

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 Muse A. Gardner DATE 4/17/12  
DALE A. GARDNER

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, 1<sup>st</sup> 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 XIIID 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.

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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**

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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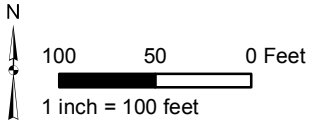
# ZONE 165

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

1 PARCEL

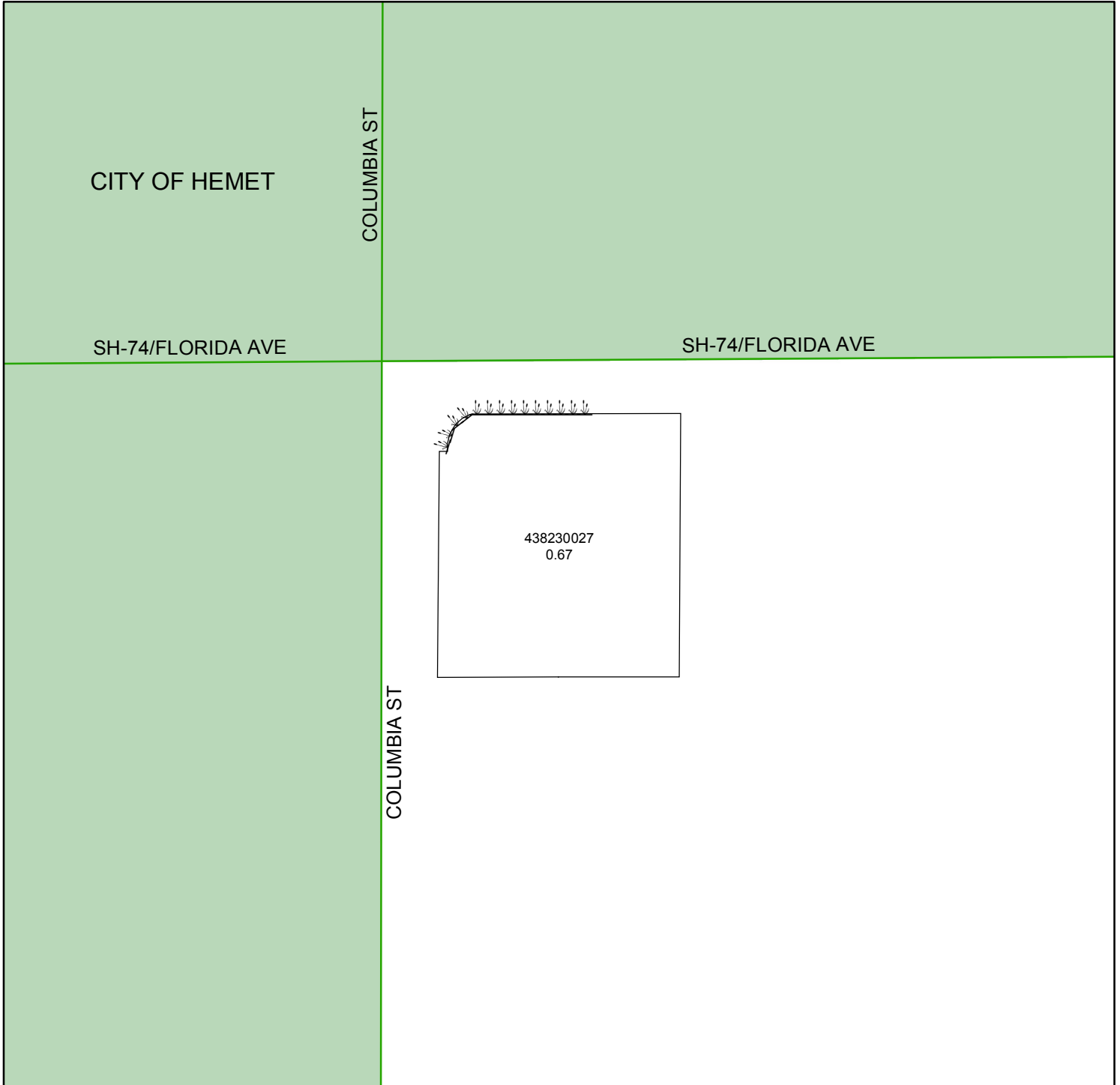


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## ASSESSMENT DIAGRAM

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↓ ↓ ↓ ↓ ↓ DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY