

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

612A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
December 31, 2009

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Street Lighting Zone 91 (Glen Avon).

**RECOMMENDED MOTION:** That the Board:

With regard to the annexation of Street Lighting Zone 91 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, conduct the public hearing and, after closing the public hearing, direct the Director of Transportation, or his designee, who the Board finds to be an impartial person as that term is used in Section 53753(e) of the Government Code, to tally all ballots received prior to the close of public hearing. All ballots received prior to the close of the public hearing will be tallied at 10:00 a.m. on Wednesday, January 13, 2010 in Conference Room D on the 8<sup>th</sup> Floor of the County Administrative Center, 4080 Lemon Street, Riverside,

\_\_\_\_\_  
Juan C. Perez  
Director of Transportation

FORM APPROVED COUNTY COUNSEL  
BY Dale A. Gardner 12/16/09 DATE  
DALE A. GARDNER Departmental Concurrence

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2009-10
<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

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

APPROVE

BY   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: January 12, 2010  
xc: Transp.

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

Prev. Agn. Ref. 11/24/09, 3.117 District: 2 Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

9.8

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of  
Street Lighting Zone 91 (Glen Avon).

December 31, 2009

Page 2 of 2

California. Staff is directed to cause the appropriate resolution, based on the election tally, to be prepared and returned to the Board for its consideration.

**BACKGROUND:** Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2009-305 adopted November 24, 2009, the Board of Supervisors noticed a public hearing for January 12, 2010, to receive testimony regarding the annexation of Street Lighting Zone 91 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Street Lighting Zone 91 will fund the provision of electricity for streetlights within public rights-of-way located northerly of Mission Blvd and easterly and westerly of Amarillo St in the Glen Avon area and includes 2 commercial parcels, totaling 3.89 acre(s).

On November 25, 2009 a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-305, and an information sheet was mailed to all property owners within Street Lighting Zone 91, proposed for annexation to L&LMD No. 89-1-C. Pursuant to the notice, all ballots must be returned prior to the conclusion of the public hearing.

Notice of the public hearing was also given by publication of a certified copy of Resolution No. 2009-305 in an appropriate newspaper at least ten (10) days prior to the public hearing date and by posting a certified copy of the Resolution No. 2009-305 on the official bulletin board customarily used by the Board of Supervisors for the posting of notices and in two other public locations within the County.

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



927A

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:

November 12, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Street Lighting Zone 91 (Glen Avon).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-304 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 91 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 91.

Resolution No. 2009-305, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 91 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of

  
Juan C. Perez  
Director of Transportation

JAW:jp

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2009-10
SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated - 100%				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY   
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above resolutions are adopted as recommended, and that the matter is set for public hearing on Tuesday, January, 12, 2010 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, and Ashley  
Nays: None  
Absent: None  
Date: November 24, 2009  
xc: Transp., COB(2)

Kecia Harper-Ihem  
Clerk of the Board

By   
Deputy

Prev. Agn. Ref.

District: 2

Agenda Number:

3.117

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 91 (Glen Avon).

November 12, 2009

Page 2 of 2

1972 for the provision of electricity for 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 91, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIIID of the California Constitution.

**BACKGROUND:** Adoption of Resolution No. 2009-304 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 91 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-305 declares the Board's intention of ordering the annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C will fund the provision of electricity for streetlights within public right-of-way located northerly of Mission Blvd and easterly and westerly of Amarillo St in the Glen Avon area and includes 2 commercial parcels, totaling 3.89 acre(s).

The proposed budget for fiscal year 2010-11 for Street Lighting Zone 91 is \$2,310 that will result in an assessment for fiscal year 2010-11 within Street Lighting Zone 91 of \$593.82 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2009.

Consistent with the Board's direction regarding compliance with Article XIIID 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 January 12, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 91 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-305, 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 91 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 91 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 January 12, 2010.

2 RESOLUTION NO. 2009-304

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
5 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 91 TO LANDSCAPING**  
6 **AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF**  
7 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter  
11 "Department") of the County that said Department has received an application from the owner (the  
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter Street Lighting  
13 "Zone 91"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to  
14 be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Street  
17 Lighting Zone 91 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2  
18 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,  
19 respectively, the "Act" and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the  
22 proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 91; and

23 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of  
24 Assessment Ballot Election" allowing for the election to be held on January 12, 2010; and

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

FORM APPROVED COUNTY COUNSEL  
BY *[Signature]* DATE 11/27/09  
DATE A GARDNER

as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C.

**NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors of the County of Riverside assembled in regular session on November 24, 2009 as follows:

**Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all the above recitals are true and correct.

**Section 2. Annexation.** The Board of Supervisors proposes to annex Street Lighting Zone 91 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 91 to pay the costs of the following services:

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

**Section 3. Boundaries and Designation.** The boundaries of Street Lighting Zone 91 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described in Exhibit "A".

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


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

ADOPTED by Riverside County Board of Supervisors on November 24, 2009, by the following vote:

Roll Call:

Ayes: Buster, Tavaglione, Stone, and Ashley  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-HEM, Clerk of said Board  
By  Deputy

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 91 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 169-100-048, and 053 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

# STREET LIGHTING ZONE 91

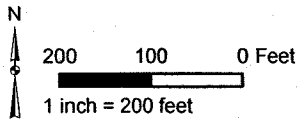
PORTION OF SECTION 11, T.2., R.6W.

PARCEL MAP NO. 34696 & PLOT PLAN NO. 22456

2 PARCELS

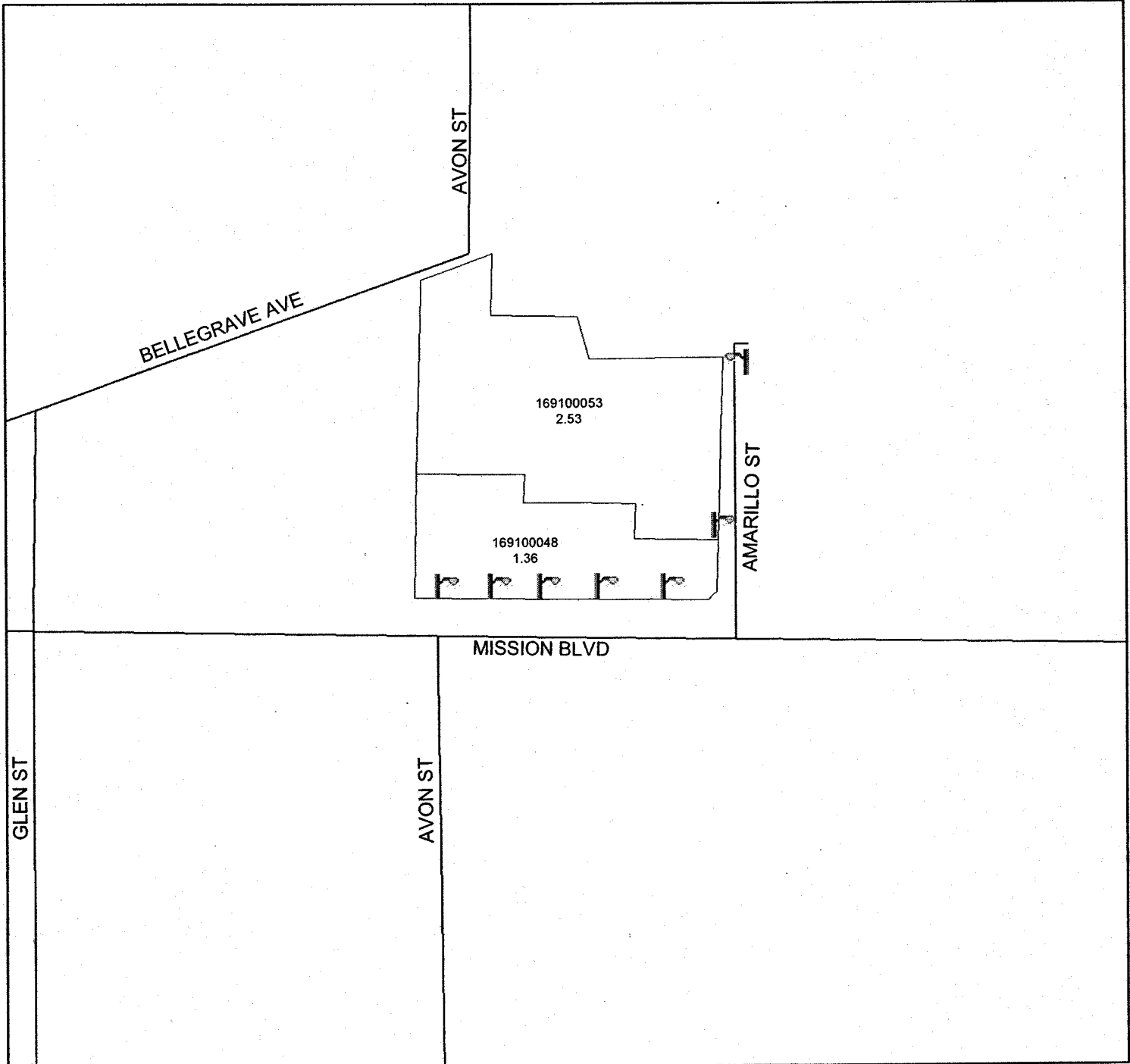


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## ASSESSMENT DIAGRAM

Printed by jpickeri on 10/13/09



DENOTES MAINTAINED STREETLIGHT



2 RESOLUTION NO. 2009-305

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 91 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 ANNEXATION OF STREET LIGHTING ZONE 91; 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 ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF  
13 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. 2009-304 on November 24, 2009  
16 initiating proceedings for the annexation of Street Lighting Zone 91 (hereinafter "Street Lighting  
17 Zone 91"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to  
18 Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State  
19 of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972  
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets  
21 and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a  
22 report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 91 and the  
23 assessments to be levied within Street Lighting Zone 91 each fiscal year beginning fiscal year 2010-11  
24 for providing electricity for streetlights within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 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 91; and

WHEREAS, the Board of Supervisors by Resolution No. 2009-304 directed the Director of the  
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

APPROVED COUNTY COUNSEL  
10/29/09  
BATE  
NOV 2 2009

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 sole owner of property within the proposed boundaries of Street Lighting  
6 Zone 91 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent  
7 Regarding Date of Assessment Ballot Election" allowing for the election to be held on January 12,  
8 2010; 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 91, and the assessments to be levied on parcels within  
13 Street Lighting Zone 91 beginning in fiscal year 2010-11;

14 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on November 24, 2009 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 2010-11 on all parcels within Street Lighting  
22 Zone 91 proposed to be annexed to L&LMD No. 89-1-C will be \$593.82 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Street Lighting Zone 91, 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 91 commencing with the fiscal year 2010-11 as set forth in the Report. The Report

1 expressly states that there are no parcels or lots within Street Lighting Zone 91 that are owned by a  
2 federal, state or other local governmental agency that will benefit from the services to be financed by  
3 the annual assessments. The annual assessments will be collected at the same time and in the same  
4 manner as property taxes are collected, and all laws providing for the collection and enforcement of  
5 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 91 is  
7 proposed to be annexed into 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 service authorized for Street  
10 Lighting Zone 91 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public  
11 right-of-way including incidental costs and expenses.

