

2 RESOLUTION NO. 2012-101

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 171 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 DORMANT PARKWAY LANDSCAPING; ADOPTING THE PRELIMINARY  
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE  
9 PUBLIC HEARING ON THE ANNEXATION OF ZONE 171; ORDERING AN ASSESSMENT  
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE  
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT  
12 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE  
13 ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
15 Riverside (hereinafter the "County") has adopted Resolution No. 2012-100 on May 1, 2012 initiating  
16 proceedings for the annexation of Zone 171 (hereinafter "Zone 171"), as described and shown in  
17 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
18 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
21 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
22 "Report") regarding the proposed annexation of Zone 171 and the assessments to be levied within  
23 Zone 171 each fiscal year beginning fiscal year 2012-13 for ensuring the maintenance and servicing of  
24 dormant parkway landscaping within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code  
requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 171;  
and

WHEREAS, the Board of Supervisors by Resolution No. 2012-100 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 5/27/12  
DALE A. GARDNER 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 Applicants have executed a "Waiver and Consent Regarding Date of  
6 Assessment Ballot Election" allowing for the election to be held on June 19, 2012; 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 171, and the assessments to be levied on parcels within Zone 171  
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 May 1, 2012 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 171 will be  
20 \$1,960.20 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 171, 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 171  
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 171 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 171 is proposed to be  
5 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County  
6 as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided .** The services associated with dormant  
8 parkway landscaping authorized for Zone 171 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of landscaping within the public right-of-way including  
10 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
11 ornamental vegetation; and
- 12 (b) The maintenance and servicing of irrigation and electrical facilities associated with the  
13 landscaping, including but not limited to electricity for operation of the irrigation system  
14 and water for irrigation.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
16 benefits from the annexation of Zone 171 to L&LMD No. 89-1-C will be \$1,960.20 per acre for fiscal  
17 year 2012-13. As stated in the Report, the total budget for Zone 171 for the fiscal year 2012-13 is  
18 \$9,154; there are 4 parcels that are to be assessed that aggregate to 4.67 acres. Each succeeding  
19 fiscal year the special assessment may be subject to an annual adjustment that is the greater of two  
20 percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban  
21 Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
22 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
23 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the "Index" as  
24 it stands on March of each year over the base Index for March of 2012. Any increase larger than the  
25 greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in  
26 Zone 171. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the

1 Board of Supervisors undertakes proceedings for the dissolution of Zone 171 of L&LMD No. 89-1-C.  
2 The annual assessment will fund the services described in Section 4 of this Resolution. For further  
3 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of  
4 Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.  
6 89-1-C is Zone 171. The boundaries of Zone 171 are located within the unincorporated area of the  
7 County and are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
10 the Report for a full and detailed description of the services, the boundaries of Zone 171, and the  
11 annual assessment to be levied upon assessable lots and parcels within Zone 171 proposed to be  
12 annexed to L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Zone 171 shall be annexed to L&LMD  
14 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at  
15 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the  
16 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
17 California.

18 **Section 9. Majority Protest.** Each owner of record of property within Zone 171 is to receive  
19 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
20 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
21 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority  
22 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment  
23 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be  
24 weighted according to the proportional financial obligation of the affected property.

25 **Section 10. Information.** Any property owner desiring additional information regarding  
26 Zone 171 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan

1 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080  
2 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at  
3 jpickeri@rctlma.org.

4       **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 annexation of Zone 171 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
6 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
7 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
8 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,  
9 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
10 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
11 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
12 Section 4000 of the California Elections Code to all owners of record of property within Zone 171 as  
13 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
14 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,  
15 2012.

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

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 171 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 4 parcels as shown on Parcel Map No. 30474 in the County of Riverside, State of California for fiscal year 2012-13.

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# ZONE 171

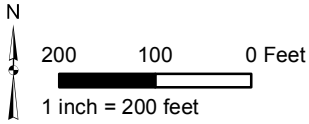
PORTION OF SECTION 6, T.7S., R.2W.

CONDITIONAL USE PERMIT NO. 03359 & PARCEL MAP NO. 30474

4 PARCELS



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



## ASSESSMENT DIAGRAM

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DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY