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

313A

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE: July 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:

1. Adopt Resolution No. 2013-156, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Street Lighting Zone 107 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 Street Lighting Zone 107 for fiscal year 2013-14.

2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300

Juan C. Perez
Director of Transportation and Land Management

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:	2013-14

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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION: APPROVE

BY: Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY DALE A. GARDNER 6/27/13
DATE
Departmental Concurrence

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

Prev. Agn. Ref. 04/30/13, 3-23
06/18/13, 9-3

District: 4/4

Agenda Number: 3-60

Form 11 (Rev 07/2007)

to receive deposits and interest thereon from Street Lighting Zone 107 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 18, 2013, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 107 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board of Supervisors 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 19, 2013 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing nineteen (19) parcels out of a possible nineteen (19) were cast, and that nineteen (19) votes (or 100%) were cast in favor of the annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

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. Street Lighting Zone 107 includes nineteen (19) assessable commercial parcels and one (1) nonassessable retention basin. 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.

Adoption of Resolution No. 2013-156 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2013-14 for Street Lighting Zone 107 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2013-14.

RESOLUTION NO. 2013-156

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 107 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 107 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 SAID ZONE FOR THE FISCAL YEAR 2013-14

WHEREAS, on April 30, 2013 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2013-092, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Street Lighting Zone 107 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on June 18, 2013 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Street Lighting Zone 107 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2013-092, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Street Lighting Zone 107 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on June 18, 2013, as set forth in Resolution No. 2013-092, the Board 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 Street Lighting

FORM APPROVED COUNTY COUNSEL
BY Anita Gardner 6/27/13
ANITA GARDNER DATE

Zone 107 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots that had been received prior to the close of the public hearing; and

WHEREAS, the tally of the assessment ballots show that assessment ballots were timely received from the owner of nineteen (19) parcels out of a possible nineteen (19) parcels and that nineteen (19) parcels (100 percent of the assessment ballots received) voted in favor of annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C and the levy of an annual assessment in said Street Lighting Zone 107 beginning fiscal year 2013-14; and

WHEREAS, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall constitute the levy of an assessment on all assessable lots and parcels of land within Street Lighting Zone 107 of L&LMD No. 89-1-C beginning fiscal year 2013-14.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the County in regular session on July 30, 2013 as follows:

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

(a) the proceeding recitals are correct;

(b) compliance has been had with all the requirements of the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the Government Code;

(c) a majority protest to the annexation of, and annual assessment of, Street Lighting Zone 107 of L&LMD No. 89-1-C has not been filed;

(d) the tally of the assessment ballots timely received was 100 percent voted in favor of annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C and the levy of an annual assessment beginning fiscal year 2013-14, and 0 percent voted no;

(e) the Board of Supervisors may proceed to adopt a resolution ordering the annexation of Street Lighting Zone 107 to L&LMD No. 89-1-C;

(f) the Board of Supervisors may proceed to adopt a resolution confirming the diagram and assessment for Street Lighting Zone 107 of L&LMD No. 89-1-C either as originally proposed or as changed by it; and

(g) the assessments to be levied on the assessable lots and parcels of land within Street Lighting Zone 107 of L&LMD No. 89-1-C for the maintenance and servicing of streetlights in said Street Lighting Zone 107 during the fiscal year 2013-14 as contained in the report of the Director of Transportation which is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are based on benefits derived by such lots and parcels from the availability of such streetlight improvements, and are not based upon the ownership of such lots and parcels.

Section 2. **Annexation.** Street Lighting Zone 107, as proposed to be annexed to L&LMD No. 89-1-C, includes all the property subject to Parcel Map No. 36108 in the County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

Section 3. **Improvements.** The improvements authorized for Street Lighting Zone 107 of L&LMD No. 89-1-C are:

(a) The maintenance and servicing of streetlights within the public right-of-way including incidental costs and expenses.

Section 4. **Confirmation of Report.** The Report and the assessment diagram and the assessment of estimated costs for the maintenance and servicing of streetlights in Street Lighting Zone 107 of L&LMD No. 89-1-C for fiscal year 2013-14 as contained in the Report are confirmed.

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 the

maintenance and servicing of streetlights in Street Lighting Zone 107 of L&LMD No. 89-1-C during fiscal year 2013-14, 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.

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.

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.

N

300 150 0 Feet

1 inch = 300 feet

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