12       **Section 5.     Amount to be Levied.** The assessment to be levied upon each parcel that  
13 benefits from the annexation of Street Lighting Zone 91 of L&LMD No. 89-1-C will be \$593.82 per acre  
14 for fiscal year 2010-11. As stated in the Report, the total budget for Street Lighting Zone 91 for the  
15 fiscal year 2010-11 is \$2,310; there are 2 parcel(s) that are to be assessed that aggregate to 3.89  
16 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the  
17 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for  
18 "electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
19 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
20 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it  
21 stands on March of each year over the base Index for March of 2009. Any increase larger than the  
22 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners  
23 within Street Lighting Zone 91. The Board of Supervisors will levy the assessment in each subsequent  
24 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting  
25 Zone 91 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of  
26

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

3       **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
4 89-1-C is Street Lighting Zone 91. The boundaries of Street Lighting Zone 91 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 Zone 91,  
9 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting  
10 Zone 91 proposed to be annexed to L&LMD No. 89-1-C.

11       **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 91 shall be  
12 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11  
13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on January 12,  
14 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon  
15 Street, 1<sup>st</sup> Floor, Riverside, California.

16       **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
17 Zone 91 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. L&LMD No. 89-1-C shall not impose assessments on property  
20 within the boundaries of Street Lighting Zone 91 if there is a majority protest with regard to the  
21 annexation of Street Lighting Zone 91. A majority protest exists if, upon the conclusion of the Public  
22 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and  
23 assessment of Street Lighting Zone 91 exceeds the assessment ballots in favor of the annexation and  
24 assessment of Street Lighting Zone 91.

25       **Section 10.   Information.** Any property owner desiring additional information regarding Street  
26 Lighting Zone 91 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the  
2 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
3 (951) 955-6829.

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C shall be given consistent with Section  
6 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
7 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
8 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public  
9 Hearing that is January 12, 2010. Publication of this Resolution is to be effected by the Clerk of the  
10 Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices,  
11 as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of  
12 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within  
13 Street Lighting Zone 91 as shown on the last equalized assessment roll of the County. Mailing is to be  
14 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
15 Public Hearing on January 12, 2010.

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

18 ADOPTED by Riverside County Board of Supervisors on November 24, 2009, by the  
19 following vote:

20 Roll Call:

21 Ayes: Buster, Tavaglione, Stone, and Ashley

22 Nays: None

23 Absent: None

24 The foregoing is certified to be a true copy of a resolution duly  
25 adopted by said Board of Supervisors on the date therein set forth.

26 KECIA HARPER-IHEM, Clerk of said Board

By: 

Deputy

11.24.09 3.117

**EXHIBIT "A"**

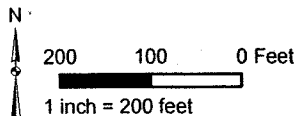
**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 91 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 169-100-048, and 053 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

# STREET LIGHTING ZONE 91

PORTION OF SECTION 11, T.2., R.6W.

