

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 XIID 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 XIID of the
28 California Constitution (hereinafter "Article XIID:"), 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
DALE A GARDNER 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, 1st 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.

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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ZONE 160

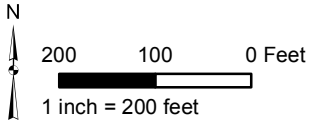
PORTION OF SECTION 21, T.7S., R.3E.

PLOT PLAN NO. 22940

3 PARCELS

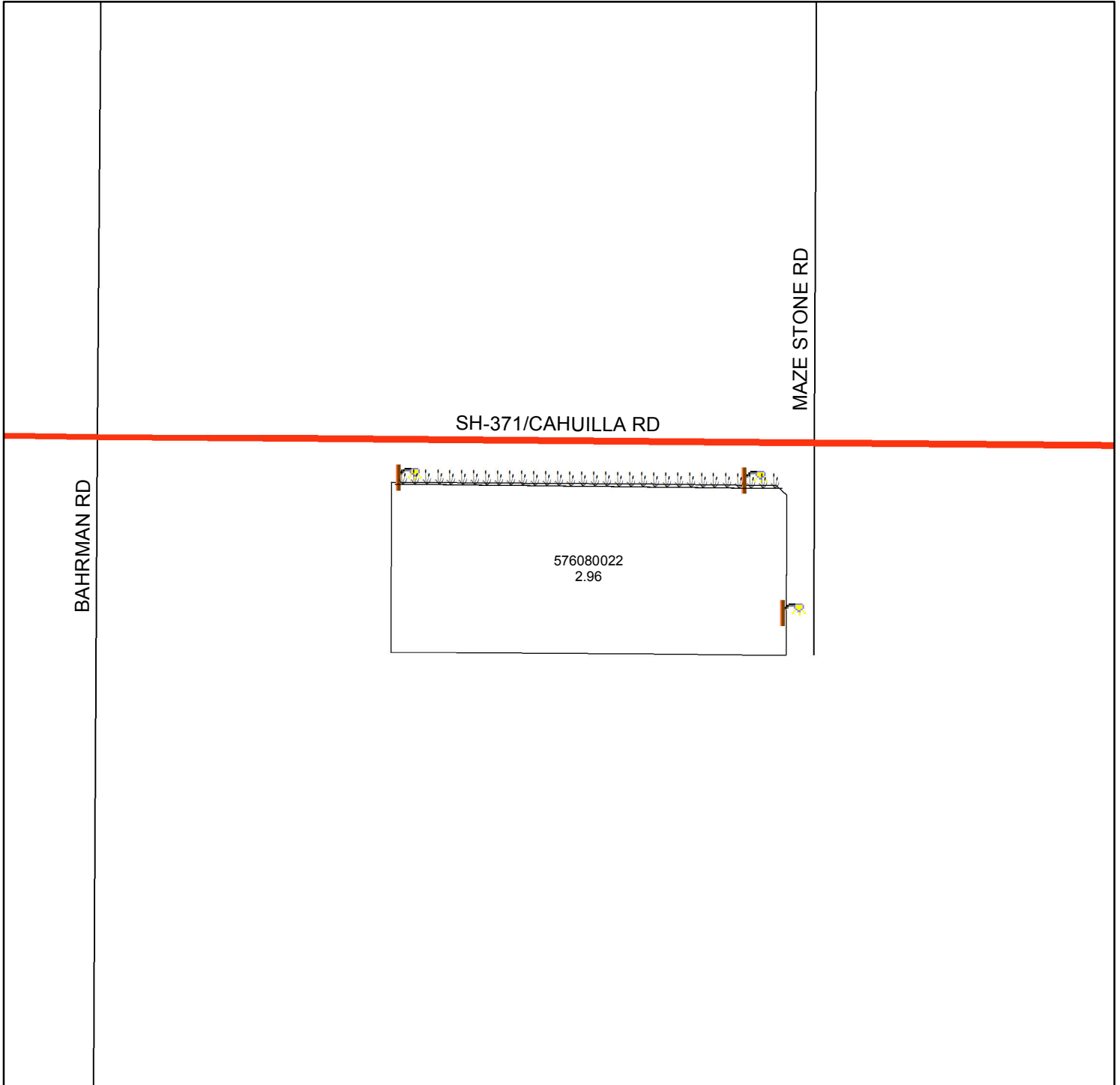


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ASSESSMENT DIAGRAM

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DENOTES DORMANT MAINTAINED STREETLIGHT



DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY