

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



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
April 19, 2012

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 172 (French Valley).

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

Resolution No. 2012-090 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 172 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 172.

Resolution No. 2012-091, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 172 to Landscaping and Lighting Maintenance District No. 89-1-

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


MH:jp

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

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

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

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 3/20/12  
DATE: \_\_\_\_\_  
DALE A. GARDNER  
Departmental Concurrence

Dept't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.** | **District:** 3/3 | **Agenda Number:**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.34

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 172 (French Valley).

April 19, 2012

Page 2 of 2

Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of fossil filters and traffic signals; 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 172, 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. 2012-090 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed the annexation of Zone 172 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2012-091 declares the Board's intention of ordering the annexation of Zone 172 to L&LMD No. 89-1-C. The annexation of Zone 172 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for traffic signals within public right-of-way located northerly and southerly of Pat Rd, northerly and southerly of Baxter Rd, easterly and westerly of Briggs Rd, and westerly of Lasker Ln in the French Valley area and includes 503 single-family residential lots.

The proposed budget for fiscal year 2012-13 for Zone 172 is \$46,559 that will result in an assessment for fiscal year 2012-13 within Zone 172 of \$92.56 per parcel. 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.

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 172 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2012-091, 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 172 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 172 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on June 19, 2012.

2 RESOLUTION NO. 2012-090

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 172 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
11 "Department") of the County that said Department has received an application from the owner (the  
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 172"),  
13 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be  
14 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 172 to  
17 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
18 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 172; and

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

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

FORM APPROVED COUNTY COUNSEL

BY: Dale A. Gardner 3/22/12 DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 172  
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 172 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 172 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of fossil filters within the public right-of-way  
13 including the removal of petroleum hydrocarbons and other pollutants from  
14 water runoff; and
- 15 (b) Providing electricity to and the maintenance and servicing of traffic signals within  
16 the public right-of-way including incidental costs and expenses.

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 172 that are  
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
19 described in Exhibit "A".

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

25 **Section 5. Effective Date.** This Resolution shall take effect from and after its date  
26 of adoption.

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 172 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 503 parcel(s) as shown on Tract Map No. 30433 in the County of Riverside, State of California for fiscal year 2012-13.

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

**ZONE 172**

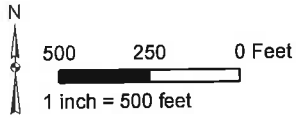
PORTION OF SECTIONS 30 & 31, T.6S., R.2W.

TRACT MAP NO. 30433

503 PARCELS

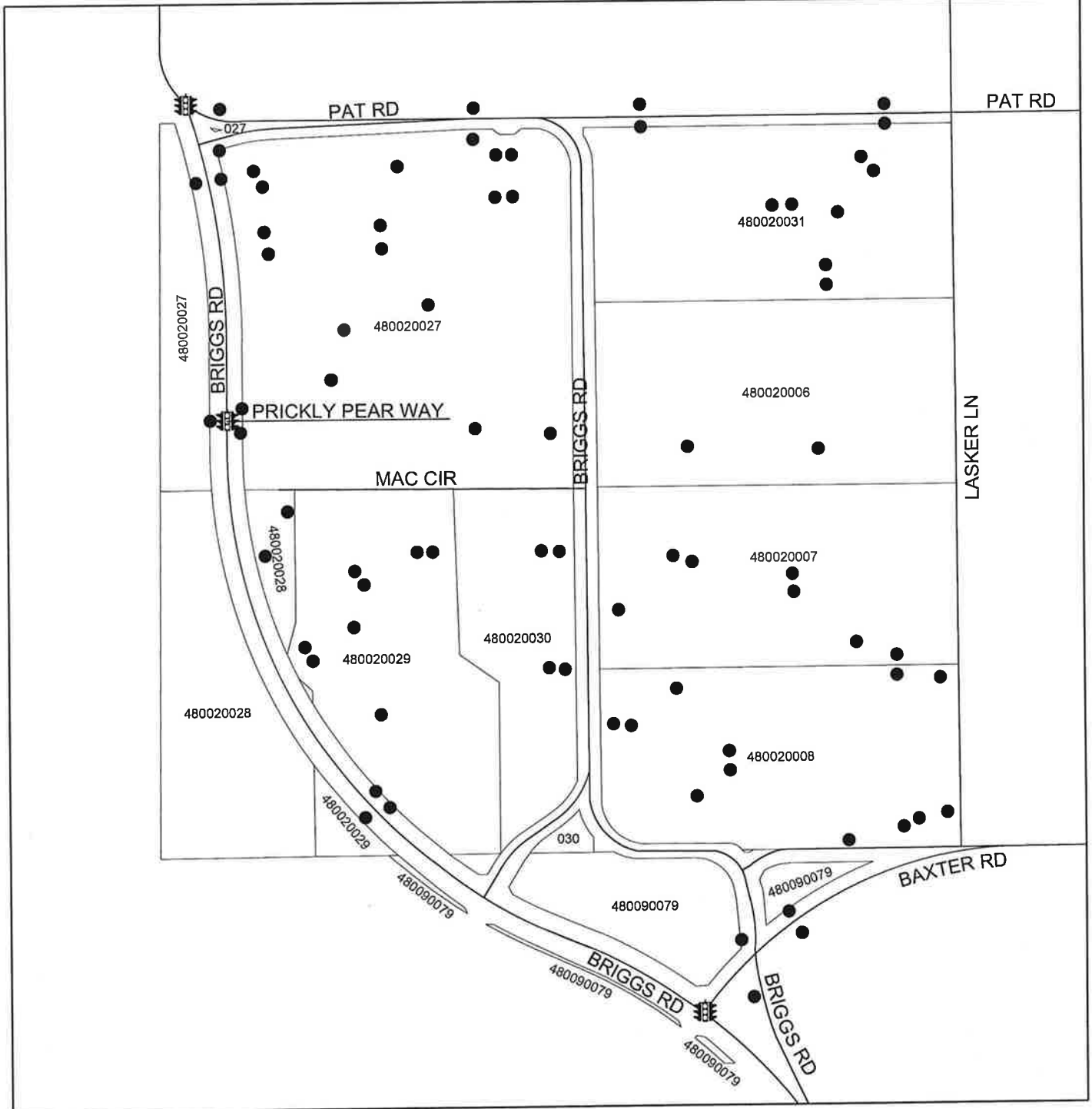


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 3/21/12



-  DENOTES MAINTAINED TRAFFIC SIGNAL
-  DENOTES MAINTAINED FOSSIL FILTER

2 RESOLUTION NO. 2012-091

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 172 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 FOSSIL FILTERS AND TRAFFIC SIGNALS; 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 172; 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. 2012-090 on May 1, 2012 initiating  
16 proceedings for the annexation of Zone 172 (hereinafter "Zone 172"), 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 172 and the assessments to be levied within  
23 Zone 172 each fiscal year beginning fiscal year 2012-13 for the maintenance and servicing of fossil  
24 filters and traffic signals, and the provision of electricity for traffic signals within the public right-of-way  
25 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 172;  
and

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

1           **WHEREAS**, the Board of Supervisors by Resolution No. 2012-090 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 172, and the assessments to be levied on parcels within Zone 172  
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 172 will be  
22               \$92.56 per parcel.

23           **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Zone 172, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
25 collect an annual assessment on all assessable lots and parcels of property within Zone 172  
26 commencing with the fiscal year 2012-13 as set forth in the Report. The Report expressly states that



1 there are no parcels or lots within Zone 172 that are owned by a federal, state or other local  
2 governmental agency that will benefit from the services to be financed by the annual assessments. The  
3 annual assessments will be collected at the same time and in the same manner as property taxes are  
4 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
5 collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Zone 172 is proposed to be  
7 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County  
8 as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The services associated with fossil  
10 filters and traffic signals authorized for Zone 172 of L&LMD No. 89-1-C are:

- 11 (a) The maintenance and servicing of fossil filters within the public right-of-way including the  
12 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 13 (b) Providing electricity to and the maintenance and servicing of traffic signals within the  
14 public right-of-way including incidental costs and expenses.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
16 benefits from the annexation of Zone 172 to L&LMD No. 89-1-C will be \$92.56 per parcel for fiscal year  
17 2012-13. As stated in the Report, the total budget for Zone 172 for the fiscal year 2012-13 is \$46,559;  
18 there are 503 parcels that are to be assessed. Each succeeding fiscal year the special assessment  
19 may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative  
20 percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los  
21 Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published  
22 by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U  
23 adjustment will be based on the cumulative increase, if any, in the "Index" as it stands on March of each  
24 year over the base Index for March of 2012. Any increase larger than the greater of 2% or the CPI-U  
25 annual adjustment requires a majority approval of all the property owners in Zone 172. The Board of  
26 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors

1 undertakes proceedings for the dissolution of Zone 172 of L&LMD No. 89-1-C. The annual assessment  
2 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be  
3 made to the Report on file in the Office of the Clerk of the Board of Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.  
5 89-1-C is Zone 172. The boundaries of Zone 172 are located within the unincorporated area of the  
6 County and are described and shown in the Report and Exhibit "A".

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
9 the Report for a full and detailed description of the services, the boundaries of Zone 172, and the  
10 annual assessment to be levied upon assessable lots and parcels within Zone 172 proposed to be  
11 annexed to L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 172 shall be annexed to L&LMD  
13 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at  
14 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the  
15 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
16 California.

17 **Section 9. Majority Protest.** Each owner of record of property within Zone 172 is to receive  
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
19 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
20 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority  
21 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment  
22 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be  
23 weighted according to the proportional financial obligation of the affected property.

24 **Section 10. Information.** Any property owner desiring additional information regarding  
25 Zone 172 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan  
26 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080

1 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at  
2 jpickeri@rctlma.org.

3           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
4 annexation of Zone 172 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the  
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall  
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in  
7 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,  
8 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice  
9 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
10 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
11 Section 4000 of the California Elections Code to all owners of record of property within Zone 172 as  
12 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
13 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,  
14 2012.

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

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 172 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 503 parcel(s) as shown on Tract Map No. 30433 in the County of Riverside, State of California for fiscal year 2012-13.

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

**ZONE 172**

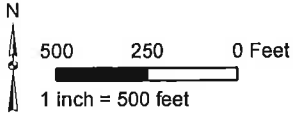
PORTION OF SECTIONS 30 & 31, T.6S., R.2W.

