

FORM APPROVED COUNTY COUNSEL
 BY: *Anita C. Willis* 7-23-15
 DATE: ANITA C. WILLIS

Departmental Concurrence

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



721A

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
 July 23, 2015

SUBJECT: Adoption of Resolution No. 2015-164 ordering the Annexation of Zone 191 (French Valley) into Landscaping and Lighting Maintenance District No. 89-1 Consolidated, District 3 [\$14,176 Annual]; L&LMD No. 89-1-C – 100%.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2015-164, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 191 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein within the boundaries of Zone 191 for fiscal year 2015-16.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 191 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated in accordance with Section 22655-22656 of the Streets and Highways Code.

Patricia Romo
 Patricia Romo
 Assistant Director of Transportation

Juan C. Perez
 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	\$ 14,176	\$ 14,176	\$ N/A	\$ 14,176	Consent <input type="checkbox"/> Policy <input 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:	15/16

C.E.O. RECOMMENDATION: APPROVE
 BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 5/12/15, 3-40
 6/30/15, 9-10

District: 3

Agenda Number:

3-82

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

FORM 11: Adoption of Resolution No. 2015-164, Ordering the Annexation of Zone 191 (French Valley) into Landscaping and Lighting Maintenance District No. 89-1 Consolidated. District 3; [\$14,176 Annual]; L&LMD No. 89-1-C – 100%.

DATE: July 23, 2015

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BACKGROUND:

Summary

Landscaping and Lighting Maintenance Districts (L&LMD's) are formed for the purpose of creating a funding mechanism to pay for the installation and maintenance of landscaping, streetlights, traffic signals, drainage inlet water quality filters, decorative fencing, and other roadside features within the road right-of-way. Within an established L&LMD, zones are created for specific developments, a fee structure is developed specific to the features within that zone, and the zone is then assessed through a tax levy on an annual basis for the installation and maintenance of the features within that particular zone.

L&LMD No. 89-1-C was formed in 1994, Resolution No. 94-389, and currently consists of 124 individual zones with different fee structures spread throughout Riverside County (County). The commercial property owner of Parcel Map No. 33691, as described in the attached Exhibit "A," has petitioned the County to annex their property into L&LMD No.89-1-C, creating Zone 191. The boundaries of Zone 191 will encompass the entire Parcel Map No. 33691 and will include the maintenance and servicing of fossil filters, streetlights, and traffic signals.

On June 30, 2015 (Agenda Item 9-10), a public hearing was held to receive all testimony regarding the annexation of Zone 191 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). After closing the public hearing, the Board of Supervisors directed the Director of Transportation and Land Management, or his designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were tabulated on July 1, 2015, at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation showed that votes representing one parcel out of a possible one were cast, and that one vote (or 100%) were cast in favor of the annexation of Zone 191 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2015-164 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2015-16 for Zone 191 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2015-16.

Reference

At the direction of the Board of Supervisors, L&LMD No. 89-1-C was formed in 1994 by Resolution No. 94-389, authorizing the annexation of new zones into L&LMD No. 89-1-C for the purpose of levying assessments to pay for the installation and maintenance of landscaping, streetlights, and other right-of-way approved improvements.

The zone-specific Engineer's Report for fiscal year 2015-2016 was prepared in compliance with the requirement of Article 4, Chapter 1, of the Landscaping and Lighting Act of 1972, which is Part 2, Division 15 of the California Streets and Highways Code. The County initiates annexation proceedings for the annual levy of assessments by passing a resolution, which proposes the new levy under the Landscaping and Lighting Act of 1972. This resolution also describes the improvements, describes the location of the zone within the district, and finally orders an engineer, who is a registered professional engineer certified by the State of California, to prepare and file a detailed report.

In November 1996, California voters passed Proposition 218, Right to Vote on Taxes Act, which added Articles XIII C and XIII D to the California Constitution; new procedures must be followed to levy annual assessments under the Landscaping and Lighting Act of 1972. A County may levy annual assessments for an assessment district after complying with the requirements of the Landscaping and Lighting Act of 1972 and the provisions of Proposition 218 Right to Vote on Taxes Act.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Adoption of Resolution No. 2015-164, Ordering the Annexation of Zone 191 (French Valley) into Landscaping and Lighting Maintenance District No. 89-1 Consolidated. District 3; [\$14,176 Annual]; L&LMD No. 89-1-C – 100%.

DATE: July 23, 2015

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Impact on Residents and Businesses

The new assessment is for the purpose of providing the maintenance and servicing of fossil filters, streetlights, and traffic signals within public right-of-way.

Only the commercial property owners within the proposed boundaries of Zone 191, which are represented by Parcel Map No. 33691, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. By setting up an assessment for the maintenance of certain infrastructure required by the development, the County requires that the development pay for its maintenance impact, rather than the obligation falling upon public funding sources.

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2015-16 for Zone 191 is \$14,176. This will result in an assessment for fiscal year 2015-16 within Zone 191 of \$253 per acre. Zone 191 includes one assessable commercial parcel totalling 56.03 acres. 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 Customers (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

ATTACHMENTS:

Location Map
Exhibit "A"
Resolution No. 2015-164

Location Map



CITY OF
MURRIETA

PM 36691

LOS ALAMOS RD
CLINTON KEITH RD

LIBERTY RD

PORTH RD

BRIGGS RD

BENTON RD

LEON RD
AULD RD

VAN GAALE LN

APPLE GATE RD

HIGH VISTA DR

ALLEN ST

SH-79/WINCHESTER RD

SKY CANYON DR

BOREL RD

AUGUSTA DR

PROMONTORY PKWY

ENCANTO RD

POURROY RD

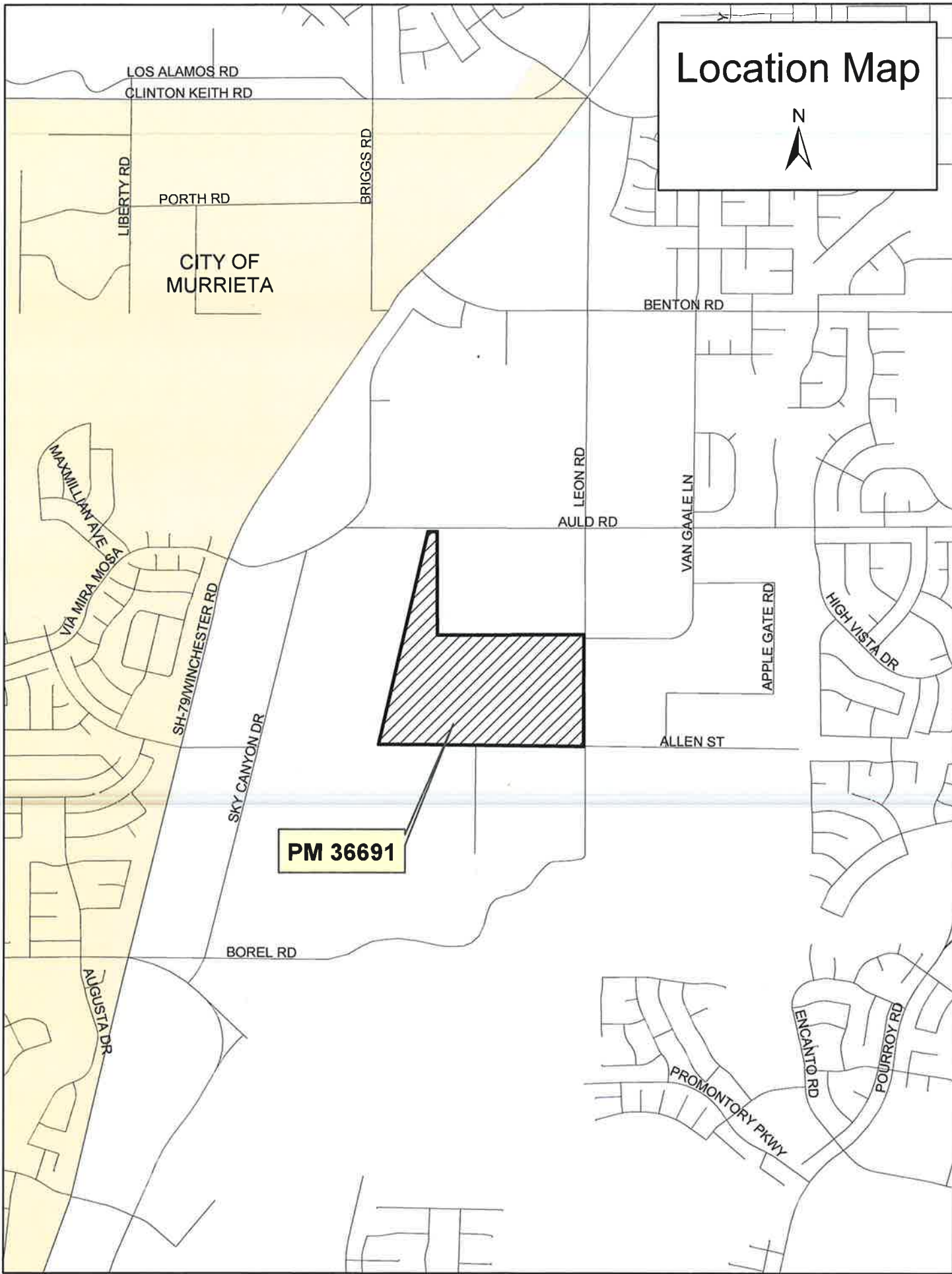


EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 191 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 1 parcel(s) as shown on Parcel Map No. 33691 in the County of Riverside, State of California for fiscal year 2015-16.

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ZONE 191

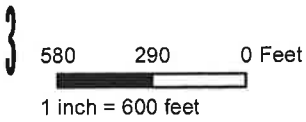
PORTION OF SECTION 7, T.7S., R.2W.

