

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

267A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
October 9, 2013

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 175 (Cabazon) District 5/District 5 [\$4,043]. Property owners in boundary 100%.

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

1. Resolution No. 2013-225 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 175 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 175.
2. Resolution No. 2013-226, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 175 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 175, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

Juan C. Perez
Director of Transportation and
Land Management

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner DATE: 10/2/13
DALE A. GARDNER
Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 4,043	\$ N/A	\$ 4,043	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS L&LMD No. 89-1-C – 100%				Budget Adjustment:	N/A
There are no General Funds used in this project.				For Fiscal Year:	13/14

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

OCT 12 6 43:55

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: 5/5

Agenda Number:

3-63

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

FORM 11: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 175
(Cabazon) District 5/District 5 [\$4,043].

DATE: October 9, 2013

PAGE: 2 of 3

BACKGROUND:

Summary

Adoption of Resolution No. 2013-225 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 175 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2013-226 declares the Board of Supervisors' intention of ordering the annexation of Zone 175 to L&LMD No. 89-1-C. The annexation of Zone 175 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and the provision of electricity for, traffic signals within public right-of-way located at the intersections of Seminole Drive and Millard Pass and Seminole Drive and Project Entry in the Cabazon area and includes one (1) commercial parcel.

Consistent with the Board of Supervisors' 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 December 10, 2013 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 175 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2013-226, 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, Zone 175 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 Zone 175 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 December 10, 2013.

Impact on Citizens and Businesses

Only the property owners within the proposed boundaries of Zone 175, which are represented by Plot Plan No. 23635, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram). The property owners within the proposed boundaries of Zone 175 have petitioned the County of Riverside to annex their property to L&LMD No. 89-1-C and understand that this annexation will result in an assessment on their property to fund the maintenance and servicing of the aforementioned improvements (traffic signals).

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2014-15 for Zone 175 is \$4,042.50. This will result in an assessment for fiscal year 2014-15 within Zone 175 of \$4,042.50 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U) for "electricity", if any, as it stands as of March of each year over the base index for March of 2013.

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

FORM 11: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 175

(Cabazon) District 5/District 5 [\$4,043].

DATE: October 9, 2013

PAGE: 3 of 3

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Exhibit A
- B. Resolution No. 2013-225
- C. Resolution No. 2013-226
- D. Engineer's Report

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 175 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 519-110-041 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2014-15.

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

ZONE 175

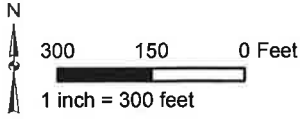
PORTION OF SECTION 7, T.3S., R.2E.

