

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

301A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
April 18, 2013

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 107 (Thousand Palms).

RECOMMENDED MOTION: That the Board of Supervisors adopt the following Resolutions:

Resolution No. 2013-091 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 107 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 107.

Resolution No. 2013-092, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 107 to Landscaping and Lighting Maintenance District

Juan C. Perez
Director of Transportation and Land Management

MH:jp

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 4/18/13
DALE A. GARDNER
Departmental Concurrence DATE

| | | | | |
|-----------------------|-------------------------------|-----|-------------------------|---------|
| 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

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

2013 APR 18 5:32 PM
 RECEIVED DISTRICTS OFFICE
 COUNTY OF RIVERSIDE

Prev. Agn. Ref.

District: 4/4

Agenda Number:

3-23

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 107 (Thousand Palms).

April 18, 2013

Page 2 of 2

No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 107, 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. 2013-091 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 107 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2013-092 declares the Board's intention of ordering the annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located southerly of 30th Ave and easterly of Rio del Sol Rd in the Thousand Palms area and includes 19 assessable commercial parcels and 1 nonassessable retention basin.

The proposed budget for fiscal year 2013-14 for Street Lighting Zone 107 is \$1,035 that will result in an assessment for fiscal year 2013-14 within Street Lighting Zone 107 of \$54.46 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2013.

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 18, 2013 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 107 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2013-092, 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, Street Lighting Zone 107 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 Street Lighting Zone 107 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 18, 2013.

RESOLUTION NO. 2013-091

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 107 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Riverside County Transportation Department (hereinafter "Department") that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Street Lighting Zone 107"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution 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 Street Lighting Zone 107; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on June 18, 2013; and

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

FORM APPROVED COUNTY COUNSEL
BY: *Dana A. Gardner* 4/2/13
DATE: DANA A. GARDNER

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of
2 Street Lighting Zone 107 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 April 30, 2013 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 Street Lighting
9 Zone 107 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act
10 for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 107 to pay
11 the costs of the following services:

- 12 (a) Providing electricity to and the maintenance and servicing of streetlights within
13 the public right-of-way including incidental costs and expenses.

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
15 Zone 107 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
16 shown and described in Exhibit "A".

17 **Section 4. Report.** The Director of the Department, or his designee, is hereby
18 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of
19 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code
20 and Section 4 of Article XIID of the California Constitution.

21 **Section 5. Effective date.** This Resolution shall take effect from and after its date of
22 adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 107 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 19 assessable parcels and 1 nonassessable retention basin as shown on Parcel Map No. 36108 in the County of Riverside, State of California for fiscal year 2013-14.

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

STREET LIGHTING ZONE 107

PARCEL MAP NO. 36108

19 ASSESSABLE PARCELS AND 1 NONASSESSABLE RETENTION BASIN

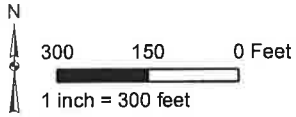
PORTION OF SECTION 18, T.4S., R.6E.

**ASSESSMENT DIAGRAM/
BOUNDARY MAP**



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 DENOTES MAINTAINED STREETLIGHT

2 RESOLUTION NO. 2013-092

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 107 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; ADOPTING THE PRELIMINARY
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE
9 PUBLIC HEARING ON THE THE ANNEXATION OF STREET LIGHTING ZONE 107 ; ORDERING AN
10 ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING
11 NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED
12 PURSUANT TO SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND
13 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. 2013-091 on April 30, 2013 initiating
16 proceedings for the annexation of Street Lighting Zone 107 (hereinafter "Street Lighting Zone 107"), as
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping
18 and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California,
19 (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter
20 the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways
21 Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 107 and the
23 assessments to be levied within Street Lighting Zone 107 each fiscal year beginning fiscal year
24 2013-14 for the provision of electricity for streetlights within the public right-of-way within said Zone; and

25 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
26 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 Street
Lighting Zone 107; and

WHEREAS, the Board of Supervisors by Resolution No. 2013-091 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *Mary A. Gagnier* DATE *5/21/13*
BY *MALE GAGNIER* DATE

1 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
2 Street and Highways Code and Section 4 of Article XIID; and

3 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and
4 the Report has been presented to and considered by the Board of Supervisors; and

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
6 Ballot Election" allowing for the election to be held on June 18, 2013; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
10 Report, the annexation of Street Lighting Zone 107, and the assessments to be levied on parcels within
11 Street Lighting Zone 107 beginning in fiscal year 2013-14;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on April 30, 2013 as follows:

14 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2013-14 on all parcels within Street Lighting
20 Zone 107 will be \$54.46 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Street Lighting Zone 107, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
23 and to levy and collect an annual assessment on all assessable lots and parcels of property within
24 Street Lighting Zone 107 commencing with the fiscal year 2013-14 as set forth in the Report. The
25 Report expressly states that there are no parcels or lots within Street Lighting Zone 107 that are owned
26 by a federal, state or other local governmental agency that will benefit from the services to be financed

1 by the annual assessments. The annual assessments will be collected at the same time and in the
2 same manner as property taxes are collected, and all laws providing for the collection and enforcement
3 of property taxes shall apply to the collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 107 is
5 proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated
6 area of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The services authorized for Street
8 Lighting Zone 107 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of streetlights within the public
10 right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C will be \$54.46 per
13 parcel for fiscal year 2013-14. As stated in the Report, the total budget for Street Lighting Zone 107 for
14 the fiscal year 2013-14 is \$1,035; there are 19 parcels that are to be assessed. Each succeeding fiscal
15 year the special assessment may be subject to an annual adjustment that is the greater of two percent
16 (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban
17 Consumers "for electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard
18 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
19 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in
20 the "Index" as it stands on March of each year over the base Index for March of 2013. Any increase
21 larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the
22 property owners in Street Lighting Zone 107. The Board of Supervisors will levy the assessment in
23 each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution
24 of Street Lighting Zone 107 of L&LMD No. 89-1-C. The annual assessment will fund the services
25 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
26 on file in the Office of the Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
2 89-1-C is Street Lighting Zone 107. The boundaries of Street Lighting Zone 107 are located within the
3 unincorporated area of the 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 Street Lighting
7 Zone 107, and the annual assessment to be levied upon assessable lots and parcels within Street
8 Lighting Zone 107 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 107 shall be
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2013-14
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on June 18, 2013,
12 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting
15 Zone 107 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be
17 returned prior to the Public Hearing. The agency shall not impose an assessment if there is a majority
18 protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition
19 to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the
20 ballots shall be weighted according to the proportional financial obligation of the affected property.

21 **Section 10. Information.** Any property owner desiring additional information regarding Street
22 Lighting Zone 107 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
23 Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside,
24 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by
25 e-mail at jpickeri@rctlma.org.

26

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C shall be given consistent with Section
3 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of
4 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be
5 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public
6 Hearing that is June 18, 2013. Publication of this Resolution is to be effected by the Clerk of the Board
7 of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
9 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
10 Street Lighting Zone 107 as shown on the last equalized assessment roll of the County. Mailing is to be
11 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
12 Public Hearing on June 18, 2013.

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 Street Lighting Zone 107 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 19 assessable parcels and 1 nonassessable retention basin as shown on Parcel Map No. 36108 in the County of Riverside, State of California for fiscal year 2013-14.

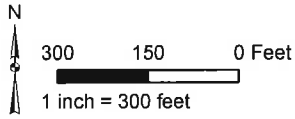
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
STREET LIGHTING ZONE 107
PARCEL MAP NO. 36108
 19 ASSESSABLE PARCELS AND 1 NONASSESSABLE RETENTION BASIN
 PORTION OF SECTION 18, T.4S., R.6E.



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**ASSESSMENT DIAGRAM/
 BOUNDARY MAP**



 DENOTES MAINTAINED STREETLIGHT

COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT



ENGINEER'S REPORT FOR Landscaping & Lighting Maintenance District No. 89-1-Consolidated Street Lighting Zone 107 (Thousand Palms)

Prepared by
Psomas
1500 Iowa Ave., Ste. 210
Riverside, CA 92507
(951) 787-8421

March 2013

AGENCY: COUNTY OF RIVERSIDE, TRANSPORTATION DEPARTMENT

PROJECT: THE ANNEXATION OF PARCEL MAP 36108 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AS STREET LIGHTING ZONE 107 (L&LMD NO. 89-1-C STL ZONE 107)

**TO: BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

ENGINEER'S REPORT

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 XIII D of the California Constitution, and direction from the Board of Supervisors of Riverside County, California, I submit herewith the following Report.

This Report provides for the annexation of Parcel Map 36108 to L&LMD No. 89-1-C as STL Zone 107 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2013 to June 30, 2014 (2013-2014) and all subsequent fiscal years, for this area to be known and designated as:

**L&LMD NO. 89-1-C STL ZONE 107
(PARCEL MAP 36108)**

I do hereby assess and apportion the total amount of the costs and expenses upon the several parcels of land within said designated area liable therefore and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said services.

NOW, THEREFORE, I, the appointed ENGINEER, acting on behalf of the County of Riverside Transportation Department, pursuant to the "Landscaping and Lighting Act of 1972", do hereby submit the following:

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/Boundary Map, a reduced copy of which is included herein.

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.

The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram/Boundary Map 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.

There are no parcels or lots within STL Zone 107 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.

DATED this 25 day of March, 2013



PSOMAS

A handwritten signature in blue ink that reads "B.W. Kirby".

BRUCE W. KIRBY
PROFESSIONAL CIVIL ENGINEER 42393
ENGINEER OF WORK
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

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Executive Summary

A. Introduction

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/Boundary Map, a reduced copy of which is included herein. WHEREAS, on this 30th day of April, 2013 the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the engineer's report providing for the annexation of PM 36108 to L&LMD No. 89-1-C as STL Zone 107 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. 2013-091 for a special assessment district zone known and designated as:

STL ZONE 107 (PARCEL MAP 36108)

The annexation of STL Zone 107 includes all parcels of land within the industrial subdivision known as Parcel Map 36108, also identified by the Assessor Parcel Number(s) valid as of the date of this Report: 650020001-4. 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. Psomas submits this Engineer's Report ("Report"), for the annexation of said STL Zone 107 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2013-2014 and all subsequent fiscal years, consisting of five (5) parts.

PART I

Plans and Specifications: This section contains a description of STL Zone 107's boundaries and the proposed improvements within said Zone. STL Zone 107 shall consist of a benefit zone encompassing all of the properties within the industrial development known as Parcel Map 36108. The proposed improvements described in this Report are based on current development and improvement plans provided to Psomas as of the date of this Report. Improvement plans include Parcel Map 36108 approved by the Board of Supervisors 02/15/10 and Street Lighting Plans for Parcel Map 36108, IP No. 100054, approved by the County of Riverside Plan Check Oversight Engineer, dated 05/08/12 (hereinafter referred to as the "Plans".)

PART II

The Method of Apportionment: A narrative of the property benefits from the improvements and the method of calculating each property's proportional special benefit and annual assessment. The proposed initial Maximum

Assessment and assessment range formula established for STL Zone 107 is based on current property development Plans and estimated annual cost and expenses associated with all improvements to be accepted and maintained by L&LMD No. 89-1-C STL Zone 107 at build-out. The initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers for electricity ("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 of 2013. The initial Maximum Assessment established within STL Zone 107 shall be \$1,035. Pursuant to the Plans and Parcel Map 36108, which is to be subdivided into twenty parcels, nineteen of which are assessable, the initial Maximum Assessment shall be \$54.46 per parcel, subject to the inflationary factor, subsequent to recordation.

PART III

The Cost Estimate: An estimate of the cost of the streetlight maintenance including incidental costs and expenses in connection therewith for fiscal year 2013-2014, is as set forth on the lists thereof, attached hereto.

PART IV

Assessment Diagram/Boundary Map: The Assessment Diagram/Boundary Map shows the parcels of land included within the boundaries of STL Zone 107. For details concerning the lines and dimensions of the applicable Assessor's Parcel Numbers, refer to the County Assessor's Maps as of the date of this Report.

PART V

Assessment Roll: A listing of the Assessor's Parcel Numbers or, if STL Zone 107 has not yet subdivided, a listing of the Parcel Map and Lot/Unit Numbers projected for STL Zone 107, and the initial Maximum Assessment per Parcel or Lot/Unit to be applied on the tax roll for Fiscal Year 2013-2014 as provided by the Riverside County Board of Supervisors approved Parcel Map and the plan checked Plans.

- B. STL Assessment Zone:** The services to be provided by L&LMD No. 89-1-C STL Zone 107 generally includes local street lighting. The annexation of Parcel Map 36108 to L&LMD No. 89-1-C as STL Zone 107 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. STL Zone 107's structure, proposed improvements, method of apportionment and assessments described in this Report are based on current development and improvement Plans provided to Psomas as of the date of this Report, including all estimated direct expenditures, incidental expenses, and reserves associated with the maintenance, energizing and servicing of the proposed improvements as indicated by the Parcel Map and the Plans.

PART I – PLANS AND SPECIFICATIONS

A. Description of the STL Assessment Zone

STL Zone 107 is located within the unincorporated area known as Thousand Palms in the County of Riverside, State of California and is comprised of Parcel Map 36108. The area for Parcel Map 36108 is generally located south of 30th Avenue, north of Watt Court, east of Rio Del Sol Road and west of Robert Road. At full development, –Parcel Map 36108 is projected to include 19 assessable industrial lots/units and 1 non-assessable retention basin lot. STL Zone 107 consists of all Lots/Units, parcels and subdivision of land located in the following development areas:

- Parcel Map 36108 – Assessor's Parcel Number(s) as of the date of this Report: 650020001-4

B. Description of Improvements and Services authorized pursuant to County of Riverside Board of Supervisors approved Resolution No. 94-389 for L&LMD No. 89-1-C:

- L&LMD No. 89-1-C will annually levy an assessment on property within its boundaries to pay the cost of the following services and improvements:
 - The installation or construction of public lighting facilities.
 - The installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof.
 - The maintenance or servicing of any of the foregoing.

The street lighting Improvements to be funded by L&LMD No. 89-1-C STL Zone 107 generally includes the maintenance and servicing of:

- Streetlights within the public right-of-way:
- All public street lighting within the industrial subdivisions,
- Public street lighting and other public lighting facilities on the streets surrounding or adjacent to the development and other public areas associated or necessary for development of properties within an STL Assessment Zone.

C. Improvements and Services for L&LMD No. 89-1-C STL Zone 107

The services to be provided by L&LMD No. 89-1-C STL Zone 107 include the maintenance and servicing for streetlights within the public right-of-way known as:

- 30th Avenue
- Rio Del Sol Road

PART II – METHOD OF APPORTIONMENT

A. Benefit Analysis

The proposed improvements, the associated costs, and assessments have been carefully reviewed, identified, and allocated based on special benefit.

Street lighting is the responsibility of L&LMD No. 89-1-C STL Zone 107.

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 streetlight improvements within L&LMD No. 89-1-C STL Zone 107 (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 streetlights and to guarantee the maintenance of the streetlights 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 streetlights specially benefit parcels within the DISTRICT by improved neighborhood property protection, increased traffic safety by improving visibility, and providing an enhanced quality of life and sense of well-being for properties within the DISTRICT. Streetlights also provide safety for pedestrians and motorists living and/or owning property in the DISTRICT during the nighttime hours, and to assign rights-of-way for the safety of pedestrians and motorists by defining a specific path during all hours of the day.

Streets are constructed for the safe and convenient travel of vehicles and pedestrians. They also provide an area for underground and overhead utilities. These elements are a distinct and special benefit to all developed parcels in the DISTRICT. Streetlights are installed on and are for street purposes and are maintained and serviced to allow the street to perform to the standards it was designed.

Streetlights are determined to be an integral part of "streets" as a "permanent public improvement." One of the principal purposes of fixed roadway lighting is to create a nighttime environment conducive to quick, accurate, and comfortable seeing for the user of the facility. These factors, if attained, combine to improve traffic safety and achieve efficient traffic movement. Fixed lighting can enable the motorist to see detail more distinctly and to react safely toward roadway and traffic conditions present on or near the roadway facility.