PM33691

1 PARCEL

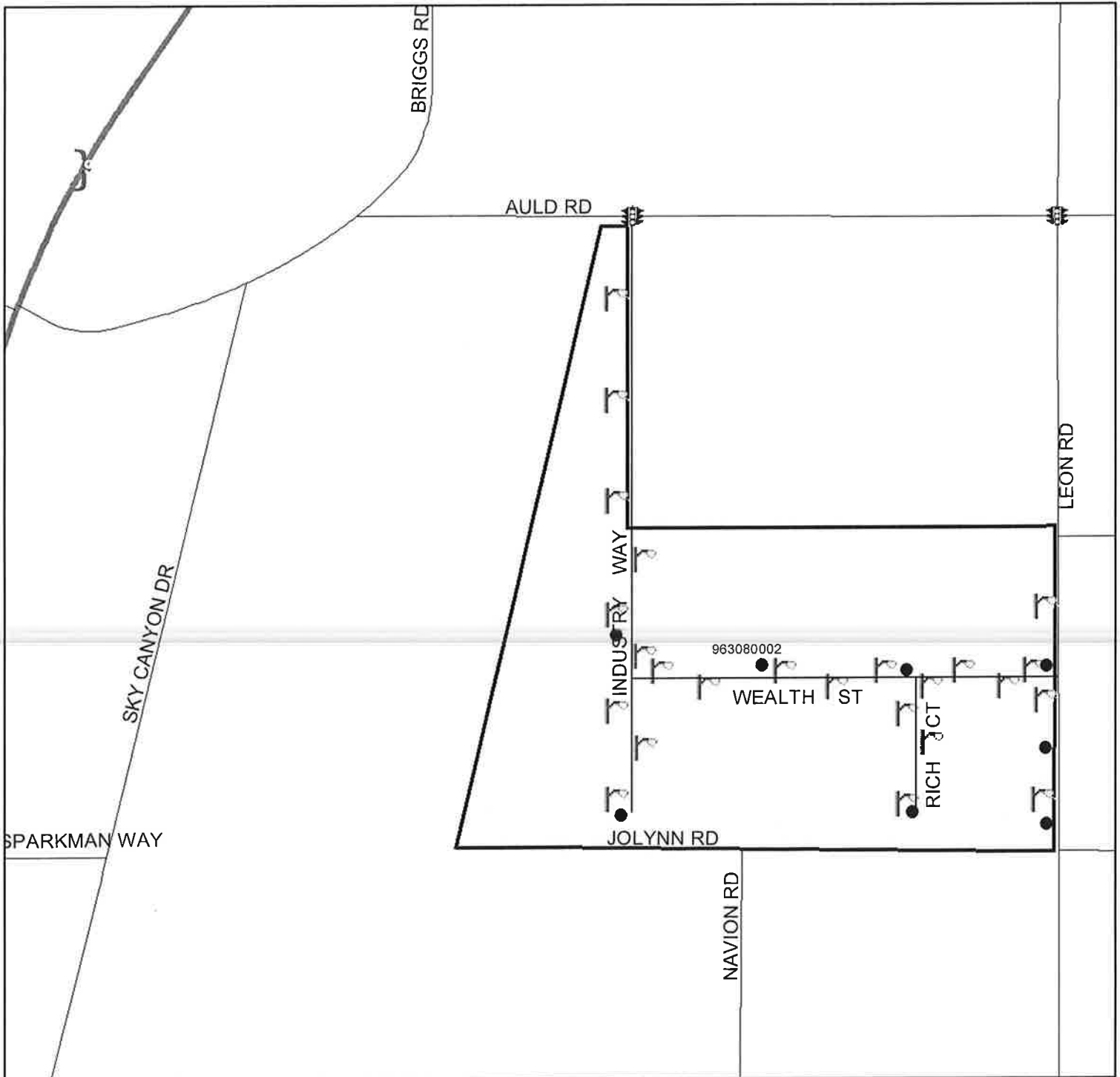


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



ASSESSMENT DIAGRAM

Printed by bhahn on 7/9/2015



- ! DENOTES MAINTAINED FOSSIL FILTER
- DENOTES MAINTAINED STREETLIGHT
- ◡ DENOTES MAINTAINED TRAFFIC SIGNAL
- ▭ ZONE 191 Boundary

2 RESOLUTION NO. 2015-164

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF ZONE 191 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
6 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM**
7 **AND ASSESSMENT FOR ZONE 191 OF LANDSCAPING AND LIGHTING MAINTENANCE**
8 **DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE**
9 **LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE**
10 **FISCAL YEAR 2015-16**

11 **WHEREAS**, on May 12, 2015 the Board of Supervisors (hereinafter the "Board of Supervisors")
12 of the County of Riverside (hereinafter the "County") adopted Resolution No. 2015-081, pursuant to
13 Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of
14 the Board of Supervisors to order the annexation of Zone 191 to Landscaping and Lighting
15 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
16 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of
17 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
18 9:30 a.m. on June 30, 2015 at the meeting room of the Board of Supervisors and requiring that the
19 notice of the public hearing and assessment ballots be mailed to all owners of property within
20 Zone 191 as shown on the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
22 Resolution No. 2015-081, Section 22626 of the Streets and Highways Code and Sections 53753 and
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
24 property within said Zone 191 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on June 30, 2015, as set forth in Resolution No. 2015-081, the Board
26 of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard,
and considered all oral statements and all written protest or communications made or filed by any
interested persons, closed the public hearing and directed the Director of Transportation, or his
designee, as an impartial person having no vested interest in the annexation of Zone 191 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY: Dale S. Gardner 7/9/15
DATE

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

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100% percent of the
5 assessment ballots received) voted in favor of annexation of Zone 191 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 191 beginning fiscal year 2015-16; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 191 of
11 L&LMD No. 89-1-C beginning fiscal year 2015-16.

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