TRACT MAP NO. 30433

503 PARCELS

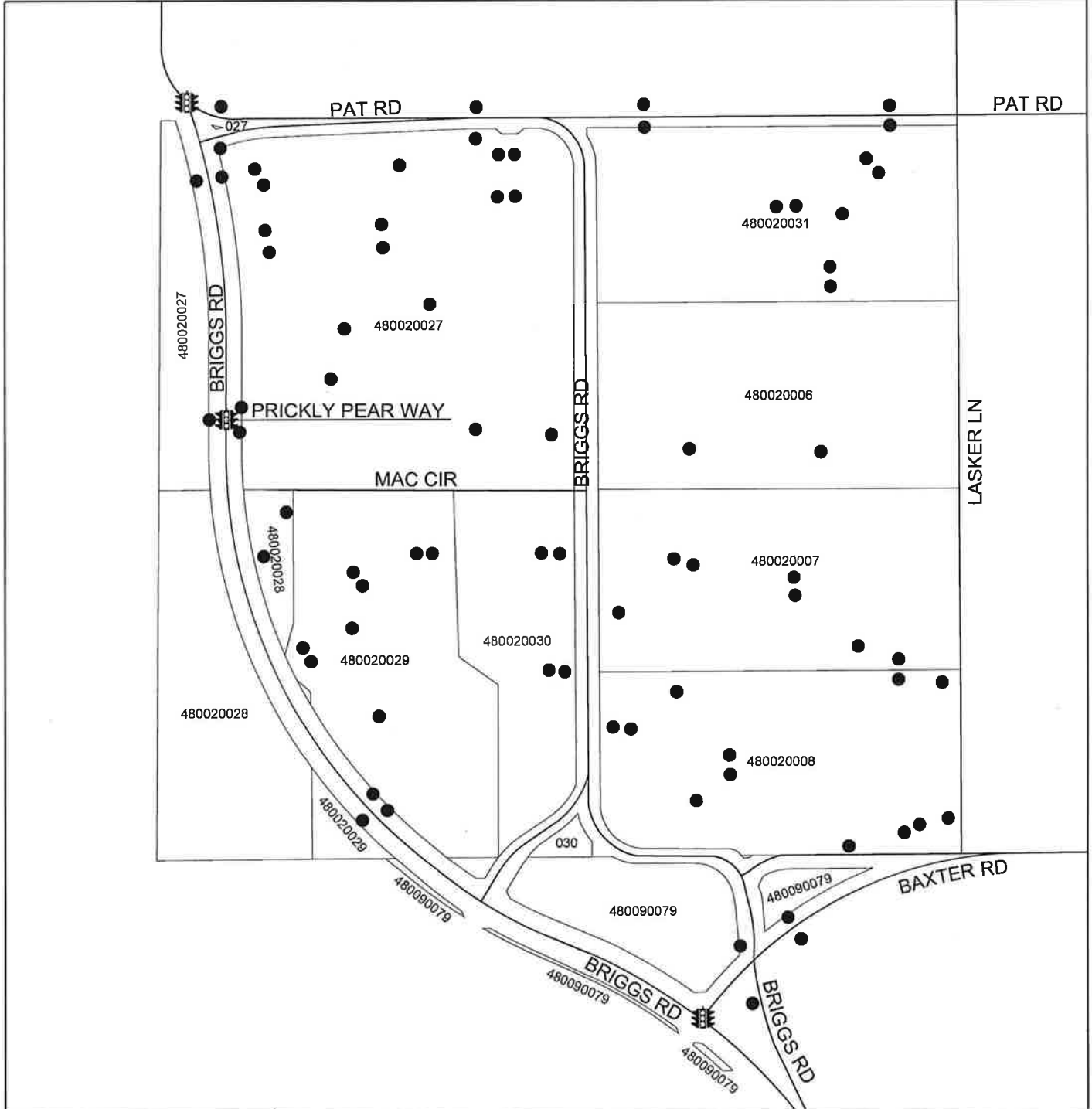


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**ASSESSMENT DIAGRAM**

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-  DENOTES MAINTAINED TRAFFIC SIGNAL
-  DENOTES MAINTAINED FOSSIL FILTER

**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 172  
(FRENCH VALLEY)**

**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 172 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 172 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 fossil filter and traffic signal improvements proposed to be funded.

**PART III COST ESTIMATES PAGE III-1**

An estimate of the cost of the fossil filter and traffic signal 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 172 annexation, the lines and dimensions of each parcel of land within said Zone 172, 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 172, in proportion to the estimated benefits to be received by such parcels from said fossil filter and traffic signal 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 172**

#### **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 172  
COUNTY OF RIVERSIDE, CALIFORNIA**

**Description of Improvements**

Improvements to be funded by Zone 172 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for traffic signals within the public right-of-way:

Alfalfa Ln	Elkhorn Ct	Old Ct	Slate St
Barn Rd	Fawn Ct	Olive Ct	Sunny Vista St
Baxter Rd	Gunnison Way	Orange Way	Swan Valley Ct
Birdseye St	Knotty Pine St	Pat Rd	Thorne Ct
Bitter Root Ct	Lasker Ln	Powderhorn Ln	Trail Run Ct
Briggs Rd	Leather Ct	Prairie Dog Way	Woodland Hills St
Butte Ct	Mahogany St	Prickly Pear Way	
Calvary Ln	Mallard Ct	Redding Ave	
Dew Way	Mistletoe Ln	Sawtooth Ct	

▪

**Maintenance Plans**

Plans for the improvements of Zone 172 are not bound in this report but by this reference are incorporated and made a part of this report. The storm drain and traffic signal plans for Tract Map No. 30433 shall be, upon final approval, on file in the office

of the Riverside County Transportation Department, 4080 Lemon St 2<sup>nd</sup> Floor, Riverside, CA 92501, where they are available for public inspection. A reduced map of the maintained improvements is filed in Part IV of this Report; see Assessment Diagram.

**PART III**

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES  
FOR FISCAL YEAR 2012-13  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 172  
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 172**

**Costs for Maintenance of Improvements**

Maintenance <sup>1</sup> & Servicing <sup>2</sup> of the Fossil Filters and Traffic Signals	\$44,031
Administrative Costs <sup>3</sup>	<u>2,528</u>
<b>Total Amount to be Assessed for FY 2012-13</b>	<b>\$46,559</b>

<sup>1</sup>Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of fossil filters and traffic signals, and appurtenances including repair, replacement, removal of rubbish, debris and other solid wastes.

<sup>2</sup>Servicing means furnishing the cleaning of fossil filters and funding of energy costs for traffic signals.

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

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED**  
**ZONE 172**  
**SUMMARY**  
**ANNUAL BUDGET**  
**FISCAL YEAR 2012-13**

MAINTENANCE OF FOSSIL FILTERS AND TRAFFIC SIGNALS	
FUNCTION	ZONE 172
Fossil Filters	\$ 27,042
Traffic Signals (Briggs Rd and Prickly Pear Way; 95%*)	\$ 5,225
Traffic Signals (Briggs Rd/Pat Rd and Briggs Rd/Baxter Rd; 25% each*)	\$ 2,750
Field Inspection/Management	\$ 3,606
Repair/Replacement	\$ 5,408
	<b>\$ 44,031</b>

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 172
Assessment Engineer	\$ 649
County Counsel	\$ 433
Auditor-Controller/Treasurer	\$ 365
Transportation Administration/Miscellaneous Expense	\$ 1,081
	<b>\$ 2,528</b>

<b>TOTAL BUDGET</b>	<b>\$ 46,559</b>
<b>FISCAL YEAR 2012-13 ASSESSMENT</b>	<b>\$ 92.56/parcel</b>

503 parcel(s)

\*Percentage of \$5,500 per traffic signal maintenance cost.

**PART IV**

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION  
FOR FISCAL YEAR 2012-13  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 172  
COUNTY OF RIVERSIDE, CALIFORNIA**

**Assessment Diagram**

The boundary map/Assessment Diagram for Zone 172 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 172

Annexation of Zone 172 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 172

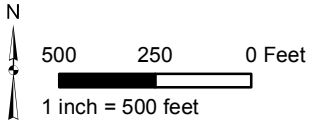
PORTION OF SECTIONS 30 & 31, T.6S., R.2W.

