

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

622A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
July 19, 2012

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 171 (French Valley).

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2012-162, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 171 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 171 for fiscal year 2012-13.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300

Patricia Romo
Patricia Romo
Deputy Director of Transportation

Juan C. Perez
Juan C. Perez
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL
BY: *Dale A. Gardner* 7/12/12
DALE A. 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:	2012-13

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

C.E.O. RECOMMENDATION: APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

Dept't Recomm.: Policy Consent

Per Exec. Ofc.: Policy Consent

Prev. Agn. Ref. 05/01/12, 3.32
06/19/12, 9.9

District: 3/3

Agenda Number:

3.68

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 171 (French Valley).

July 19, 2012

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to receive deposits and interest thereon from Zone 171 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 171 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 6 of the 7 owners of 4 parcels out of a possible 4 were cast, and that all votes (or 100%) were cast in favor of the annexation of Zone 171 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Per Caltrans requirements, parkway landscape improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of parkway landscaping on SH-79/Winchester Rd will be the responsibility of the property owners within Zone 171, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 02/14/12). 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 171 is \$9,154 that will result in an assessment for fiscal year 2012-13 within Zone 171 of \$1,960.20 per acre. Zone 171 includes 4 commercial parcels totalling 4.67 acres. 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.

Adoption of Resolution No. 2012-162 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2012-13 for Zone 171 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. 2012-162**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
4 **THE ANNEXATION OF ZONE 171 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
5 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM**
6 **AND ASSESSMENT FOR ZONE 171 OF LANDSCAPING AND LIGHTING MAINTENANCE**
7 **DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE**
8 **LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE**
9 **FISCAL YEAR 2012-13**

10 **WHEREAS**, on May 1, 2012 the Board of Supervisors (hereinafter the "Board of Supervisors")
11 of the County of Riverside (hereinafter the "County") adopted Resolution No. 2012-101, pursuant to
12 Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of
13 the Board of Supervisors to order the annexation of Zone 171 to Landscaping and Lighting
14 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
15 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of
16 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
17 9:30 a.m. on June 19, 2012 at the meeting room of the Board of Supervisors and requiring that the
18 notice of the public hearing and assessment ballots be mailed to all owners of property within
19 Zone 171 as shown on the equalized tax roll; and

20 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
21 Resolution No. 2012-101, Section 22626 of the Streets and Highways Code and Sections 53753 and
22 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
23 property within said Zone 171 as shown on the equalized tax roll; and

24 **WHEREAS**, at 9:30 a.m. on June 19, 2012, as set forth in Resolution No. 2012-101, the Board
25 of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard,
26 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 171 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY: *Walter A. 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 6 of the 7 owners of 4 parcels out of a possible 4 parcels and that 6 owners (100
5 percent of the assessment ballots received) voted in favor of annexation of Zone 171 to L&LMD No.
6 89-1-C and the levy of an annual assessment in said Zone 171 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 171 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 171 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 171 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 171 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 171 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 171 of L&LMD No. 89-1-C for ensuring the maintenance and servicing of
6 dormant parkway landscaping improvements in said Zone 171 during the fiscal
7 year 2012-13 as contained in the report of the Director of Transportation which
8 is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are
9 based on benefits derived by such lots and parcels from the availability of such
10 dormant parkway landscaping improvements, and are not based upon the
11 ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 171, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Parcel Map No. 30474 in the County of Riverside, State of
14 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

15 **Section 3. Improvements.** The improvements authorized for Zone 171 of L&LMD
16 No. 89-1-C are:

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

23 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
24 the assessment of estimated costs for ensuring the maintenance and servicing of dormant parkway
25 landscaping improvements in Zone 171 of L&LMD No. 89-1-C for fiscal year 2012-13 as contained in
26 the Report are confirmed.

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Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for ensuring the maintenance and servicing of dormant parkway landscaping improvements in Zone 171 of L&LMD No. 89-1-C during fiscal year 2012-13, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

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