

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

6/18 A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
July 19, 2012

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 160 (Anza).

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2012-159, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 160 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein within the boundaries of Zone 160 for fiscal year 2012-13.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300

FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner DATE 7/24/12
DALE A. GARDNER Departmental Concurrence


 Juan C. Perez Patricia Romo
 Director of Transportation and Land Management Agency Deputy Director of Transportation

MH:jp

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:	2012-13

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

C.E.O. RECOMMENDATION: APPROVE
 BY: 
 Tina Grande
 County Executive Office Signature

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

Prev. Agn. Ref. 05/01/12, 3.29 District: 3/3 Agenda Number: 3.63
 06/19/12, 9.5

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 160 (Anza).

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to receive deposits and interest thereon from Zone 160 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

BACKGROUND: On June 19, 2012, a public hearing was held to receive all testimony regarding the annexation of Zone 160 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on June 20, 2012 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Zone 160 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2012-13 for Zone 160 (within public rights-of-way located southerly of SH-371/Cahuilla Rd and westerly of Maze Stone Rd) is \$379 that will result in an assessment for fiscal year 2012-13 within Zone 160 of \$127.94 per acre. Zone 160 includes 1 commercial parcel, totalling 2.96 acres. For the fiscal year in which the dormant maintenance and servicing of the parkway landscaping on SH-371/Cahuilla Rd may become active, the annual assessment may be increased by \$1,515.30 per acre which, when added to the assessment for remote monitoring of the irrigation activity on Caltrans ROW, will result in an aggregate assessment of \$1,634.24 per acre, adjusted for inflation. For the fiscal year in which the dormant streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd may become active the annual assessment may be increased by \$668.92 which, when added to the assessment for remote monitoring of the irrigation activity on Caltrans ROW and dormant parkway landscaping, will result in an aggregate assessment of \$2,312.16 per acre, adjusted for inflation. 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 2011.

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-371/Cahuilla Rd will be the responsibility of the property owners within Zone 160, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 03/02/11). Should the property owners default on this agreement, the maintenance and servicing of the dormant parkway landscaping will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active.

Per Anza Electric Cooperative Inc.'s Streetlight Agreement, the energy costs of the streetlights on SH-371/Cahuilla Rd and Maze Stone Rd are the responsibility of the property owner. Should the property owner default on this agreement, the energy costs will transfer to L&LMD No.

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of
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89-1-C, and the dormant annual assessment for such services will become active. Since no monies would have been collected prior to the account becoming due, the assessment for the fiscal year in which the dormant streetlight services become active will be for two fiscal year's worth to cover the back payments, and subsequent assessments will be for one fiscal year.

Adoption of Resolution No. 2012-159 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2012-13 for Zone 160 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2012-13.

2 **RESOLUTION NO. 2012-159**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF ZONE 160 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
6 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM**
7 **AND ASSESSMENT FOR ZONE 160 OF LANDSCAPING AND LIGHTING MAINTENANCE**
8 **DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE**
9 **LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE**
10 **FISCAL YEAR 2012-13**

11 **WHEREAS**, on May 1, 2012 the Board of Supervisors (hereinafter the "Board of Supervisors")
12 of the County of Riverside (hereinafter the "County") adopted Resolution No. 2012-083, pursuant to
13 Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of
14 the Board of Supervisors to order the annexation of Zone 160 to Landscaping and Lighting
15 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
16 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of
17 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
18 9:30 a.m. on June 19, 2012 at the meeting room of the Board of Supervisors and requiring that the
19 notice of the public hearing and assessment ballots be mailed to all owners of property within
20 Zone 160 as shown on the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
22 Resolution No. 2012-083, Section 22626 of the Streets and Highways Code and Sections 53753 and
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
24 property within said Zone 160 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on June 19, 2012, as set forth in Resolution No. 2012-083, the Board
26 of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard,
and considered all oral statements and all written protest or communications made or filed by any
interested persons, closed the public hearing and directed the Director of Transportation, or his
designee, as an impartial person having no vested interest in the annexation of Zone 160 to L&LMD

FORM APPROVED COUNTY COUNSEL

BY: *Alexander Gardner* DATE: 6/28/12

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 160 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 160 beginning fiscal year 2012-13; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 160 of
11 L&LMD No. 89-1-C beginning fiscal year 2012-13.

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on July 31, 2012 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 160 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 160 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2012-13, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 160 to L&LMD No. 89-1-C;

- 1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 160 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 160 of L&LMD No. 89-1-C for the subscription and monitoring of a
6 Calsense controller, and ensuring the maintenance and servicing of dormant
7 parkway landscaping and the possible provision of electricity for streetlights
8 improvements in said Zone 160 during the fiscal year 2012-13 as contained in
9 the report of the Director of Transportation which is on file with the Clerk of the
10 Board of Supervisors (hereinafter the "Report") are based on benefits derived by
11 such lots and parcels from the availability of such Calsense controller
12 subscription and monitoring, dormant parkway landscaping, and dormant
13 streetlights improvements, and are not based upon the ownership of such lots
14 and parcels.

15 **Section 2. Annexation.** Zone 160, as proposed to be annexed to L&LMD No.
16 89-1-C, includes all the property subject to Plot Plan No. 22940 in the County of Riverside, State of
17 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

18 **Section 3. Improvements.** The improvements authorized for Zone 160 of L&LMD
19 No. 89-1-C are:

- 20 (a) The maintenance and servicing of landscaping within the public right-of-way
21 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
22 and other ornamental vegetation; and
- 23 (b) The maintenance and servicing of irrigation and electrical facilities associated
24 with the landscaping, including but not limited to electricity for operation of the
25 irrigation system, communication associated with central irrigation control, and
26 water for irrigation, and water for irrigation; and

1 (c) Providing electricity to all streetlights within the public right-of-way including
2 incidental costs and expenses.

3 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
4 the assessment of estimated costs for the subscription and monitoring of a Calsense controller, and
5 ensuring the maintenance and servicing of dormant parkway landscaping and the possible provision of
6 electricity for streetlights improvements in Zone 160 of L&LMD No. 89-1-C for fiscal year 2012-13 as
7 contained in the Report are confirmed.

8 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
9 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
10 subscription and monitoring of a Calsense controller, and ensuring the maintenance and servicing of
11 dormant parkway landscaping and the possible provision of electricity for streetlights improvements in
12 Zone 160 of L&LMD No. 89-1-C during fiscal year 2012-13, as contained in the Report, and such
13 assessment is levied. This assessment may increase in the fiscal years in which the dormant
14 maintenance and servicing of the parkway landscaping on SH-371/Cahuilla Rd becomes active and/or
15 the dormant streetlight energy costs on SH-371/Cahuilla Rd and Maze Stone Rd becomes active. The
16 Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the
17 diagram and assessment contained in the Report with the County Auditor-Controller of the County of
18 Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the
19 County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said
20 assessment.

21 **Section 6. Effective Date.** This Resolution shall take effect from and after its date
22 of adoption.