

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS  
 DATE: 1/26/15

Departmental Concurrence

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

220 A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
February 10, 2015

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 110 (Winchester) District 3 [\$839]; L&LMD No. 89-1-C – 100%.

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

1. Resolution No. 2015-034 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 110 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 110.
2. Resolution No. 2015-035, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 110 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 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 110, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

Patricia Romo  
 Assistant Director of Transportation  
 for Juan C. Perez  
 Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 839	\$ N/A	\$ 839	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%	<b>Budget Adjustment:</b> N/A
There are no General Funds used in this project.	<b>For Fiscal Year:</b> 15/16

**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

Prev. Agn. Ref.:

District: 3

Agenda Number:

3-38

# **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 Street Lighting Zone 110 (Winchester) District 3 [\$839]; L&LMD No. 89-1-C – 100%.

**DATE:** February 10, 2015

**PAGE:** 2 of 3

## **BACKGROUND:**

### **Summary**

Adoption of Resolution No. 2015-034 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 110 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2015-035 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 110 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 110 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located southerly of Grand Avenue and westerly of Oxbow Drive in the Winchester area and includes one (1) assessable 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 April 28, 2015 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 110 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2015-035, 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 110 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 110 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 April 28, 2015.

### **Impact on Residents and Businesses**

The new assessment is for the purpose of providing the maintenance and servicing of streetlights within public right-of-way.

The property owners within the proposed boundaries of Street Lighting Zone 110, which are represented by Conditional Use Permit No. 03698, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. The property owners within the proposed boundaries of Street Lighting Zone 110 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 (streetlights).

## **SUPPLEMENTAL:**

### **Additional Fiscal Information**

The proposed budget for fiscal year 2015-2016 for Street Lighting Zone 110 is \$839.00. This will result in an assessment for fiscal year 2015-2016 within Street Lighting Zone 110 of \$839.00 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 for electricity (CPI-U), if any, as it stands as of March of each year over the base index for March of 2015.

### **Contract History and Price Reasonableness**

N/A

**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 Street Lighting Zone 110 (Winchester) District 3 [\$839]; L&LMD No. 89-1-C – 100%.

**DATE:** February 10, 2015

**PAGE:** 3 of 3

**ATTACHMENTS:**

- A. Exhibit A
- B. Resolution No. 2015-034
- C. Resolution No. 2015-035
- D. Engineer's Report

2 RESOLUTION NO. 2015-035

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 110 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 110 ; 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. 2015-034 on March 10, 2015 initiating  
16 proceedings for the annexation of Street Lighting Zone 110 (hereinafter "Street Lighting Zone 110"), 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 110 and the  
23 assessments to be levied within Street Lighting Zone 110 each fiscal year beginning fiscal year 2015-  
24 2016 for the maintenance and servicing of streetlights within the public right-of-way within said Zone;  
25 and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
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 110; and

FORM APPROVED COUNTY COUNSEL  
Wendy A. [Signature] 1/23/15

1           **WHEREAS**, the Board of Supervisors by Resolution No. 2015-034 directed the Director of the  
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the  
4 Street and Highways Code and Section 4 of Article XIID; and

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

7           **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
8 Ballot Election" allowing for the election to be held on April 28, 2015; and

9           **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
12 Report, the annexation of Street Lighting Zone 110, and the assessments to be levied on parcels within  
13 Street Lighting Zone 110 beginning in fiscal year 2015-2016;

14           **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on March 10, 2015 as follows:

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

- 17           (a)    The foregoing recitals are true and correct;
- 18           (b)    The Report contains all matters required by Sections 22565 through 22574 of the  
19           Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
20           approved by the Board of Supervisors;
- 21           (c)    The annual assessment for fiscal year 2015-2016 on all parcels within Street Lighting  
22           Zone 110 will be \$839.19 per parcel.

23           **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Street Lighting Zone 110, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
25 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
26 Street Lighting Zone 110 commencing with the fiscal year 2015-2016 as set forth in the Report. The

1 Report expressly states that there are no parcels or lots within Street Lighting Zone 110 that are owned  
2 by a federal, state or other local governmental agency that will benefit from the services to be financed  
3 by the annual assessments. The annual assessments will be collected at the same time and in the  
4 same manner as property taxes are collected, and all laws providing for the collection and enforcement  
5 of property taxes shall apply to the collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 110 is  
7 proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated  
8 area of the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided** . The services authorized for Street  
10 Lighting Zone 110 of L&LMD No. 89-1-C are:

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

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
14 benefits from the annexation of Street Lighting Zone 110 to L&LMD No. 89-1-C will be \$839.19 per  
15 parcel for fiscal year 2015-2016. As stated in the Report, the total budget for Street Lighting Zone 110  
16 for the fiscal year 2015-2016 is \$839.00; there is 1 parcel that is to be assessed. Each succeeding  
17 fiscal year the special assessment may be subject to an annual adjustment that is the greater of two  
18 percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban  
19 Consumers for electricity ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard  
20 Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States  
21 Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in  
22 the "Index" as it stands on March of each year over the base Index for March of 2015. Any increase  
23 larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the  
24 property owners in Street Lighting Zone 110. The Board of Supervisors will levy the assessment in  
25 each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution  
26 of Street Lighting Zone 110 of L&LMD No. 89-1-C. The annual assessment will fund the services

