

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

633A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 19, 2012

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 165 (East Hemet).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2012-086 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 165 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 165.

Resolution No. 2012-087, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 165 to Landscaping and Lighting Maintenance District No. 89-1-

Juan C. Perez
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL
BY: Alexis Sanchez 3/27/12
DALEA. GARDNER DATE Departmental Concurrence

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

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

There are no General Funds used in this project.

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

Dept's Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 3/3

Agenda Number:

3.33

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 165 (East Hemet).

April 19, 2012

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Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of monitoring of Caltrans ROW, and dormant parkway landscaping; 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 165, 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. 2012-086 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed the annexation of Zone 165 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2012-087 declares the Board's intention of ordering the annexation of Zone 165 to L&LMD No. 89-1-C. The annexation of Zone 165 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 requirement) within public right-of-way located southerly of SH-74/Florida Ave and at the intersection of Columbia St and SH-74/Florida Ave in the East Hemet area and includes 1 commercial parcel totalling 0.67 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 landscaping improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of parkway landscaping on SH-74/Florida Ave will be the responsibility of the property owners within Zone 165, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 07/20/11). 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.

The proposed budget for fiscal year 2012-13 for Zone 165 is \$373 that will result in an assessment for fiscal year 2012-13 within Zone 165 of \$556.62 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).

In addition to the standard annual adjustment, beginning in the fiscal year in which 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 dormant parkway landscaping improvements on SH-74/Florida Ave becomes active, the annual assessment may be increased by \$2,906.56 per acre which, when added to the assessment for monitoring of Caltrans ROW, will result in an aggregate assessment of \$3,463.18 per acre, adjusted for inflation. The standard annual adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the dormant service becomes active. Under the proposed

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of
Zone 165 (East Hemet).

April 19, 2012

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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 165.

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 165 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2012-087, 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 165 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 165 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.

RESOLUTION NO. 2012-086

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 165 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 165"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 165 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 165; and

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

WHEREAS, the Director of the Department, or his designee, is a licensed and registered civil engineer, has expertise with respect to the annexation of territory to landscaping and lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve

FORM APPROVED COUNTY COUNSEL
BY: *Dan Gardner* DATE: 3/27/12
DAN A. GARDNER

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 165
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 165 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 165 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.

19 **Section 3. Boundaries and Designation.** The boundaries of Zone 165 that are
20 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
21 described in Exhibit "A".

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

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Section 5. Effective Date. This Resolution shall take effect from and after its date

of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 165 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 438-230-027 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 165