The system of streets within the DISTRICT is established to provide access to each parcel in the DISTRICT. Streetlights provide a safer street environment for owners of the parcels served. If the parcels were not subdivided to provide individual parcels to owners within the DISTRICT, there would be no need for a system of streets with streetlights. Therefore, the installation of streetlights is for the express, special benefit of the parcels within the DISTRICT.

Finally, the proper maintenance of streetlights, and appurtenant structures, provides an enhanced quality of life and sense of well-being for properties within the DISTRICT.

Because all benefiting properties consist of a uniform land use, it is determined that all non-residential parcels benefit equally from the improvements and the costs and expenses for the provision of electricity for streetlights are apportioned on a per parcel basis.

Based on the benefits described above, streetlights 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 non-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 streetlights and are not assessed.

SPECIAL BENEFITS OF L&LMD NO. 89-1-C STL ZONE 107 AUTHORIZED IMPROVEMENTS AND SERVICES:

The special benefits of street lighting are the provision of energy, convenience, safety, security of property, improvements and goods, specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads and streets.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.

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 streetlight maintenance costs, if any, associated with general benefits will not be assessed to the parcels in the DISTRICT, but will be paid from other Riverside County Transportation Department Funds. Because the streetlight 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 improvements for the DISTRICT is zero.

As a result, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property.

The dollar amount per assessable parcel value for Fiscal Year 2013-14 for STL Zone 107 is as follows:

- The initial Maximum Assessment established within STL Zone 107 (Parcel Map 36108) shall be \$1,035
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$54.46

The initial Maximum Assessment established within STL Zone 107 shall be \$1,035. Pursuant to the Plans and Parcel Map 36108, which is to be subdivided into twenty parcels, nineteen of which are assessable, the initial Maximum Assessment shall be \$54.46 per parcel, subject to the inflationary factor, subsequent to recordation. Each succeeding fiscal year the initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U for 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 of 2013. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in STL Zone 107.

B. Maximum Assessment Methodology

The following methodology was adopted by Riverside County Board of Supervisors in the annual Engineers Report approved on November 29, 1994. Such methodology has been maintained in preparation of this report. The purpose of establishing a Maximum Assessment formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which would add to the STL Assessment Zone costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within the STL Assessment Zone. For STL Zone 107, the initial Maximum Assessments for Fiscal Year 2013-2014 are as follows:

- The initial Maximum Assessment established within STL Zone 107 (Parcel Map 36108) shall be \$1,035
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$54.46

The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2014-2015. The initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor.

The Maximum Assessment is adjusted annually and is calculated independent of the STL Zone 107's annual budget and proposed annual assessment. The proposed annual assessment (rate per assessable parcel) applied in any fiscal year is not considered to be an increased assessment if less than or equal to the Maximum Assessment amount. In no case shall the annual assessment exceed the Maximum Assessment.

Although the Maximum Assessment will increase each year, the actual STL Zone 107 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on STL Zone 107 assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict

assessments to the adjusted maximum amount. If the budget and assessments for the fiscal year require an increase and the increase is more than the adjusted Maximum Assessment, it is considered an increased assessment.

To impose an increased assessment, the County of Riverside must comply with the provisions of the Constitution Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for STL Zone 107. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for STL Zone 107.

C. Annual Assessment

The Method of Apportionment of the Assessment is based upon the relative special benefit derived from the improvements and conferred upon the assessable real property within STL Zone 107 over and above general benefit conferred upon the assessable real property within STL Zone 107 or to the public at large. The Assessment for each assessable parcel within STL Zone 107 is calculated by dividing the total Annual Balance to Levy by the total number of assessable subdivided parcels within STL Zone 107 to determine the Annual Assessment per assessable parcel.

Annual Balance to Levy/Total number of assessable parcels = Annual Assessment per assessable parcel. Refer to Budget sheet pg 13.