TRACT MAP NO. 30433

503 PARCELS

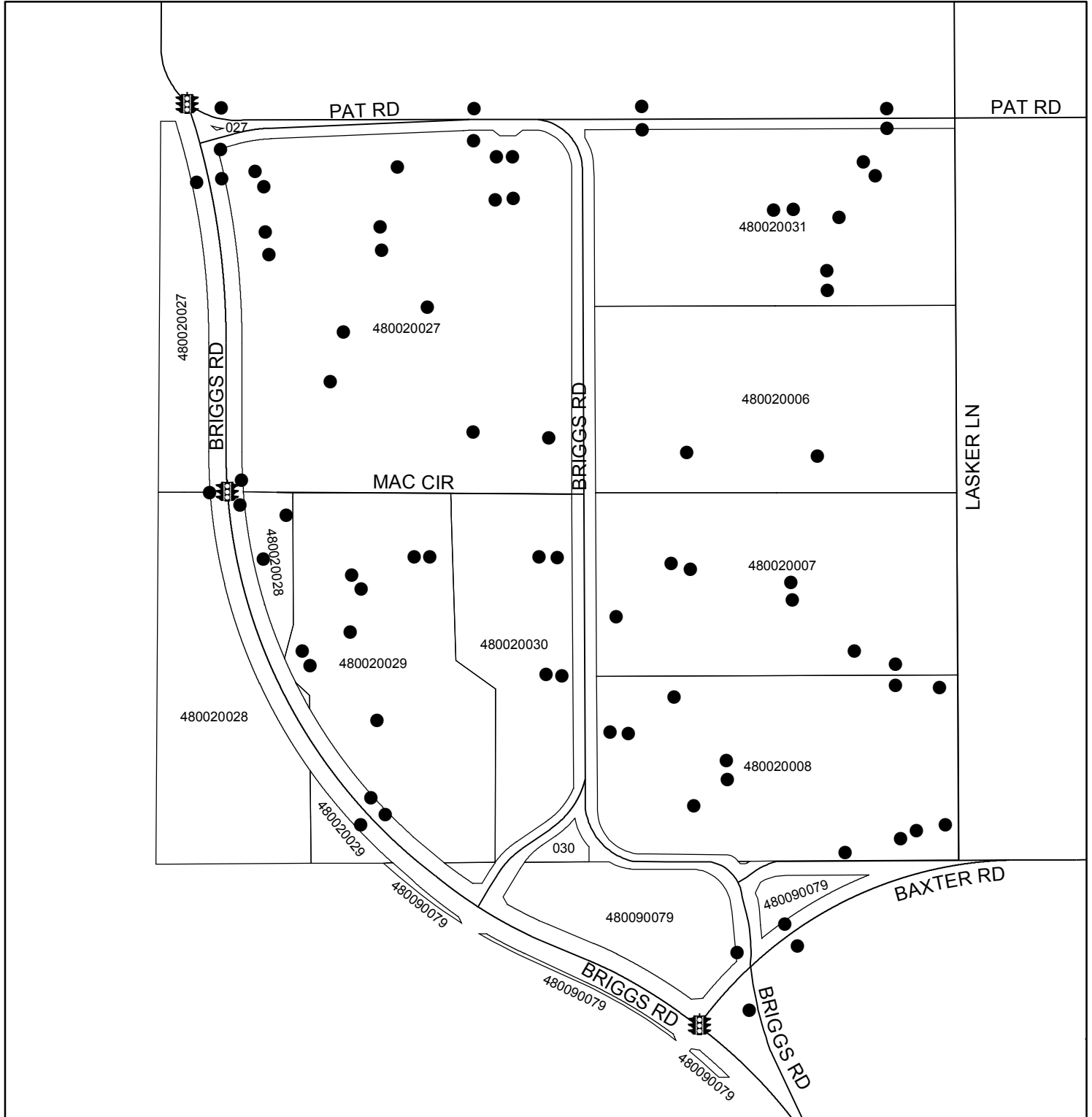


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



## ASSESSMENT DIAGRAM

Printed by jpickeri on 3/15/12



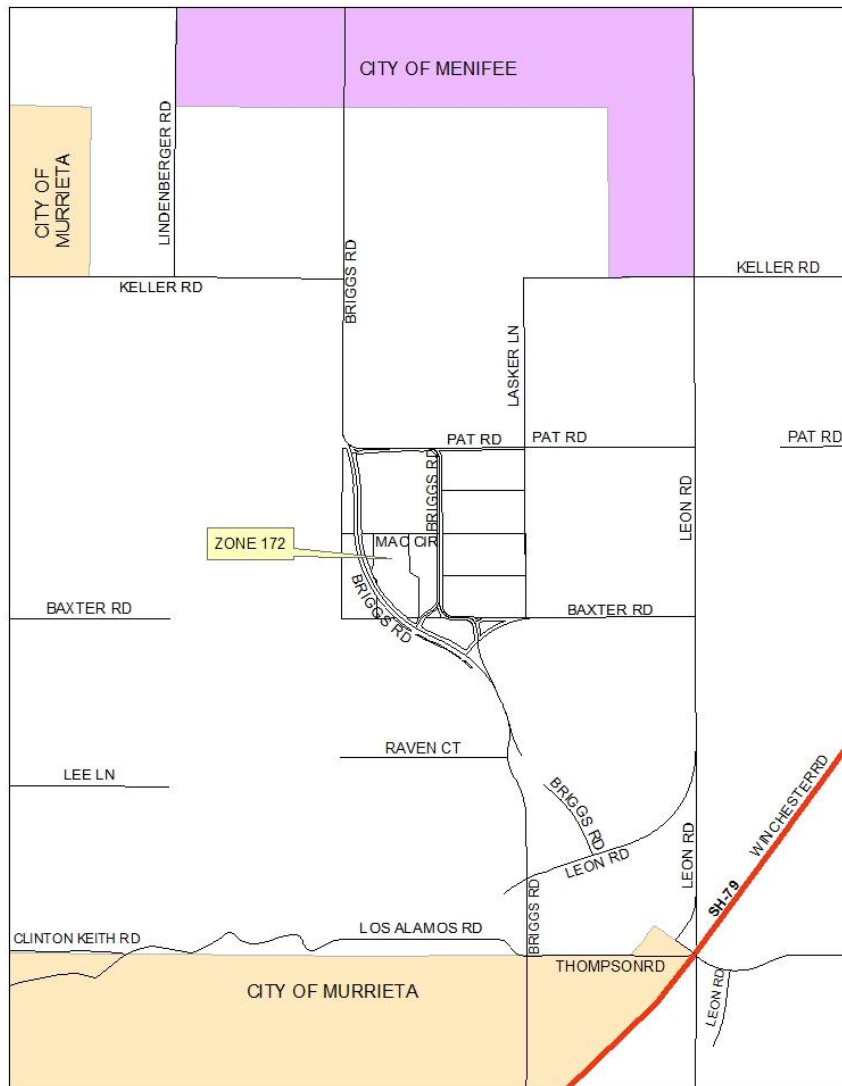
- DENOTES MAINTAINED TRAFFIC SIGNAL
- DENOTES MAINTAINED FOSSIL FILTER

# EXHIBIT "A"

## Description of Boundaries

The boundaries of Zone 172 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 503 parcel(s) as shown on Tract Map No. 30433 in the County of Riverside, State of California for fiscal year 2012-13. .