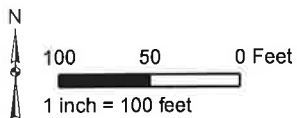
PORTION OF SECTION 12, T.5S., R.W.
CONDITIONAL USE PERMIT NO. 03622

1 PARCEL

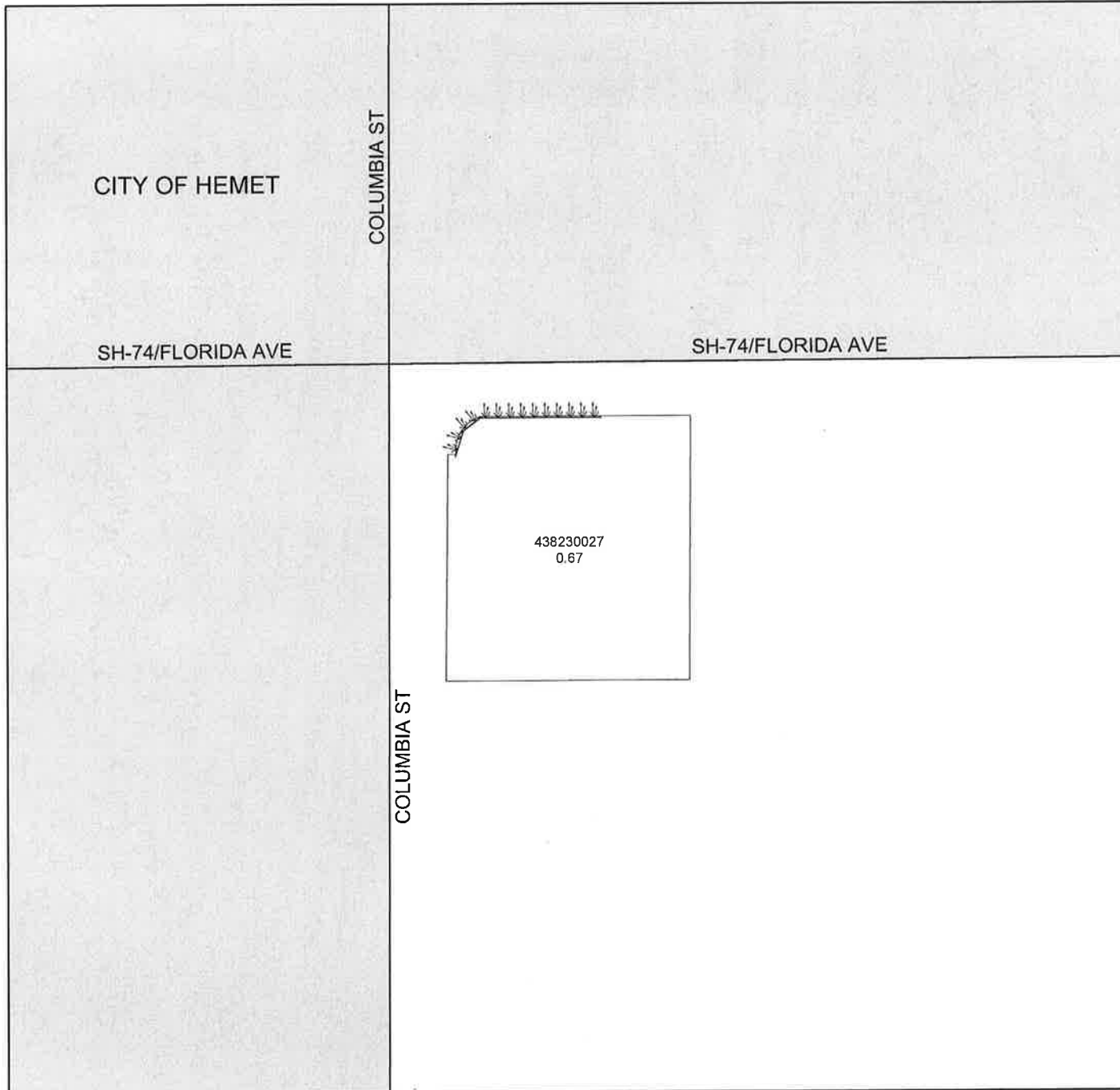


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ASSESSMENT DIAGRAM



DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY

2 RESOLUTION NO. 2012-087

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 165 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 AND
8 DORMANT PARKWAY LANDSCAPING; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
9 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
10 ANNEXATION OF ZONE 165; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
11 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
12 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIID OF THE
13 CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE 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. 2012-086 on May 1, 2012 initiating
16 proceedings for the annexation of Zone 165 (hereinafter "Zone 165"), 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 165 and the assessments to be levied within
23 Zone 165 each fiscal year beginning fiscal year 2012-13 for the maintenance and servicing of the
24 subscription and monitoring of a Calsense controller and ensuring the maintenance and servicing of
25 dormant parkway landscaping within the public right-of-way within said Zone; and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
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 165;
and

FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner
DALE A. GARDNER
DATE 4/17/12

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2012-086 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 165, and the assessments to be levied on parcels within Zone 165
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 165 will be
22 \$556.62 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 165, 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 165
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 165 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 165 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 maintenance and servicing of the subscription and monitoring of a Calsense controller and ensuring the
15 maintenance and servicing of dormant parkway landscaping authorized for Zone 165 of L&LMD No.
16 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.

23 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
24 benefits from the annexation of Zone 165 to L&LMD No. 89-1-C will be \$556.62 per acre for fiscal year
25 2012-13. As stated in the Report, the total budget for Zone 165 for the fiscal year 2012-13 is \$373;
26 there is 1 parcel that is to be assessed that aggregates to 0.67 acres.

1 Each succeeding fiscal year the special assessment may be subject to an annual adjustment
2 that is the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer
3 Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California
4 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the
5 United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative
6 increase, if any, in the "Index" as it stands on March of each year over the base Index for March of
7 2012. Any increase larger than the greater of 2% or the "CPI-U" annual adjustment requires a majority
8 approval of all the property owners in Zone 165. The annual assessment increase derived from the
9 application of the foregoing formula is referred to as the "Standard Annual Adjustment."

10 In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the dormant
11 services become active, the annual assessments may be further increased. For the fiscal year in which
12 the dormant maintenance and servicing of the dormant parkway landscaping on SH-74/Florida Ave
13 becomes active, the annual assessment may be increased by \$2,906.56 per acre which when added to
14 the assessment for the Calsense controller subscription will result in an aggregate assessment of
15 \$3,463.18 per acre, adjusted for inflation; as detailed in the Report. The Standard Annual Adjustment
16 will be applied to this increased assessment in all subsequent fiscal years following the year in which
17 the dormant services became active without regard to the \$3,463.18 per acre, inflation adjusted,
18 assessment ceiling.

19 Except for assessment increases associated with the dormant services becoming active, and
20 assessment increases resulting from the application of the Standard Annual Adjustment, any other
21 increase in the annual assessment requires a majority approval of all the property owners within
22 Zone 165. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
23 Board of Supervisors undertakes proceedings for the dissolution of Zone 165 of L&LMD No. 89-1-C.
24 The annual assessment will fund the services described in Section 4 of this Resolution. For further
25 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
26 Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
2 89-1-C is Zone 165. The boundaries of Zone 165 are located within the unincorporated area of the
3 County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the services, the boundaries of Zone 165, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 165 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 165 shall be annexed to L&LMD
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at
11 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
13 California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 165 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority
18 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment
19 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be
20 weighted according to the proportional financial obligation of the affected property.

21 **Section 10. Information.** Any property owner desiring additional information regarding
22 Zone 165 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
23 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
24 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at
25 jpickeri@rctlma.org.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 165 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
3 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
5 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,
6 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
7 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
8 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
9 Section 4000 of the California Elections Code to all owners of record of property within Zone 165 as
10 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
11 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,
12 2012.

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

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 165 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 438-230-027 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

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

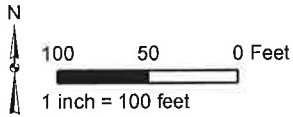
ZONE 165

PORTION OF SECTION 12, T.5S., R.W.
CONDITIONAL USE PERMIT NO. 03622

1 PARCEL

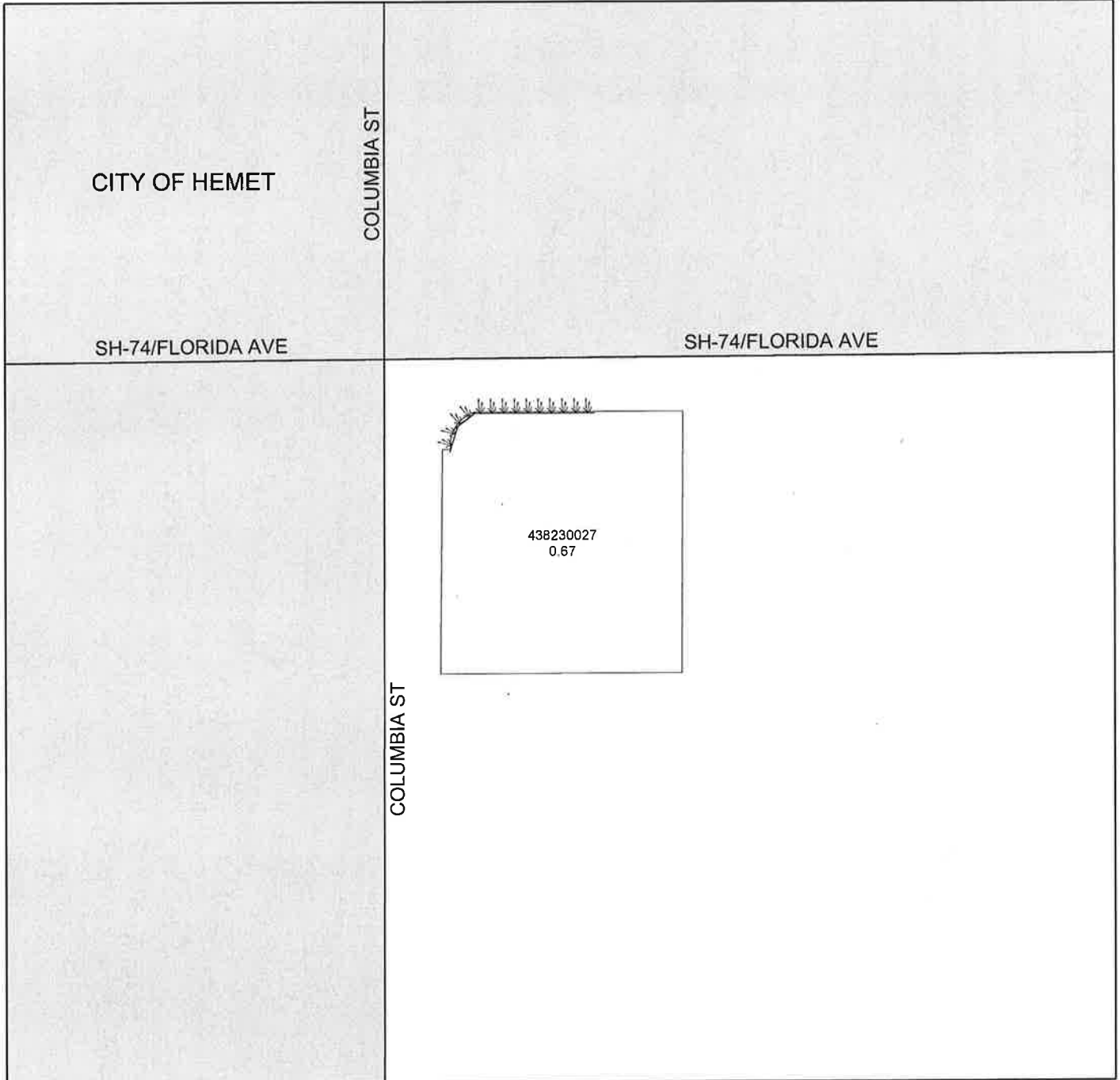


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ASSESSMENT DIAGRAM

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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 165
(EAST HEMET)**

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 165 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 165 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 and dormant parkway landscaping improvements proposed to be funded.

PART III COST ESTIMATES PAGE III-1

An estimate of the cost of the Calsense controller subscription and monitoring and dormant parkway landscaping 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 165 annexation, the lines and dimensions of each parcel of land within said Zone 165, 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 165, in proportion to the estimated benefits to be received by such parcels from said Calsense controller subscription and monitoring and dormant parkway landscaping 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 165

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 165 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 165 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the subscription and monitoring of a Calsense controller, and ensuring the maintenance and servicing of dormant parkway landscaping within the public right-of-way:

- Columbia St
- SH-74/Florida Ave

Maintenance Plans

Plans for the improvements of Zone 165 are not bound in this report but by this reference are incorporated and made a part of this report. The landscape plans for Conditional Use Permit No. 03622 shall be, upon final approval, on file in the office of the Riverside County Transportation Department, 4080 Lemon St 2nd 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 165
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 165

Costs for Maintenance of Improvements

Servicing ¹ of the Calsense Controller Subscription and Monitoring	\$250
Administrative Costs ²	<u>123</u>
Total Amount to be Assessed for FY 2012-13	\$373

¹Servicing means communication associated with central irrigation control.

²Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 165
SUMMARY
ANNUAL BUDGET
FISCAL YEAR 2012-13

MAINTENANCE OF TRAFFIC SIGNALS AND CALSENSE CONTROLLER SUBSCRIPTION AND MONITORING	
FUNCTION	ZONE 165
Calsense Controller Subscription	\$ 175
Field Inspection/Management	\$ 75
	\$ 250

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 165
Assessment Engineer	\$ 3
County Counsel	\$ 2
Auditor-Controller/Treasurer	\$ 114
Transportation Administration/Miscellaneous Expense	\$ 4
	\$ 123

TOTAL BUDGET	\$ 373
FISCAL YEAR 2012-13 ASSESSMENT	\$ 556.62/acre

0.67 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 165
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 165

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Dormant Parkway Landscaping	\$1,851
Administrative Costs ³	<u>96</u>
Total Additional Amount to be Assessed in Fiscal Year in which Dormant Improvements Become Active	\$1,947

¹Maintenance 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.

²Servicing means furnishing of energy and water to the landscaping improvements.

³Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 165
SUMMARY
ANNUAL BUDGET
DORMANT PARKWAY LANDSCAPING ON SH-74

MAINTENANCE OF DORMANT PARKWAY LANDSCAPING	
FUNCTION	ZONE 165
Landscaping	\$ 755
Water	264
Backflow Certification	\$ 50
Electricity	\$ 264
Tree Trimming	\$ 50
Field Inspection/Management	\$ 108
Repair/Replacement	\$ 360
	\$ 1,851

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 165
Assessment Engineer	\$ 29
County Counsel	\$ 19
Transportation Administration/Miscellaneous Expense	\$ 48
	\$ 96

TOTAL BUDGET	\$ 1,947
DORMANT ANNUAL ASSESSMENT	\$ 2,906.56/acre

0.67 acre(s)

PART IV

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2012-13
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 165
COUNTY OF RIVERSIDE, CALIFORNIA**

Assessment Diagram

The boundary map/Assessment Diagram for Zone 165 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 165

Annexation of Zone 165 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.

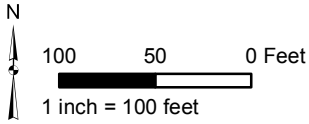
ZONE 165

PORTION OF SECTION 12, T.5S., R.W.
CONDITIONAL USE PERMIT NO. 03622

1 PARCEL

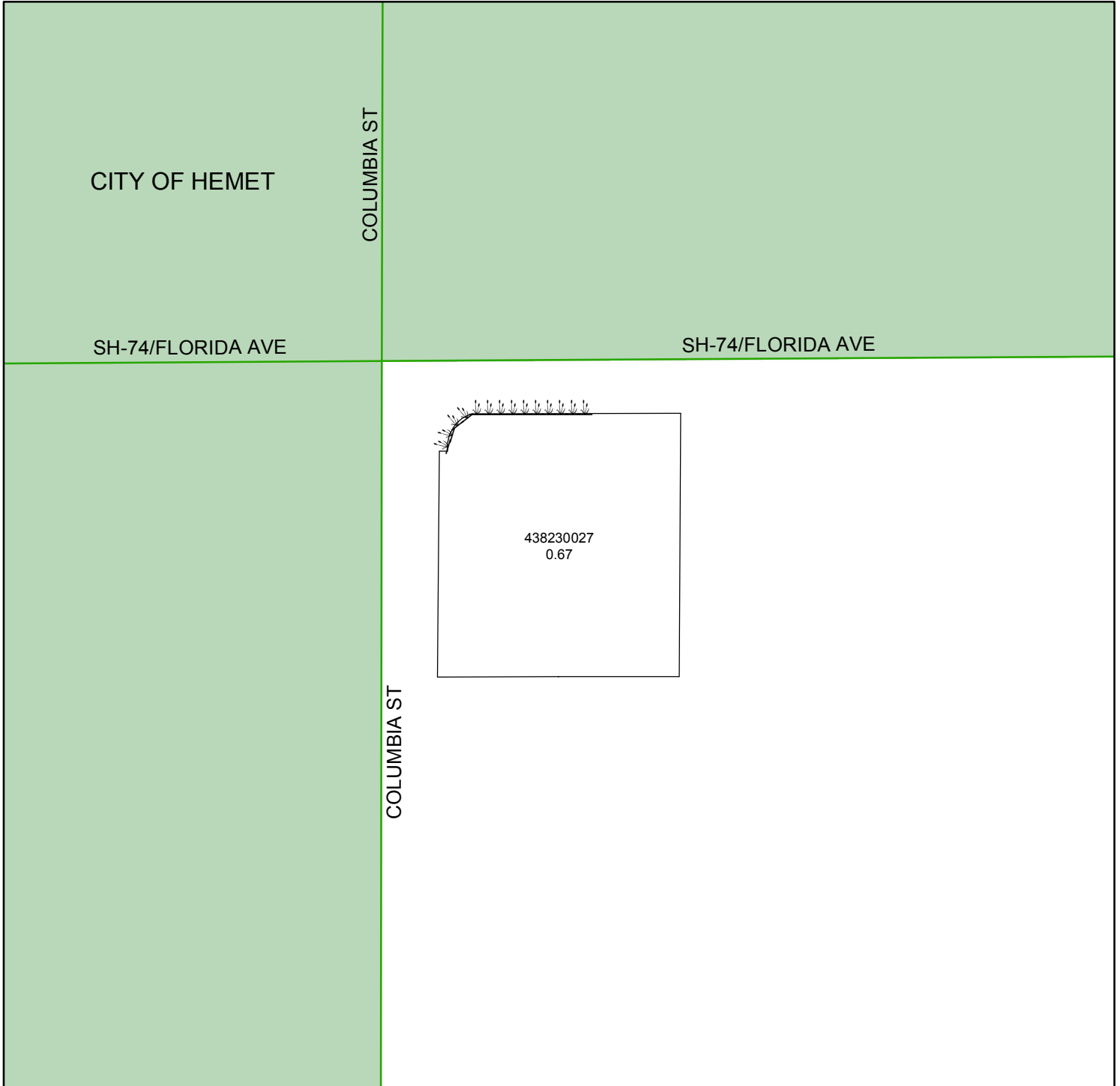


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



ASSESSMENT DIAGRAM

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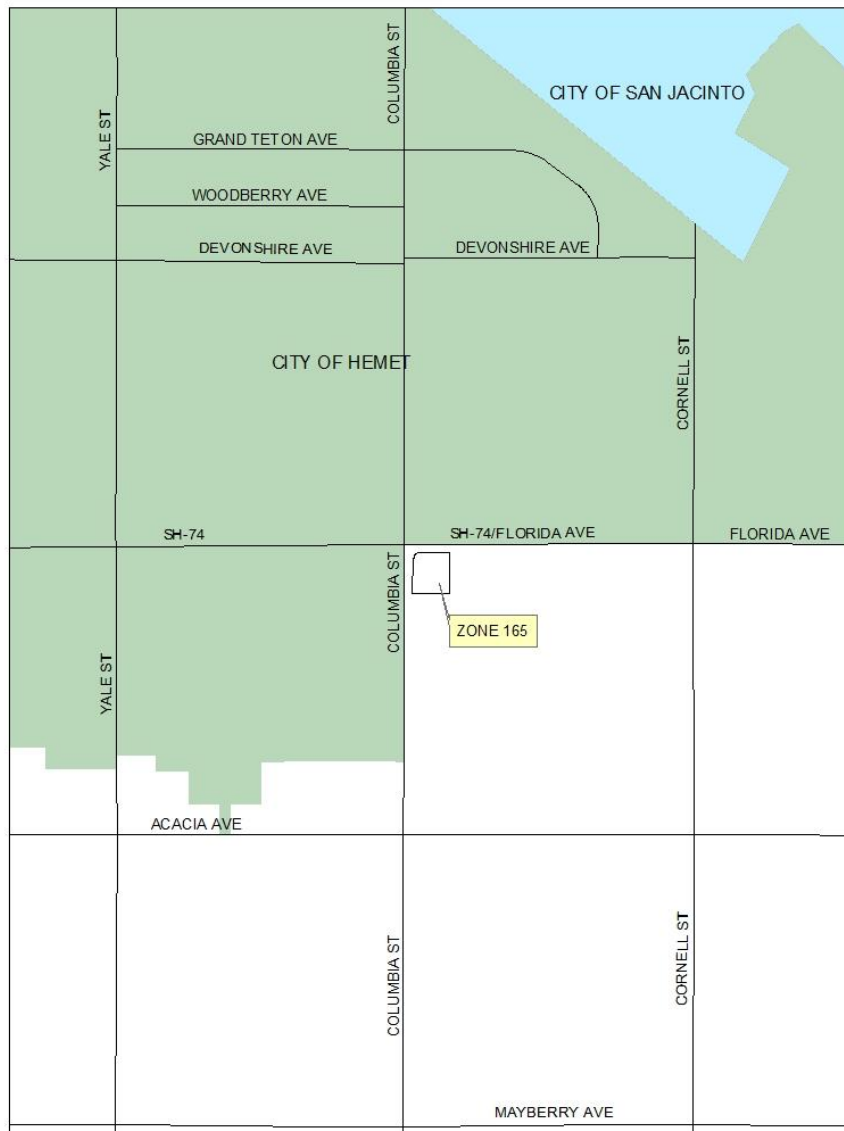
DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY

EXHIBIT "A"

Description of Boundaries

The boundaries of Zone 165 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 438-230-027 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

Vicinity Map (East Hemet Area)



PART V

**ASSESSMENT FOR FISCAL YEAR 2012-13
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 165
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. 2012-086 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 165 (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 improvements
- b. An estimate of the costs of servicing Calsense controller subscription and monitoring and dormant parkway landscaping 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 165 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 Calsense controller subscription and monitoring, and parkway landscaping improvements within Zone 174 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT) provide direct and special benefit to the lots or parcels within the DISTRICT. Therefore, the maintenance of these improvements also provides

direct and special benefit by maintaining the functionality of the improvements and allowing the improvements to operate in a proper manner.

Each and every lot or parcel within the DISTRICT, receives a particular and distinct benefit from the improvements over and above general benefits conferred by the improvements. First, 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 and parkway landscaping and to guarantee the maintenance of the parkway landscaping and appurtenant facilities serving the lots or parcels. Therefore, each and every lot or parcel within the proposed DISTRICT could not have been developed in the absence of the installation and expected 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 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, 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 and the screening of properties within the DISTRICT from arterial streets.

Finally, the proper maintenance of parkway landscaping, 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 (non-residential), it is determined that all non-residential parcels within the DISTRICT benefit equally from the improvements. The costs and expenses for the Calsense controller subscription and monitoring and dormant parkway landscaping maintenance and services are apportioned on a per acre basis.

Based on the benefits described above, streetlights and traffic signals are an integral part of the quality of life of the DISTRICT. This quality of life is a special benefit to those parcels with a non-residential land use within the DISTRICT and do not include 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 vehicular 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 streetlights and traffic signals 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 and parkway landscaping maintenance costs associated with general benefits will not be assessed to the parcels in the DISTRICT, but will be paid from other Transportation Department Funds. Because the Calsense controller subscription and monitoring and parkway landscaping 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 165 is as follows:

<u>Total Budget</u> =	<u>\$373</u>		
Total No. Acres	.067	=	\$556.62/acre

The assessment for Fiscal Year 2012-13 for Zone 165 that is to be annexed into L&LMD No. 89-1-C will be \$556.62 per acre.

Per Caltrans requirements, parkway landscaping improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of parkway landscaping on SH-74/Florida Ave will be the responsibility of the property owners within Zone 165, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 07/20/11). 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.

Beginning in the fiscal year in which the dormant maintenance and servicing of the dormant parkway landscaping on SH-74/Florida Ave becomes active the annual assessment may be increased by \$2,906.56 per acre which, when added to the assessment for the Calsense controller subscription and monitoring, will result in an aggregate assessment of \$3,463.18 per acre, adjusted for inflation. Subsequent annual assessments may be increased, without regard to the \$3,463.18 per acre ceiling.

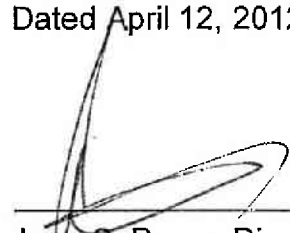
Each succeeding fiscal year the special assessment may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard 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 165.

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 165 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 165 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated April 12, 2012

A handwritten signature in black ink, appearing to read 'Juan C. Perez', is written over a horizontal line. The signature is stylized and somewhat cursive.

Juan C. Perez, Director of Transportation

L&LMD No. 89-1-C, Zone 165, County of Riverside, California

APN	ACRES	ASSESSMENT
438-230-027	0.67	372.94

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 R & B Investments 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) 438-230-027.

The Owner has made application that the Property be annexed as Zone 165 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: R & B Investments Inc
(Name of Company
as Stated in Initial Paragraph)

By:


Signature

Name:

Jeff Robinson
Print

Title:

President