PART III – L&LMD NO. 89-1-C STL ZONE 107 COST ESTIMATE FOR FISCAL YEAR 2013-2014¹

| L&LMD No. 89-1-C STL ZONE 107 | Total Costs for 19 Parcels/Lots for STL Zone 107 (PM 36108) | Cost per Parcel/Lot for STL Zone 107 (PM 36108) |
|--|--|--|
| Annual Energy Charge of \$152 per Street Light ² For 3 Street Lights - 25,000 lumen HPSV | \$456.00 | \$23.36 |
| Maintenance Contribution For Zone STL 107 ³ | \$444.00 | \$24.00 |
| Administrative Costs | \$90.00 | \$4.74 |
| Operating Reserve Contribution | \$45.00 | \$2.36 |
| Total Annual Street Lighting Costs for STL Zone 107 (PM 36108) | \$1,035.00 | \$54.46 |

| | | |
|--|--|----------------|
| Recapitulation of Assessments per Assessable Parcel/Lot | | |
| Total L&LMD No. 89-1-C STL Zone 107 Assessment per Assessable Parcel/Lot ³ | | \$54.46 |

¹ STL Zone 107 Proposed Budget is based on information provided in the County Board approved Parcel Map & Street Light Plans.

² Projected energy base rates of services for Fiscal Year 2013-2014 per IID Utility provided base rates.

³ Maintenance assessments are not applied unless maintenance costs are incurred and, once assessed, will continue until said maintenance costs are fully reimbursed.

PART IV - STL ZONE 107 ASSESSMENT DIAGRAM / BOUNDARY MAP

FISCAL YEAR 2013-2014 L&LMD NO. 89-1-C STL ZONE 107

The Assessment Diagram/Boundary Map for STL Zone 107 by this reference is incorporated and made a part of this Report. Only the parcels identified within the STL Zone 107 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 Assessment Diagram/Boundary Map was received from several sources including the owner, the developer, Riverside County Transportation Department and the Riverside County Assessor.

The STL Zone 107 Assessment Diagram/Boundary Map identifying the boundaries of parcels within Parcel Map 36108 in L&LMD No. 89-1-C STL Zone 107 is included in this Report for reference on the following page.

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

STREET LIGHTING ZONE 107

PARCEL MAP NO. 36108

19 ASSESSABLE PARCELS AND 1 NONASSESSABLE RETENTION BASIN

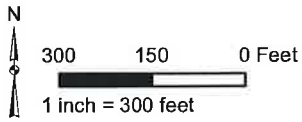
PORTION OF SECTION 18, T.4S., R.6E.

**ASSESSMENT DIAGRAM/
BOUNDARY MAP**



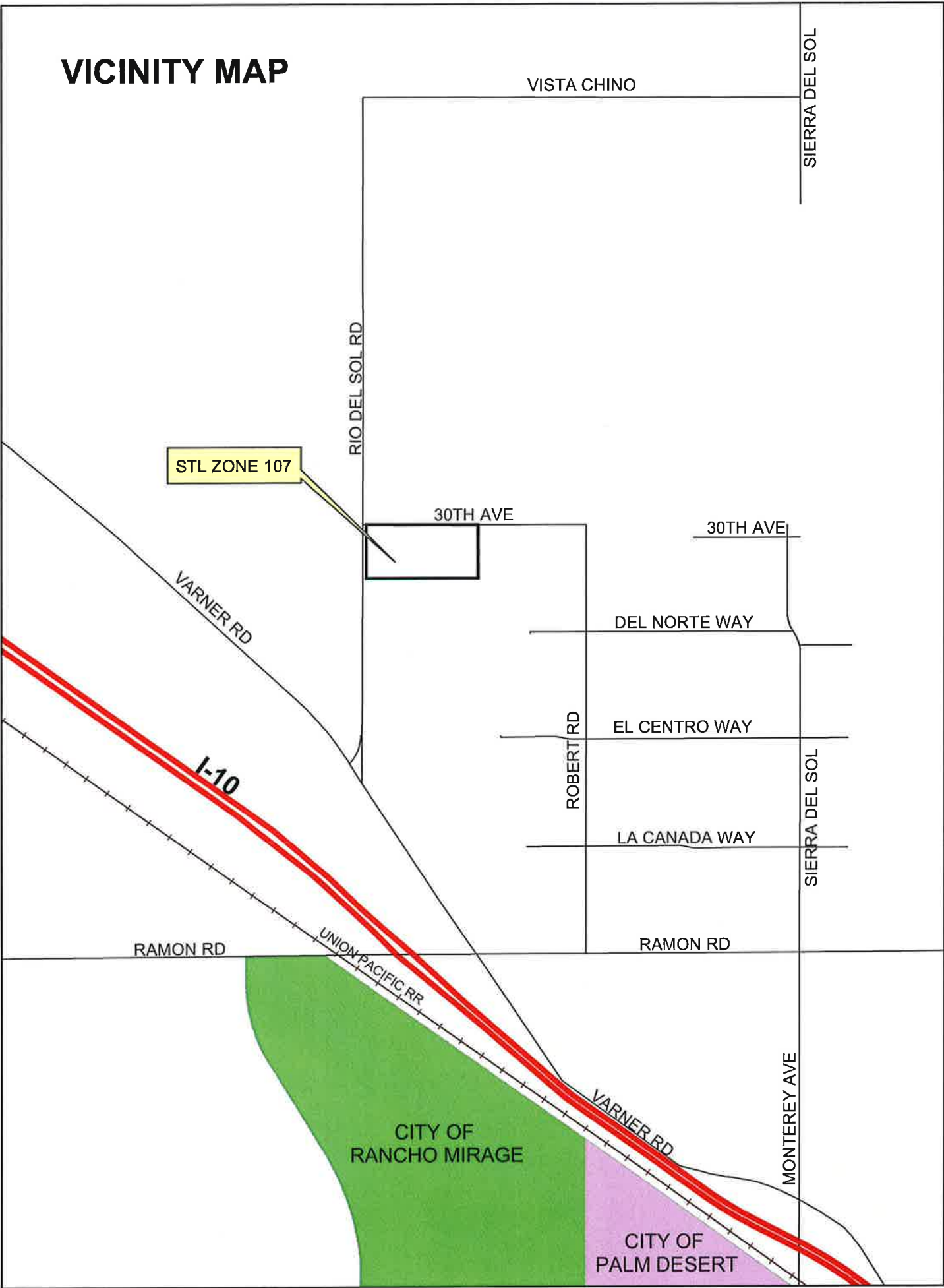
The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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