1 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report  
2 on file in the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.  
4 89-1-C is Street Lighting Zone 110. The boundaries of Street Lighting Zone 110 are located within the  
5 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
8 the Report for a full and detailed description of the services, the boundaries of Street Lighting  
9 Zone 110, and the annual assessment to be levied upon assessable lots and parcels within Street  
10 Lighting Zone 110 proposed to be annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 110 shall be  
12 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2015-2016  
13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on April 28, 2015, at  
14 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
15 1<sup>st</sup> Floor, Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting  
17 Zone 110 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
18 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
19 returned prior to the Public Hearing. The agency shall not impose an assessment if there is a majority  
20 protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition  
21 to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the  
22 ballots shall be weighted according to the proportional financial obligation of the affected property.

23 **Section 10. Information.** Any property owner desiring additional information regarding Street  
24 Lighting Zone 110 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact  
25 Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of  
26

1 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at  
2 951-955-6263, or by e-mail at bhahn@rctlma.org.

3           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
4 annexation of Street Lighting Zone 110 to L&LMD No. 89-1-C shall be given consistent with Section  
5 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
6 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
7 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public  
8 Hearing that is April 28, 2015. Publication of this Resolution is to be effected by the Clerk of the Board  
9 of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as  
10 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of  
11 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within  
12 Street Lighting Zone 110 as shown on the last equalized assessment roll of the County. Mailing is to be  
13 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
14 Public Hearing on April 28, 2015.

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



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 110 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 463-040-024 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2015-2016.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# STREET LIGHTING ZONE 110

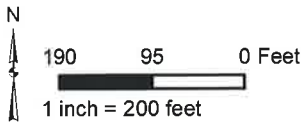
PORTION OF SECTION 27, T.5S., R.2W.

CUP03698

1 PARCEL

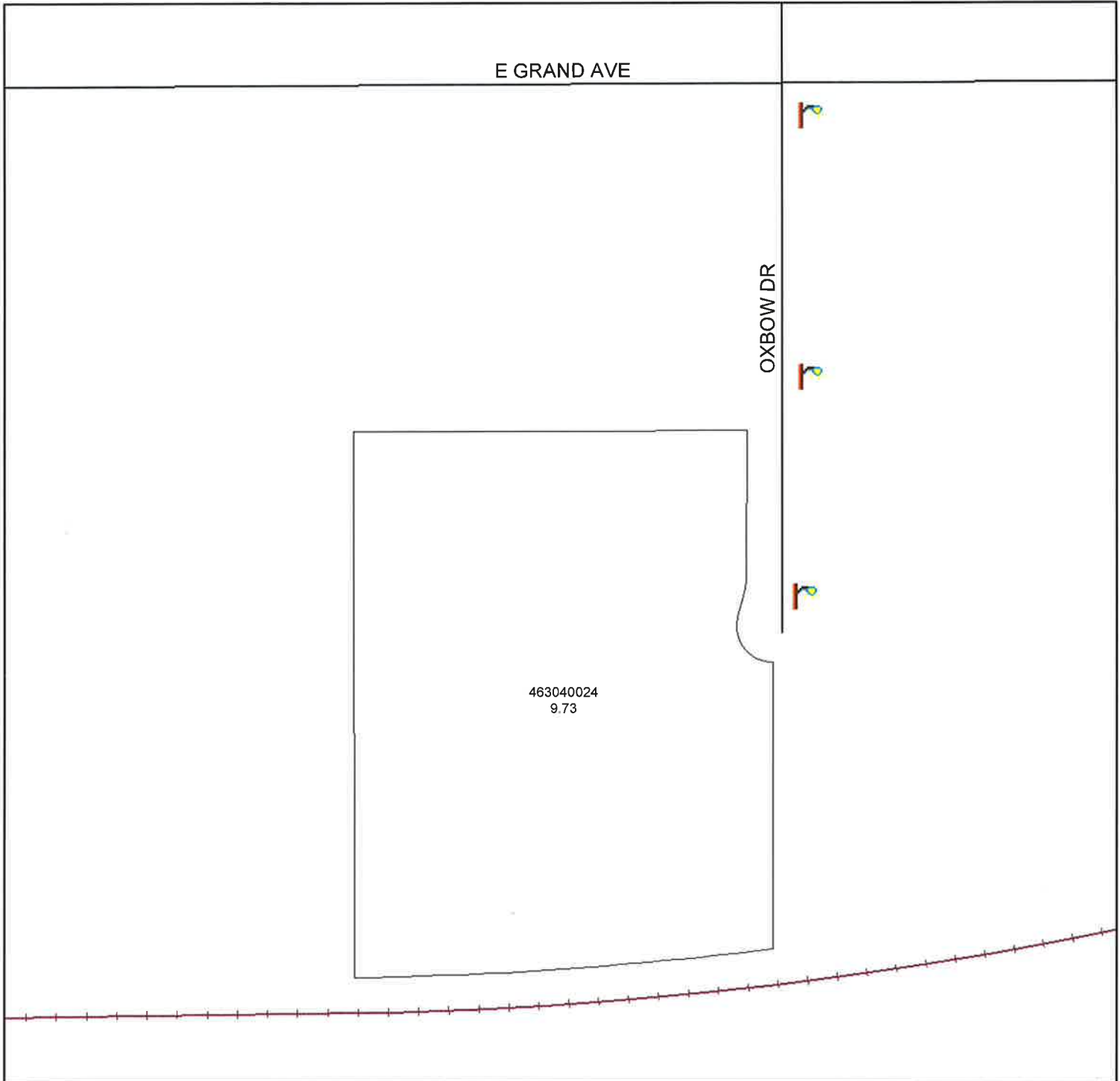


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



## ASSESSMENT DIAGRAM

Printed by bhahn on 1/14/2015



DENOTES MAINTAINED STREETLIGHT

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 110 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 463-040-024 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2015-2016.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# STREET LIGHTING ZONE 110

PORTION OF SECTION 27, T.5S., R.2W.

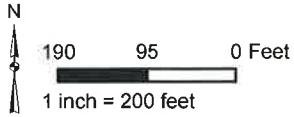
CUP03698

1 PARCEL

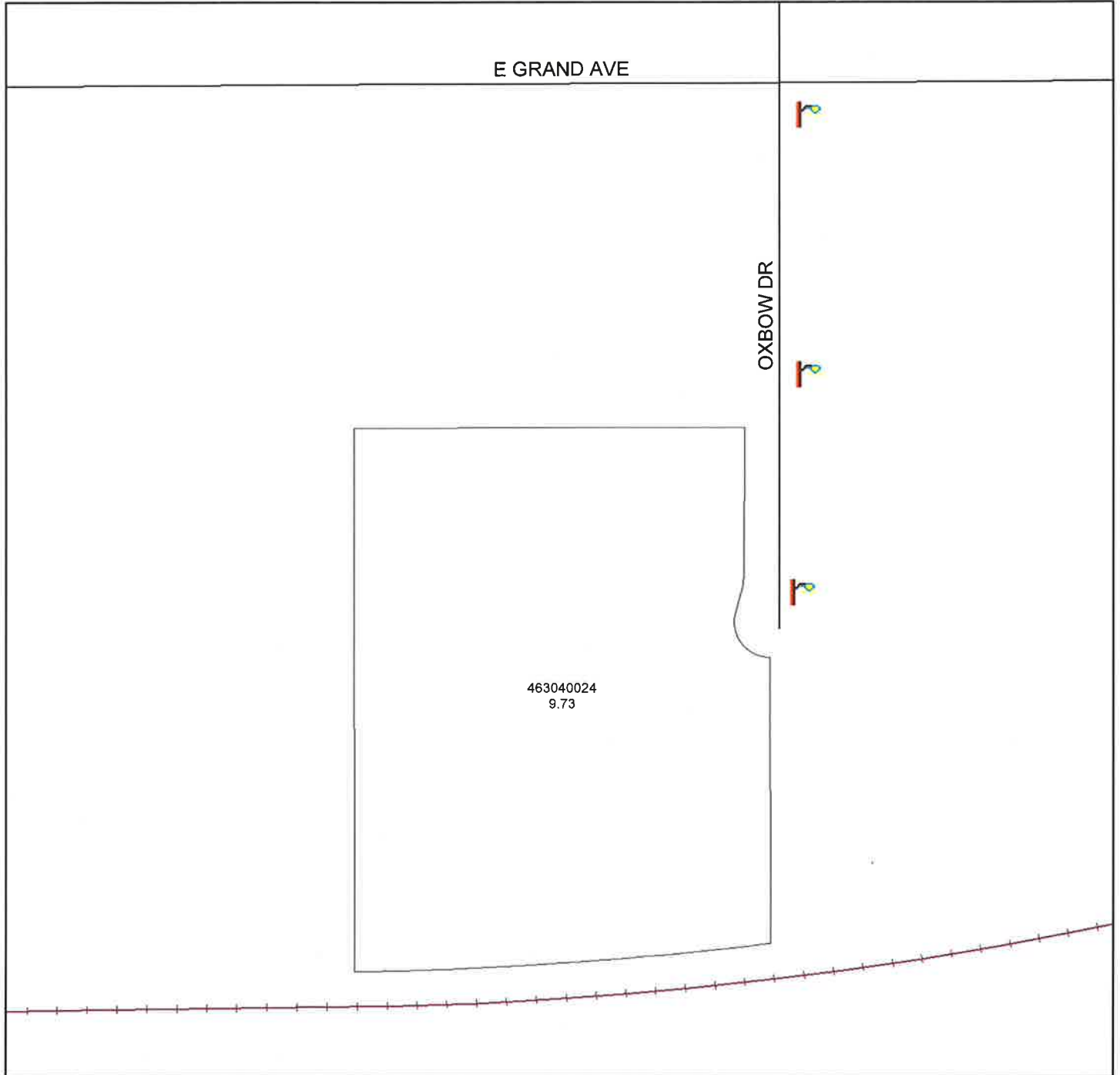


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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

Printed by bhahn on 1/14/2015



## ASSESSMENT DIAGRAM



DENOTES MAINTAINED STREETLIGHT

2 **RESOLUTION NO. 2015-034**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 110 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 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 “Street Lighting Zone 110”), as shown and described in Exhibit “A”, which is attached hereto and made  
13 a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated  
14 (hereinafter “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of  
15 Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation  
16 of Street Lighting Zone 110 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of  
17 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
18 (hereinafter, respectively, the “Act” 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 Street Lighting Zone 110; 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 April 28, 2015; 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: *Wanda A. [Signature]* DATE: 5/23/15

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Street Lighting Zone 110 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 March 10, 2015 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 110 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 110 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 110 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 110 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 463-040-024 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2015-2016.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# STREET LIGHTING ZONE 110

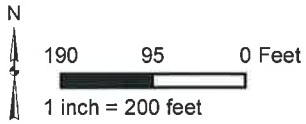
PORTION OF SECTION 27, T.5S., R.2W.

CUP03698

1 PARCEL

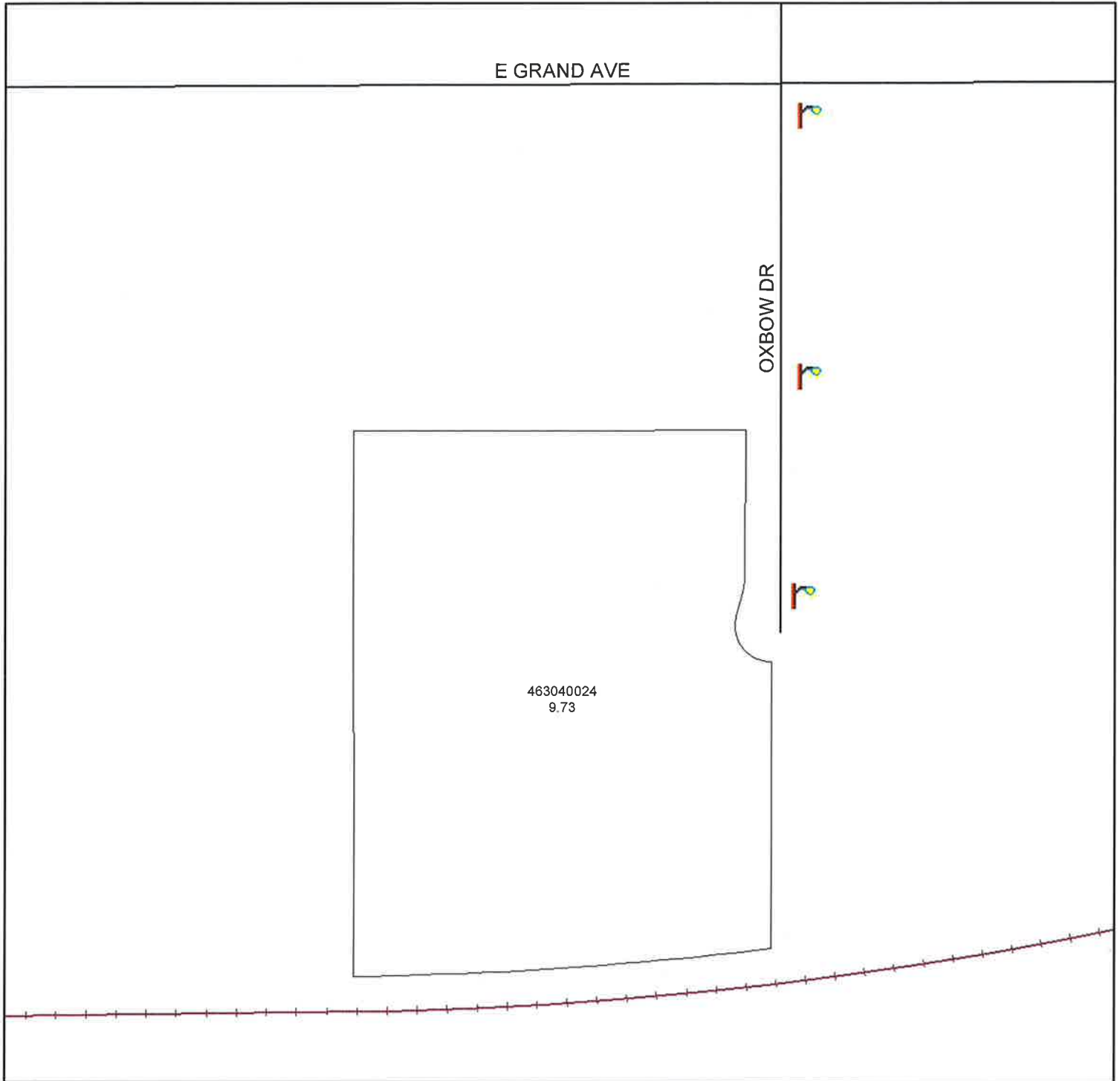


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



## ASSESSMENT DIAGRAM

Printed by bhahn on 1/14/2015



DENOTES MAINTAINED STREETLIGHT



# COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT



## **ENGINEER'S REPORT FOR Landscaping & Lighting Maintenance District No. 89-1-Consolidated Street Lighting Zone 110**

---

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

**February 2015**

**AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA - TRANSPORTATION DEPARTMENT**

**PROJECT: ANNEXATION OF CONDITIONAL USE PERMIT 03698 (CUP 03698) TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (L&LMD NO. 89-1-C) AS STREET LIGHTING ZONE 110 (STL ZONE 110)**

**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 (1972 Act), 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 Engineer's Report (Report).

This Report provides for the annexation of CUP 03698 to L&LMD No. 89-1-C as STL Zone 110 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2015 to June 30, 2016 (2015-2016) and all subsequent Fiscal Years, for this area to be known and designated as:

**L&LMD NO. 89-1-C STL ZONE 110  
CUP 03698**

I do hereby assess and apportion the total amount of the costs and expenses upon 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 1972 Act, do hereby submit the following:

Pursuant to the provisions of law, the costs and expenses of STL Zone 110 have been assessed upon the parcels of land in STL Zone 110 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, an Assessment Diagram/Boundary Map is filed herewith, showing STL Zone 110, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said STL Zone 110 as they exist, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot

number and/or Assessor Parcel Number within a specific tract and indicated on said Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

Assessor Parcel Numbers, as shown on said Assessment Diagram/Boundary Map as of the date of this Report, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the Assessor Parcel Map for a description of the lots or parcels and dimensions.

As of the date of this Report, there are no parcels or lots within STL Zone 110 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 3 day of February, 2015



PSOMAS

A handwritten signature in black ink, appearing to read "S B Frieson", written over a horizontal line.

STEVEN B. FRIESON  
PROFESSIONAL CIVIL ENGINEER 42110  
ENGINEER OF WORK  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

# TABLE OF CONTENTS

	Pg.
EXECUTIVE SUMMARY .....	1
A. Introduction .....	1
B. STL Assessment Zone.....	2
PART I – PLANS AND SPECIFICATIONS.....	3
A. Description of the STL Assessment Zone .....	3
B. Description of Improvements and Services for L&LMD No. 89-1-C.....	3
C. Improvements and Services for L&LMD No. 89-1-C STL Zone 110 .....	4
PART II – METHOD OF APPORTIONMENT.....	4
A. Benefit Analysis .....	4
B. Maximum Assessment Methodology .....	8
C. Annual Assessment.....	9
PART III – COST ESTIMATE .....	10
PART IV - ASSESSMENT DIAGRAM / BOUNDARY MAP.....	11
PART V – ASSESSMENT ROLL.....	14

# EXECUTIVE SUMMARY

## A. Introduction

Pursuant to the provisions of law, the costs and expenses of STL Zone 110 have been assessed upon the parcels of land in STL Zone 110 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 10<sup>th</sup> day of March, 2015 the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the Report providing for the annexation of CUP 03698 to L&LMD No. 89-1-C as STL Zone 110 did, pursuant to the provisions of the 1972 Act, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2015-034 for a special assessment district zone known and designated as:

### STL ZONE 110 CUP 03698

The annexation of STL Zone 110 includes all parcels of land within the commercial subdivision known as CUP 03698, also identified by the Assessor Parcel Number(s) valid as of the date of this Report: 463040024-9. As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing STL Zone 110, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said STL Zone 110 as they exist, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number and/or Assessor Parcel Number and indicated on the Assessment Diagram/Boundary Map and in the Assessment Roll contained herein. Psomas submits this Report, for the annexation of said STL Zone 110 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2015-2016 and all subsequent fiscal years, consisting of five (5) parts.

### PART I

**Plans and Specifications:** This section contains a description of STL Zone 110's boundaries and the proposed improvements within said STL Zone 110. STL Zone 110 shall consist of a benefit zone encompassing all of the properties within the commercial development known as CUP 03698. 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 unrecorded CUP 03698, PUP 00921, IP No. 140068 by David Beckwith and Associates Inc., W.O. 13-06 ("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 110 is based on current property development Plans and estimated annual costs and expenses associated with all improvements to be accepted and maintained by STL Zone 110 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 ("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 2015. The initial Maximum Assessment established within STL Zone 110 shall be \$840. Pursuant to the Plans and CUP 03698, which is composed of 1 assessable parcel, and 0 non-assessable parcels, the initial Maximum Assessment shall be \$840 per parcel, subject to the inflationary factor.

### **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 2015-2016, 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 110. 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 and the initial Maximum Assessment per parcel/lot to be applied on the tax roll for Fiscal Year 2015-2016 as provided in the Plans.

## **B. STL Assessment Zone**

The services to be provided by L&LMD No. 89-1-C STL Zone 110 generally includes local street lighting. The annexation of CUP 03698 to L&LMD No. 89-1-C as STL Zone 110 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. STL Zone 110's structure, proposed improvements, method of apportionment and assessments described in this Report are based on the Plans provided to Psomas as of the date of this Report, including all estimated direct expenditures, incidental expenses, and reserves associated with the energizing, maintenance and servicing of the proposed improvements.

# **PART I – PLANS AND SPECIFICATIONS**

## **A. Description of the STL Assessment Zone**

STL Zone 110 is located within the unincorporated area of the County of Riverside, State of California and is comprised of CUP 03698. The area for CUP 03698 is generally east of Patterson Avenue, south of E. Grand Avenue, north of Simpson Road and west of El Callado Road. At full development, CUP 03698 is projected to include 1 assessable commercial parcel/lot and 0 non-assessable parcels/lots. STL Zone 110 consists of all parcels/lots and subdivision of land located in the following development areas:

- CUP 03698 – Assessor Parcel Number(s) as of the date of this Report: 463040024-9.

## **B. Description of Improvements and Services for L&LMD No. 89-1-C**

The following services were authorized pursuant to the 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 and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation;
  - The installation or construction of statuary, fountains and other ornamental structures and facilities;
  - The installation or construction of public lighting facilities including but not limited to, traffic signals;
  - 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, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities, and;
  - The maintenance or servicing, or both of any of the foregoing.

The street lighting Improvements to be funded by L&LMD No. 89-1-C STL Zone 110 generally includes the maintenance and servicing of:

- Streetlights within the public right-of-way;
- All public street lighting within the commercial subdivision;
- 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 110**

The services to be funded by L&LMD No. 89-1-C STL Zone 110 include the maintenance and servicing of streetlights within the public right-of-way known as:

- Oxbow Drive

## **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 are the responsibility of STL Zone 110.

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 STL Zone 110 to fairly apportion the costs based on the estimated benefit to each parcel.

In addition, Article XIII D of the California Constitution (“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 STL Zone 110 provide direct and special benefit to the lots or parcels within STL Zone 110. 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 STL Zone 110, 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 STL Zone 110 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 STL Zone 110 because of the nature of the improvements.

The proper maintenance of streetlights specially benefit parcels within STL Zone 110 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 STL Zone 110. Streetlights also provide safety for pedestrians and motorists living and/or owning property in STL Zone 110 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 STL Zone 110. 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 STL Zone 110 is established to provide access to each parcel in STL Zone 110. 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 STL Zone 110, 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 STL Zone 110.

Finally, the proper maintenance of streetlights, and appurtenant structures, provides an enhanced quality of life and sense of well-being for properties within STL Zone 110.

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 STL Zone 110. This quality of life is a special benefit to those parcels with a non-residential land use within STL Zone 110 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 110 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 STL Zone 110 and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the street lighting, if any, associated with general benefits will not be assessed to the parcels in STL Zone 110, but will be paid from other Riverside County Transportation Department Funds. Because the streetlight improvements are located immediately adjacent to properties within STL Zone 110 and are maintained solely for the benefit of the properties within STL Zone 110, any benefit received by properties outside of STL Zone 110 is nominal. Therefore, the general benefit portion of the benefit received from the improvements for STL Zone 110 is zero.

## **Summary**

In summary, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property. Additionally, because the benefiting properties consist of a uniform land use (commercial), it is determined that each of the commercial parcels within STL Zone 110 benefit equally from the improvements. Therefore, the proportionate share of the costs and expenses for the provision of street lighting as well as costs and expenses for the maintenance of the street lighting are apportioned equally on a per parcel basis.

## **B. Maximum Assessment Methodology**

The following methodology was adopted by Riverside County Board of Supervisors in the annual 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 Zone 110 costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within STL Zone 110. For STL Zone 110, the initial Maximum Assessments for Fiscal Year 2015-2016 are as follows:

- The initial Maximum Assessment established within STL Zone 110 shall be \$840.
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$840.

The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2016-2017. 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 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 2015.

The Maximum Assessment is adjusted annually and is calculated independent of the STL Zone 110'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 110 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on STL Zone 110 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 XIII D 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 110. 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 110.

**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 110 over and above general benefit conferred upon the assessable real property within STL Zone 110 or to the public at large. The Assessment for each assessable parcel within STL Zone 110 is calculated by dividing the total Annual Balance to Levy by the total number of assessable subdivided parcels within STL Zone 110 to determine the Annual Assessment per assessable parcel.

***Annual Balance to Levy/Total number of assessable parcels = Annual Assessment per assessable parcel. (Please refer to Part III – Cost Estimate.)***

## PART III – COST ESTIMATE

### L&LMD NO. 89-1-C STL ZONE 110 CUP 03698 FOR FISCAL YEAR 2015-2016

Cost Description <sup>1</sup>	Total Costs for STL Zone 110	Cost per Parcel/Lot <sup>2</sup> for STL Zone 110
Annual Energy Charge of \$236 per Streetlight For 2 Streetlights - 16500 lumen LPSV	\$472	\$472
Annual Energy Charge of \$258 per Streetlight For 1 Streetlight - 22500 lumen LPSV	258	258
<b>Maintenance Total</b>	<b>\$730</b>	<b>\$730</b>
Administrative Costs	73	73
Contingency	37	37
<b>Administration Total</b>	<b>\$110</b>	<b>\$110</b>
<b>Annual Balance to Levy<sup>3</sup></b>	<b>\$840</b>	<b>\$840</b>

<sup>1</sup> Projected base rates of services for Fiscal Year 2015-2016 were provided by the County of Riverside Transportation Department.

<sup>2</sup> Based on projected 1 assessable parcel/lot.

<sup>3</sup> All costs rounded up to nearest dollar.

## **PART IV - ASSESSMENT DIAGRAM / BOUNDARY MAP**

### **FISCAL YEAR 2015-2016 L&LMD NO. 89-1-C STL ZONE 110**

The Assessment Diagram/Boundary Map for STL Zone 110 by this reference is incorporated and made a part of this Report. Only the parcels identified within the STL Zone 110 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 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 Riverside County Transportation Department.

The STL Zone 110 Assessment Diagram/Boundary Map identifying the boundaries of parcels within CUP 03698 in L&LMD No. 89-1-C STL Zone 110 is included in this Report for reference on the following page. 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.

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

**STREET LIGHTING ZONE 110**

PORTION OF SECTION 27, T.5S., R.2W.

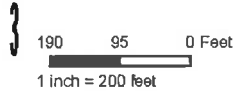
CUP 03698

1 PARCEL

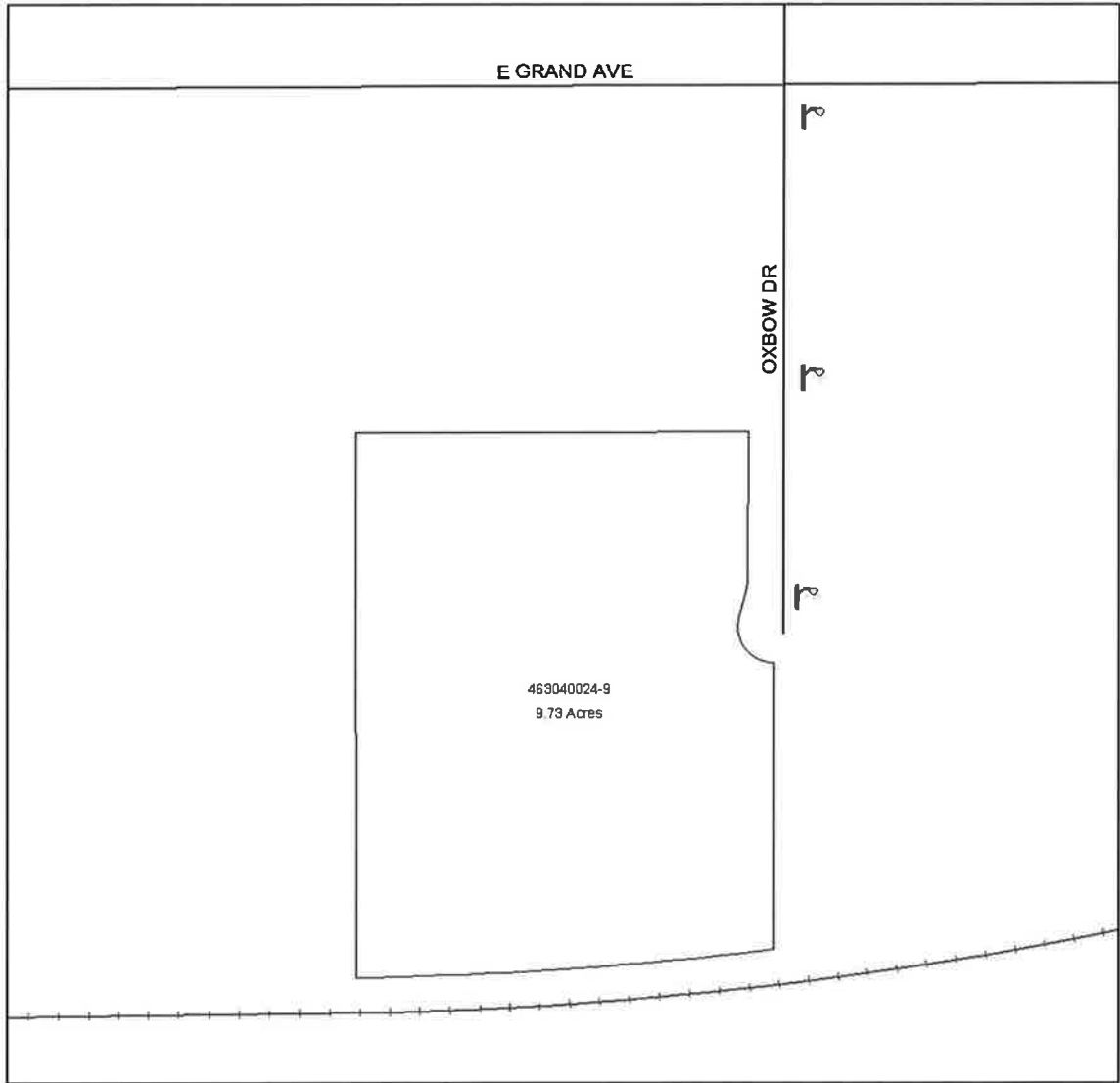


The County of Ribesiste assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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

