are not assessed.

### **General Benefit**

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the DISTRICT and the general benefits to the public at large and to adjacent property owners. The portion of the total Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlights maintenance costs associated with general benefits will not be assessed to the parcels in the DISTRICT, but will be paid from other County Funds. Because the Calsense controller subscription and monitoring, dormant parkway landscaping, and dormant streetlight improvements are located immediately adjacent to properties within the DISTRICT and are maintained solely for the benefit of the properties within the DISTRICT, any benefit received by properties outside of the DISTRICT is nominal. Therefore, the general benefit portion of the benefit received from the improvements for the DISTRICT is zero. As a result, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property.

The dollar per acre value for Fiscal Year 2012-13 for Zone 160 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \text{\$379} & \\ \text{Total No. Acres} & 2.96 & = \text{\$127.94/acre} \end{array}$$

The assessment for Fiscal Year 2012-13 for Zone 160 that is to be annexed into L&LMD No. 89-1-C will be \$127.94 per acre.

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-371/Cahuilla Rd will be the responsibility of the property owners within Zone 160, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 03/02/11). 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.

Calsense Irrigation Controllers and associated Calsense Communications subscriptions enable County staff to remotely monitor the irrigation activity of a proposed dormant L&LMD No. 89-1-C zone. Along with monitoring irrigation activity, the subscription enables County staff to check for power issues, irrigation breaks, water off conditions, and many other reports and saves time by not requiring frequent field inspections.

Per Anza Electric Cooperative Inc.'s Streetlight Agreement, the energy costs of the streetlights on SH-371/Cahuilla Rd and Maze Stone Rd are the responsibility of the property owner. Should the property owner default on this agreement, the energy costs will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active. Since no monies would have been collected prior to the account becoming due, the assessment for the fiscal year in which the dormant streetlight services become active will be for two fiscal year's worth to cover the back payments, and subsequent assessments will be for one fiscal year.

Beginning in the fiscal year in which the dormant maintenance and servicing of the parkway landscaping on SH-371/Cahuilla Rd becomes active the annual assessment may be increased by \$1,515.30 per acre which, when added to the assessment for Calsense controller subscription and monitoring, will result in an aggregate assessment of \$1,634.24 per acre. Beginning in the fiscal year in which the dormant streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd becomes active the annual assessment may be increased by \$668.92 per acre which, when added to the assessment for Calsense controller subscription and monitoring, and dormant parkway landscaping, will result in an aggregate assessment of \$2,312.16 per acre. For subsequent fiscal years following the dormant streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd becoming active, the annual assessment may be decreased to \$334.46 per acre which, when added to the assessment for the Calsense controller subscription and monitoring and the dormant parkway landscaping improvements, will result in an aggregate assessment of \$1,968.70 per acre, adjusted for inflation.

Each succeeding fiscal year the special assessment may be subject to an annual adjustment that is the greater of two percent (2%) 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 the 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 2012. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Zone 160.

#### **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 160 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 19, 2012; 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 160 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated April 12, 2012



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Juan C. Perez, Director of Transportation

L&LMD No. 89-1-C, Zone 160, County of Riverside, California

APN	ACRES	ASSESSMENT
576-080-022	2.96	378.70



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

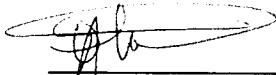
**WAIVER AND CONSENT REGARDING DATE OF  
ASSESSMENT BALLOT ELECTION**

The undersigned, an authorized representative of Rite Time Pharmaceuticals, Inc. (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessor's Parcel Numbers for fiscal year 2012-13 (the "Property"): APN(s) 576-080-022.

The Owner has made application that the Property be annexed as Zone 160 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 19, 2012

**OWNER: Rite Time Pharmaceuticals, Inc.**  
**(Name of Company  
as Stated in Initial Paragraph)**

By:   
Signature

Name: Soji Alarino  
Print

Title: President