### Vicinity Map (French Valley Area)



**PART V**

**ASSESSMENT FOR FISCAL YEAR 2012-13  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED, ZONE 172  
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. 2012-090 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 172 (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 fossil filter and traffic signal improvements
- b. An estimate of the costs of servicing fossil filter and traffic signal 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 172 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 fossil filter and traffic signal improvements within Zone 172 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 fossil filters and traffic signals and to guarantee the maintenance of the fossil filters and traffic signals 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 fossil filters specially benefit parcels within the DISTRICT by improved water quality control. The proper maintenance of traffic signals specially benefits parcels within the District by controlling or restricting the flow of traffic into and out of the development, and increasing public safety for both pedestrians and the motoring public.

Finally, the proper maintenance of fossil filters and traffic signals, and appurtenant structures provides an enhanced quality of life and sense of well being as well as improved neighborhood aesthetics for lots or parcels within the DISTRICT.

Because the benefiting properties consist of a uniform land use (residential), it is determined that each of the residential parcels within the DISTRICT benefit equally from the improvements. It has been determined that the costs and expenses for the traffic signal improvements for the DISTRICT at the intersection of Briggs Rd and Prickly Pear Way do not exceed 95% of the County's total maintenance cost (\$5,500);

the costs and expenses for the traffic signal improvements for the DISTRICT at the intersection of Briggs Rd and Pat Rd and Briggs Rd and Baxter Rd do not exceed 25% each of the County's total maintenance cost (\$5,500 each). The percentages were based on the Traffic Impact Analysis (Revised) prepared by Urban Crossroads, dated December 27, 2004. Therefore the proportionate share of the costs and expenses for the provision of electricity for the traffic signals as well as costs and expenses for the maintenance of fossil filters and proportional share of costs and expenses for the traffic signals are apportioned equally on a per parcel basis.

Based on the benefits described above, fossil filters 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 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 fossil filters 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 fossil filter and traffic signal maintenance costs, if any, 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 fossil filter 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 fossil filter improvements for the DISTRICT is zero.

Because the traffic signal improvements are located immediately adjacent to properties within the DISTRICT and are proportionately maintained for the benefit of the properties within the DISTRICT, any benefit received by properties outside of the DISTRICT will be in the proportions stated under Special Benefit.

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 parcel value for Fiscal Year 2012-13 for Zone 172 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \underline{\$46,559} & \\ \text{Total No. Parcels} & 503 & = \quad \$92.56/\text{parcel} \end{array}$$

The assessment for Fiscal Year 2012-13 for Zone 172 that is to be annexed into L&LMD No. 89-1-C will be \$92.56 per parcel. 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 172.



### **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 172 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 172 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated April 12, 2012



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Juan C. Perez, Director of Transportation

L&LMD No. 89-1-C, Zone 172, County of Riverside, California

APN	ASSESSMENT	APN	ASSESSMENT
480-020-006	5,858.84		
480-020-007	5,858.84		
480-020-008	5,772.81		
480-020-027	11,551.64		
480-020-028	3,812.98		
480-020-029	5,082.00		
480-020-030	3,145.86		
480-020-031	5,476.34		

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

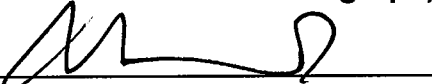
**WAIVER AND CONSENT REGARDING DATE OF  
ASSESSMENT BALLOT ELECTION**

The undersigned, an authorized representative of KB Home Coastal 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) 480-020-006 through 008, 480-020-027 through 031 and 480-090-079.

The Owner has made application that the Property be annexed as Zone 172 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: KB Home Coastal Inc**  
**(Name of Company  
as Stated in Initial Paragraph)**

By:   
Signature

Name: MICHAEL H. FREEMAN JR.  
Print

Title: VP, LAND + PLANNING