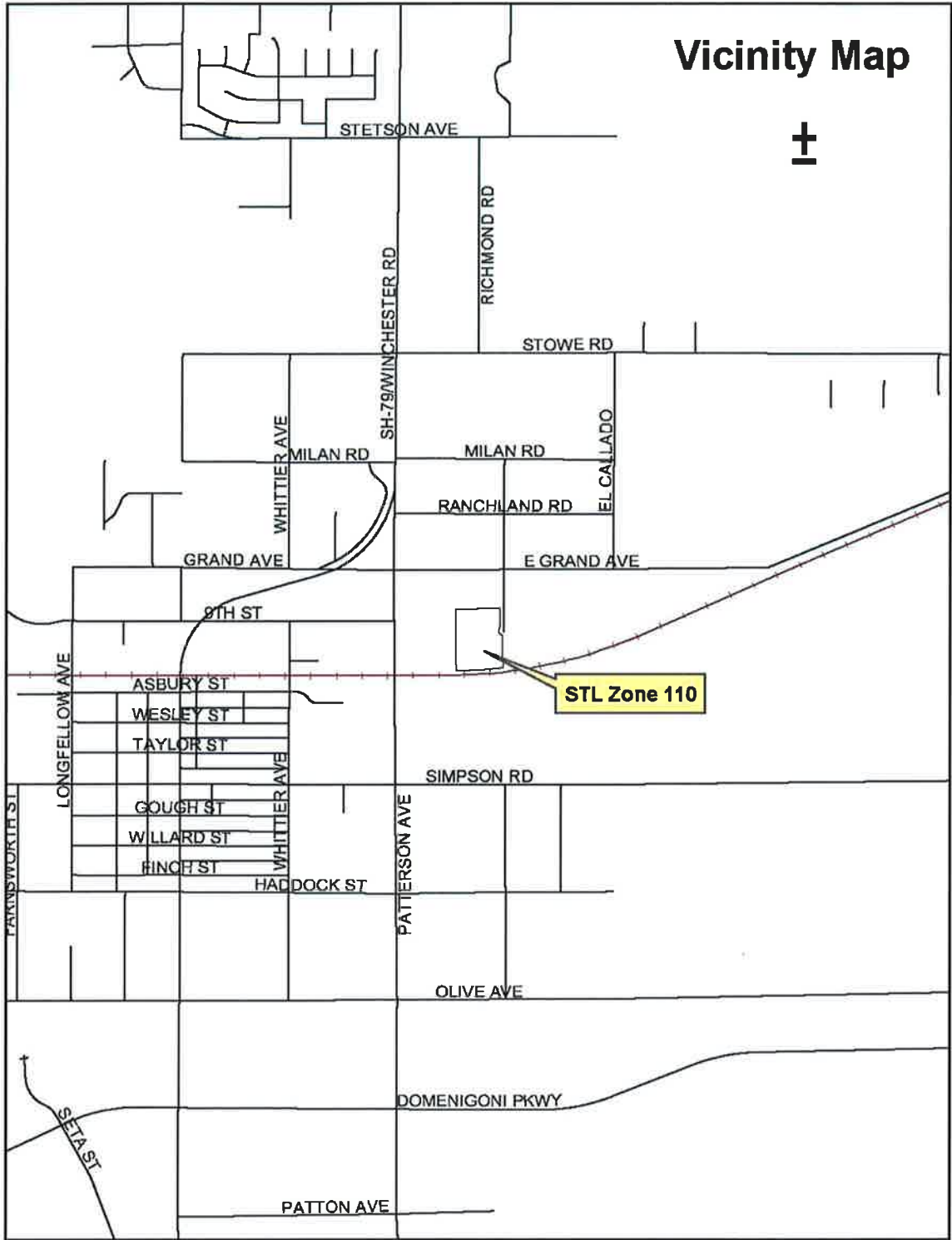
Printed by bhahn on 1/14/2015



**ASSESSMENT DIAGRAM**







## **PART V – ASSESSMENT ROLL**

Parcel identification for each parcel/lot within STL Zone 110 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 110 includes the following APN(s) as of the date of this Report:

463040024-9

The initial Maximum Assessment shall be \$840. When subdivided, the initial Maximum Assessment for STL Zone 110 is as follows:

**L&LMD NO. 89-1-C STL ZONE 110  
CUP 03698  
PROPOSED FISCAL YEAR 2015-2016 MAXIMUM ASSESSMENTS<sup>4</sup>**

<b>Parcel/ Lot No.</b>	<b>Maximum Assessment</b>
463040024-9	\$840

<sup>4</sup> 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 110 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 April 28<sup>th</sup>, 2015; a copy of said waiver is filed herewith and made a part hereof as seen on the following page.

**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 PLH, LLC (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 2015-2016 (the "Property"): APN(s) 463-040-024.

The Owner has made application that the Property be annexed as Street Lighting Zone 110 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 April 28, 2015

OWNER: PLH, LLC  
(Name of Company  
as Stated in Initial Paragraph)

By:   
Signature

Name: Brad Wilson  
Print

Title: Project Developer