PLOT PLAN NO. 23635

1 PARCEL

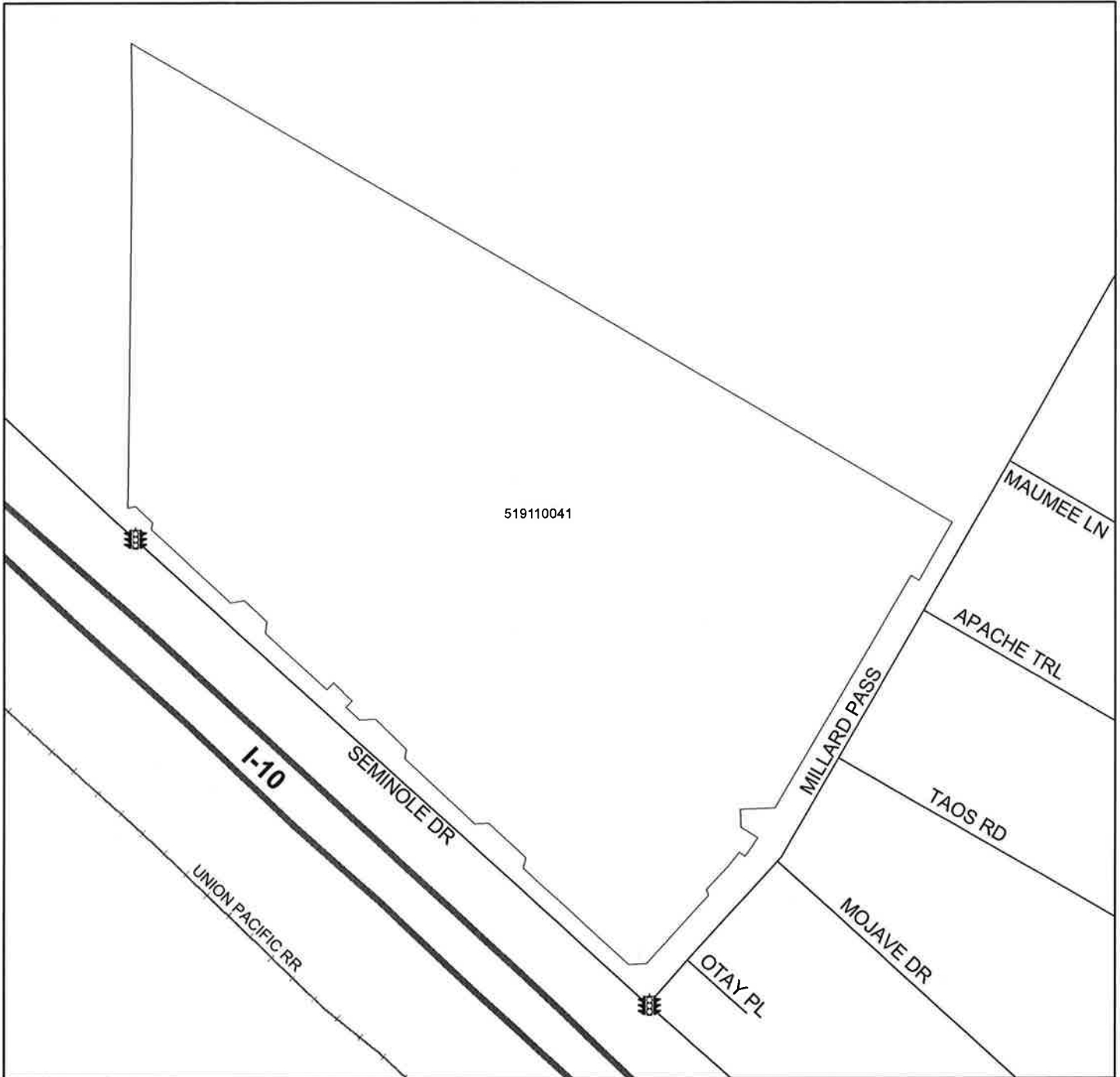


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information presented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the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



ASSESSMENT DIAGRAM

Printed by bhahn on 9/5/2013



 DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2013-225

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 175 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 "Zone 175"), 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 Zone 175 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 Zone 175; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on December 10, 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: *Wally G. Anderson* 9/11/13
DATE: _____
NAME: _____
TITLE: _____

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of
2 Zone 175 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 October 22, 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 Zone 175 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 175 to pay the costs of the
11 following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Zone 175 that are
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described
16 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.

2 RESOLUTION NO. 2013-226

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 175 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 TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 THE ANNEXATION OF ZONE 175 ; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIIRD OF THE
12 CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

13 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
14 Riverside (hereinafter the "County") has adopted Resolution No. 2013-225 on October 22, 2013
15 initiating proceedings for the annexation of Zone 175 (hereinafter "Zone 175"), as described and shown
16 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 175 and the assessments to be levied within
22 Zone 175 each fiscal year beginning fiscal year 2014-15 for the maintenance and servicing of, and the
23 provision of electricity for, traffic signals within the public right-of-way within said Zone; and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIIRD of the
25 California Constitution (hereinafter "Article XIIRD:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 175;
and

WHEREAS, the Board of Supervisors by Resolution No. 2013-225 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 9/11/13
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 December 10, 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 Zone 175, and the assessments to be levied on parcels within Zone 175
11 beginning in fiscal year 2014-15;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on October 22, 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 2014-15 on all parcels within Zone 175 will be
20 \$4,042.50 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 175, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
23 collect an annual assessment on all assessable lots and parcels of property within Zone 175
24 commencing with the fiscal year 2014-15 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 175 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

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

4 **Section 3. Boundaries.** All the property within boundaries of Zone 175 is proposed to be
5 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County
6 as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided .** The services authorized for Zone 175
8 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
10 public 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 Zone 175 to L&LMD No. 89-1-C will be \$4,042.50 per parcel for fiscal
13 year 2014-15. As stated in the Report, the total budget for Zone 175 for the fiscal year 2014-15 is
14 \$4,042; there is 1 parcel that is to be assessed. Each succeeding fiscal year the special assessment
15 may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative
16 percentage increase, if any, in the Consumer Price Index for all Urban Consumers "for electricity"
17 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
18 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
19 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the "Index" as it
20 stands on March of each year over the base Index for March of 2013. Any increase larger than the
21 greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in
22 Zone 175. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
23 Board of Supervisors undertakes proceedings for the dissolution of Zone 175 of L&LMD No. 89-1-C.
24 The annual assessment will fund the services described in Section 4 of this Resolution. For further
25 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
26 Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
2 89-1-C is Zone 175. The boundaries of Zone 175 are located within the unincorporated area of the
3 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 Zone 175, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 175 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 175 shall be annexed to L&LMD
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2014-15 shall be considered at
11 a public hearing (hereinafter the "Public Hearing") to be held on December 10, 2013, at 9:30 a.m. at the
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
13 California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 175 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority
18 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment
19 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be
20 weighted according to the proportional financial obligation of the affected property.

21 **Section 10. Information.** Any property owner desiring additional information regarding
22 Zone 175 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
23 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
24 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at
25 jpickeri@rctlma.org.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 175 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
3 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
5 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is
6 December 10, 2013. Publication of this Resolution is to be effected by the Clerk of the Board of
7 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 Zone 175 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
11 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
12 Hearing on December 10, 2013.

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