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

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of, and annual assessment of, Zone 191 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100% percent voted in
23 favor of annexation of Zone 191 to L&LMD No. 89-1-C and the levy of an annual
24 assessment beginning fiscal year 2015-16, and 0% percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 191 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 191 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 191 of L&LMD No. 89-1-C for the maintenance and servicing of fossil
6 filters, streetlights, and traffic signals improvements in said Zone 191 during the
7 fiscal year 2015-16 as contained in the report of the Director of Transportation
8 which is on file with the Clerk of the Board of Supervisors (hereinafter the
9 "Report") are based on benefits derived by such lots and parcels from the
10 availability of such fossil filters, streetlights, and traffic signals improvements,
11 and are not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 191, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Parcel Map No. 33691 in the County of Riverside, State of
14 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

15 **Section 3. Improvements.** The improvements authorized for Zone 191 of L&LMD
16 No. 89-1-C are:

17 (a) The maintenance and servicing of fossil filters within the public right-of-way
18 including the removal of petroleum hydrocarbons and other pollutants from
19 water runoff; and

20 (b) Providing electricity to and the maintenance and servicing of
21 streetlights and traffic signals within the public right-of-way including incidental
22 costs and expenses.

23 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
24 the assessment of estimated costs for the maintenance and servicing of fossil filters, streetlights, and
25 traffic signals improvements in Zone 191 of L&LMD No. 89-1-C for fiscal year 2015-16 as contained in
26 the Report are confirmed.

1 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
2 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
3 maintenance and servicing of fossil filters, streetlights, and traffic signals improvements in Zone 191 of
4 L&LMD No. 89-1-C during fiscal year 2015-16, as contained in the Report, and such assessment is
5 levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution,
6 together with the diagram and assessment contained in the Report with the County Auditor-Controller
7 of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall
8 enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as
9 shown in said assessment.

10 **Section 6. Effective Date.** This Resolution shall take effect from and after its date
11 of adoption.