

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

269A




**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
October 9, 2013

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 178 (Horsethief Canyon) District 1/District 1 [\$1,470]. Property owners in boundary 100%.

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

1. Resolution No. 2013-227 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 178 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 178.
2. Resolution No. 2013-228, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 178 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 future median landscaping; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 178, 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

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 1,470	\$ N/A	\$ 1,470	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS</b> L&LMD No. 89-1-C – 100% There are no General Funds used in this project.	<b>Budget Adjustment:</b>	N/A
	<b>For Fiscal Year:</b>	13/14

**C.E.O. RECOMMENDATION:**

APPROVE  
 BY:   
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

300 011 12 6W 3: 53

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** 1/1 **Agenda Number:** \_\_\_\_\_

3-65

**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 178 (Horsethief Canyon) District 1/District 1 [\$1,470].

**DATE:** October 9, 2013

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary**

Adoption of Resolution No. 2013-227 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 178 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2013-228 declares the Board of Supervisors' intention of ordering the annexation of Zone 178 to L&LMD No. 89-1-C. The annexation of Zone 178 to L&LMD No. 89-1-C will fund the maintenance and servicing of future median landscaping within public right-of-way located southerly of Temescal Canyon Road in the Horsethief Canyon 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 178 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2013-228, 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 178 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 178 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 178, which are represented by Conditional Use Permit No. 03439, 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 178 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 (future median landscaping).

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The proposed budget for fiscal year 2014-15 for Zone 178 is \$1,469.92. This will result in an assessment for fiscal year 2014-15 within Zone 178 of \$1,469.92 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), if any, as it stands as of March of each year over the base index for March of 2013.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

- A. Exhibit A
- B. Resolution No. 2013-227
- C. Resolution No. 2013-228
- D. Engineer's Report

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 178 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 391-480-021 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 178**

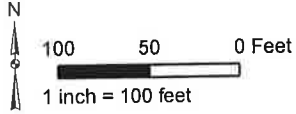
PORTION OF SECTION 17, T.5S., R.5W.

CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

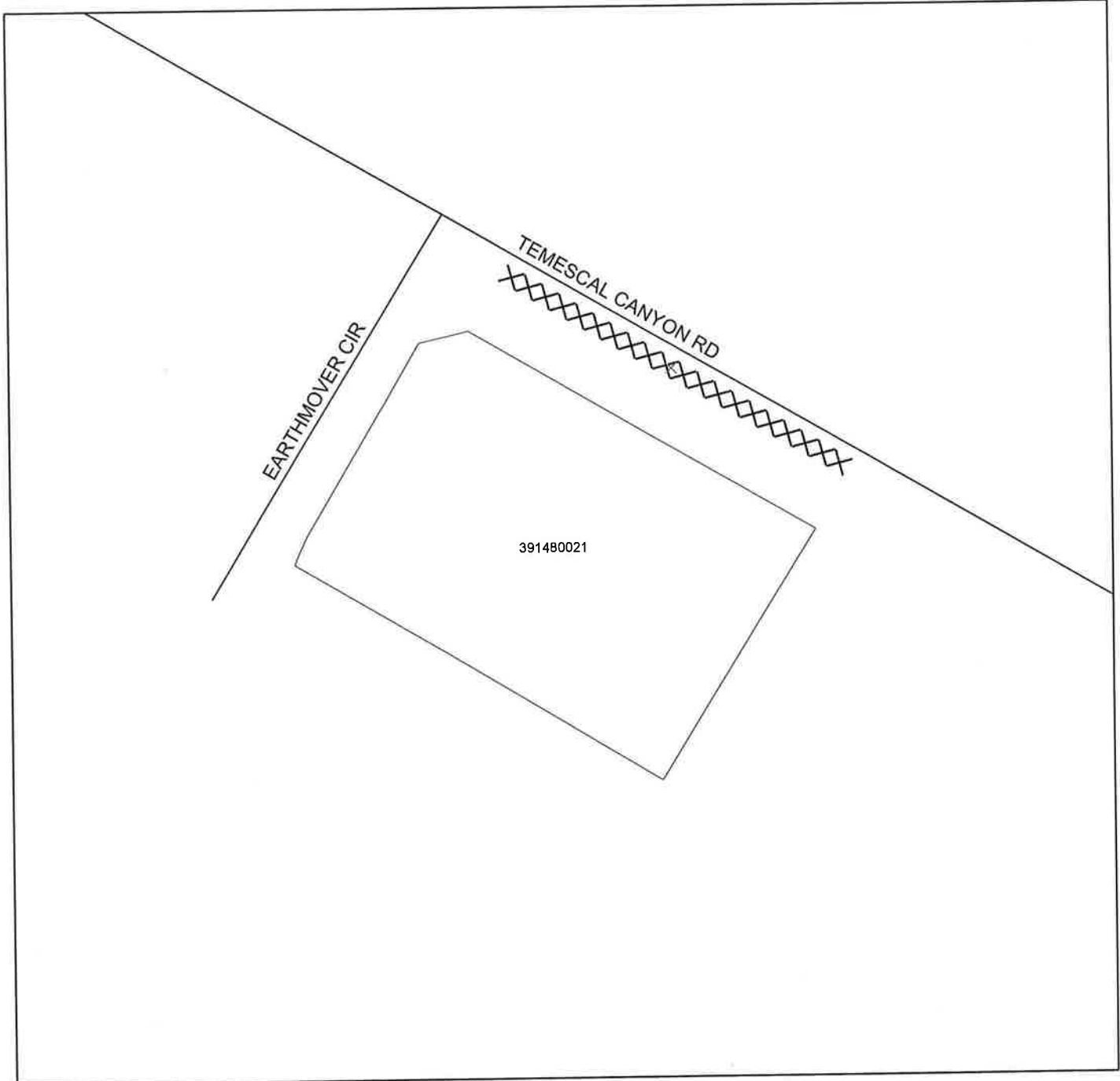


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



**ASSESSMENT DIAGRAM**

Printed by jpickeri on 8/21/2013



XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

2 **RESOLUTION NO. 2013-227**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 178 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 AND ORDERING**  
7 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

8 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
9 Riverside (hereinafter the "County") has been advised by the Riverside County Transportation  
10 Department (hereinafter "Department") that said Department has received an application from the  
11 owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter  
12 "Zone 178"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof,  
13 to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 178 to  
16 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
17 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
18 and the "Street and Highways Code"); and

19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed  
21 assessment to be levied by L&LMD No. 89-1-C for Zone 178; and

22 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
23 Ballot Election" allowing for the election to be held on December 10, 2013; and

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

FORM APPROVED COUNTY COUNSEL  
BY: *Walter A. Anderson* 9/11/13  
DATE: 9/11/13  
FILED: 9/11/13  
GAB/DNR

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Zone 178 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 178 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 178 to pay the costs of the  
11 following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way  
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,  
14 and other ornamental vegetation.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 178 that are  
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described  
17 in Exhibit "A".

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

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

2 RESOLUTION NO. 2013-228

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
4 DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 178 TO LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY  
6 OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR  
7 THE MAINTENANCE AND SERVICING OF FUTURE MEDIAN LANDSCAPING; ADOPTING  
8 THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME  
9 AND PLACE OF THE PUBLIC HEARING ON THE THE ANNEXATION OF ZONE 178 ;  
10 ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION;  
11 AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT  
12 TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIIRD OF THE CALIFORNIA  
13 CONSTITUTION AND 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. 2013-227 on October 22, 2013  
16 initiating proceedings for the annexation of Zone 178 (hereinafter "Zone 178"), as described and shown  
17 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
18 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
(hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the  
"Report") regarding the proposed annexation of Zone 178 and the assessments to be levied within  
Zone 178 each fiscal year beginning fiscal year 2014-15 for the maintenance and servicing of future  
median landscaping within the public right-of-way within said Zone; and

21 WHEREAS, such proceedings shall comply with the requirements of Article XIIRD of the  
22 California Constitution (hereinafter "Article XIIRD:"), the Act, and Section 4000 of the Elections Code  
23 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 178;  
24 and

25 WHEREAS, the Board of Supervisors by Resolution No. 2013-227 directed the Director of the  
26 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] 11/13  
DATE: 11/13  
BY: DAE AGAR  
DATE: 11/13

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 178, and the assessments to be levied on parcels within Zone 178  
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 178 will be  
20 \$1,469.92 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 178, 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 178  
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 178 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 178 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 178  
8 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of landscaping within the public right-of-way including  
10 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other  
11 ornamental vegetation.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
13 benefits from the annexation of Zone 178 to L&LMD No. 89-1-C will be \$1,469.92 per parcel for fiscal  
14 year 2014-15. As stated in the Report, the total budget for Zone 178 for the fiscal year 2014-15 is  
15 \$1,470; there is 1 parcel that is to be assessed. Each succeeding fiscal year the special assessment  
16 may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative  
17 percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los  
18 Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published  
19 by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U  
20 adjustment will be based on the cumulative increase, if any, in the "Index" as it stands on March of each  
21 year over the base Index for March of 2013. Any increase larger than the greater of 2% or the CPI-U  
22 annual adjustment requires a majority approval of all the property owners in Zone 178. The Board of  
23 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors  
24 undertakes proceedings for the dissolution of Zone 178 of L&LMD No. 89-1-C. The annual assessment  
25 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be  
26 made to the Report 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 Zone 178. The boundaries of Zone 178 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 178, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 178 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Zone 178 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, 1<sup>st</sup> Floor, Riverside,  
13 California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Zone 178 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 178 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](mailto:jpickeri@rctlma.org).

1           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
2 annexation of Zone 178 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 178 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.