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DENOTES MAINTAINED STREETLIGHT

VICINITY MAP



PART V – ASSESSMENT ROLL

Parcel identification for each Lot/Unit or parcel within STL Zone 107 shall be the parcel as shown on the Riverside County Secured Roll for the year in which this Report is prepared and reflective of the Assessor's Parcel Maps. STL Zone 107 includes the following APN(s) as of the date of this Report: 650020001-4. The initial Maximum Assessment shall be \$1,035. When subdivided, the initial Maximum Assessment for STL Zone 107 is as follows:

| Parcel Map No. | Parcel/Lot No. | Proposed Fiscal Year 2013-2014 Maximum Assessment (L&LMD No. 89-1-C STL Zone 107) ⁴ |
|----------------|----------------|--|
| 36108 | 1 | \$54.46 |
| 36108 | 2 | \$54.46 |
| 36108 | 3 | \$54.46 |
| 36108 | 4 | \$54.46 |
| 36108 | 5 | \$54.46 |
| 36108 | 6 | \$54.46 |
| 36108 | 7 | \$54.46 |
| 36108 | 8 | \$54.46 |
| 36108 | 9 | \$54.46 |
| 36108 | 10 | \$54.46 |
| 36108 | 11 | \$54.46 |
| 36108 | 12 | \$54.46 |
| 36108 | 13 | \$54.46 |
| 36108 | 14 | \$54.46 |
| 36108 | 15 | \$54.46 |
| 36108 | 16 | \$54.46 |
| 36108 | 17 | \$54.46 |
| 36108 | 18 | \$54.46 |
| 36108 | 19 | \$54.46 |
| 36108 | 20 | \$0.00 |

⁴ The initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor.

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 STL Zone 107 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 18th, 2013; a copy of said waiver is filed herewith and made a part hereof.

**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 The Tynberg Living Trust (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 2013-14 (the "Property"): APN(s) 650-020-001.

The Owner has made application that the Property be annexed as Street Lighting Zone 107 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 18, 2013

OWNER: The Tynberg Living Trust
(Name of Company
as Stated in Initial Paragraph)

By: Alex Tynberg
Signature

Name: ALEXANDER TYNBERG
Print

Title: TRUSTEE

