

2 RESOLUTION NO. 2012-093

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 174 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 STREETLIGHTS 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 174; 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. 2012-092 on May 1, 2012 initiating
16 proceedings for the annexation of Zone 174 (hereinafter "Zone 174"), 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 174 and the assessments to be levied within
23 Zone 174 each fiscal year beginning fiscal year 2012-13 for the maintenance and servicing of traffic
24 signals, and the provision of electricity for streetlights and 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 174;
and

FORM APPROVED COUNTY COUNSEL
BY *Walter Gardner* 3/28/12
WALTER A. GARDNER DATE

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2012-092 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 174, and the assessments to be levied on parcels within Zone 174
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 174 will be
22 \$211.42 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
24 annexation of Zone 174, 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 174
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 174 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 174 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
10 streetlights and traffic signals authorized for Zone 174 of L&LMD No. 89-1-C are:

- 11 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
12 public right-of-way including incidental costs and expenses; and
- 13 (b) Providing electricity to all streetlights within the public right-of-way including incidental
14 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 174 to L&LMD No. 89-1-C will be \$211.42 per acre for fiscal year
17 2012-13. As stated in the Report, the total budget for Zone 174 for the fiscal year 2012-13 is \$12,711;
18 there are 5 parcels that are to be assessed that aggregate to 60.12 acres. Each succeeding fiscal year
19 the special assessment may be subject to an annual adjustment that is the greater of two percent (2%)
20 or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers
21 "for electricity" ("CPI-U for electricity") for the Los Angeles-Riverside-Orange County California Standard
22 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
23 Department of Labor. The annual CPI-U for electricity adjustment will be based on the cumulative
24 increase, if any, in the "Index" as it stands on March of each year over the base Index for March of
25 2012. Any increase larger than the greater of 2% or the CPI-U for electricity annual adjustment requires
26 a majority approval of all the property owners in Zone 174. The Board of Supervisors will levy the

1 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
2 the dissolution of Zone 174 of L&LMD No. 89-1-C. The annual assessment will fund the services
3 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
4 on file in the Office of the Clerk of the Board of Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
6 89-1-C is Zone 174. The boundaries of Zone 174 are located within the unincorporated area of the
7 County and are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
10 the Report for a full and detailed description of the services, the boundaries of Zone 174, and the
11 annual assessment to be levied upon assessable lots and parcels within Zone 174 proposed to be
12 annexed to L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Zone 174 shall be annexed to L&LMD
14 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at
15 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the
16 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
17 California.

18 **Section 9. Majority Protest.** Each owner of record of property within Zone 174 is to receive
19 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID and
20 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
21 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority
22 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment
23 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be
24 weighted according to the proportional financial obligation of the affected property.

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 174 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan

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

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
5 annexation of Zone 174 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
6 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
7 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
8 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,
9 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
10 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
11 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
12 Section 4000 of the California Elections Code to all owners of record of property within Zone 174 as
13 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
14 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,
15 2012.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 174 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 5 parcels as shown on Parcel Map No. 33942 in the County of Riverside, State of California for fiscal year 2012-13.

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ZONE 174

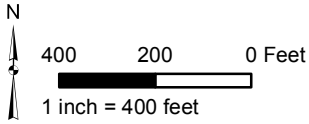
PORTION OF SECTION 35, T.3S., R.4W.

PARCEL MAP NO. 33942 & PLOT PLAN NO. 20699R1

5 PARCELS

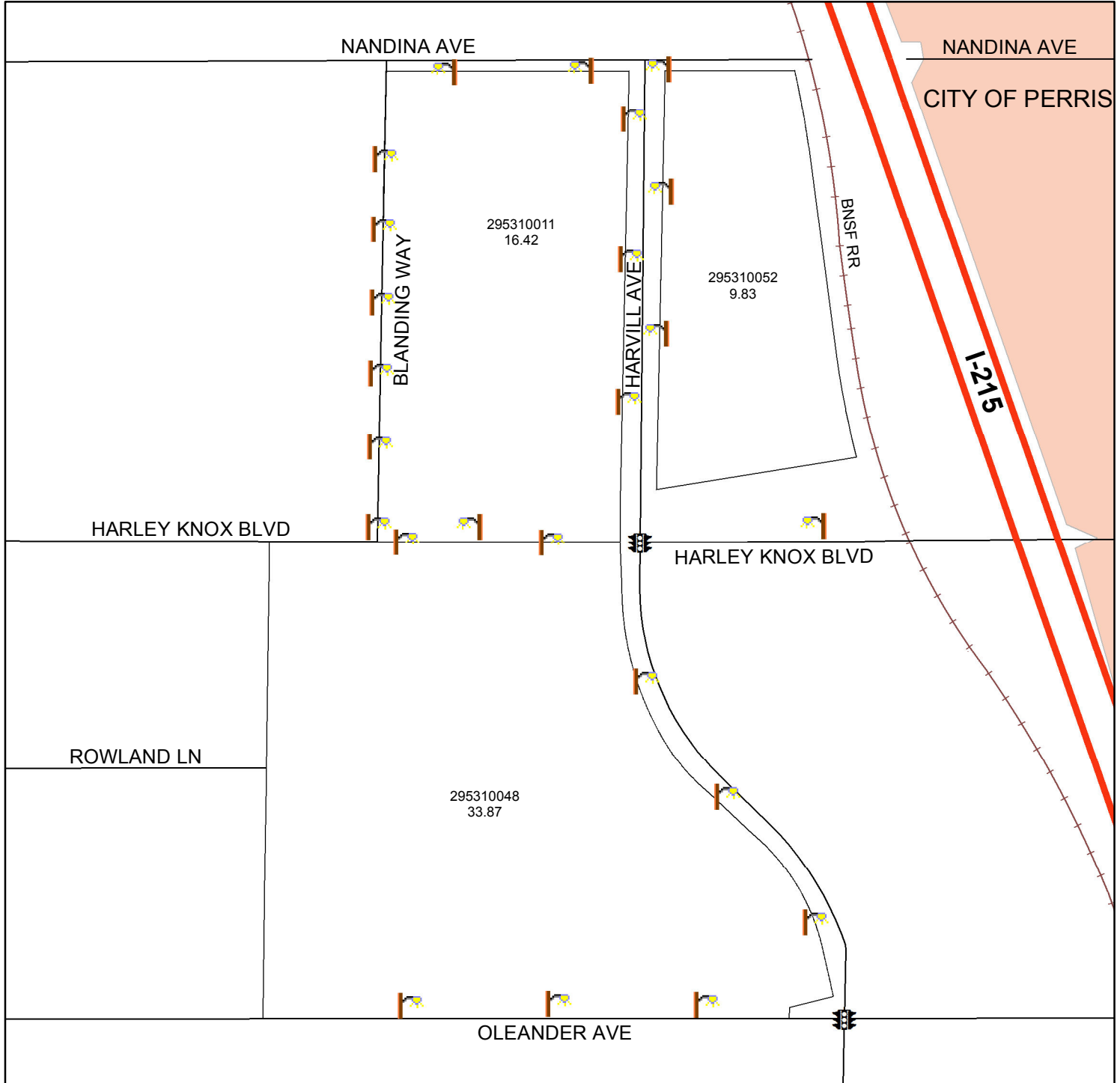


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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED STREETLIGHT



DENOTES MAINTAINED TRAFFIC SIGNAL