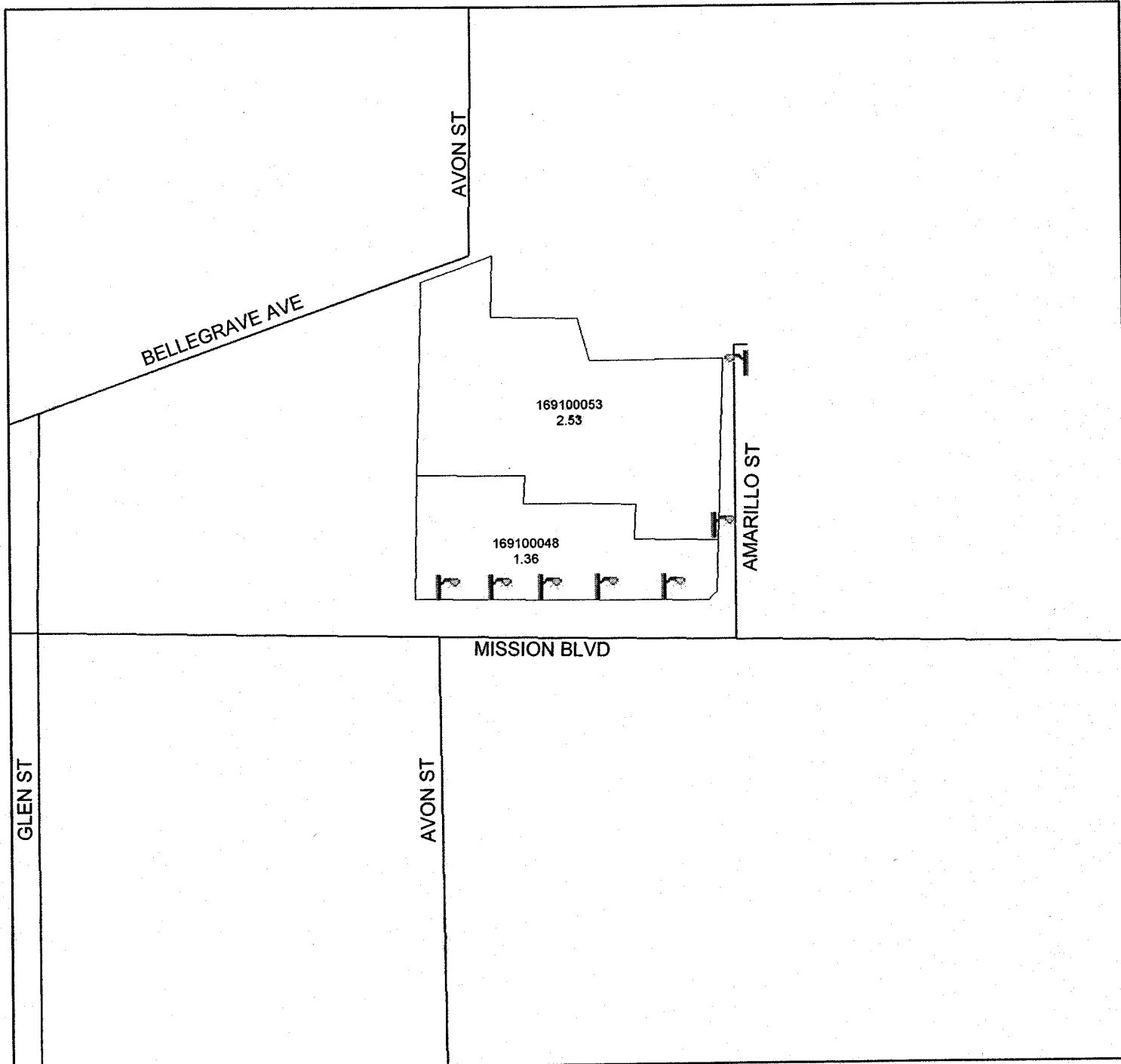
PARCEL MAP NO. 34696 & PLOT PLAN NO. 22456  
2 PARCELS



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Printed by jpickeri on 10/13/09

## ASSESSMENT DIAGRAM



 DENOTES MAINTAINED STREETLIGHT



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

December 29, 2009

RIVERSIDE COUNTY RECORD  
ATTN: LEGALS  
P.O. BOX 3187  
RIVERSIDE, CA 92519

VIA FAX: (951) 685-2961  
E-MAIL: recordmde@aol.com

**RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2009-305 STL Zone 91**

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, December 31, 2009**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

**NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.**

Thank you in advance for your assistance and expertise.

Sincerely,

*Mcgil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD



**Gil, Cecilia**

---

**From:** recordmde@aol.com  
**Sent:** Tuesday, December 29, 2009 8:36 AM  
**To:** Gil, Cecilia  
**Subject:** Re: FOR PUBLICATION: RES. 2009-305 STL ZONE 91

Good Morning to you,  
I have received the notice and I will publish.  
Thanks, Mike

-----Original Message-----

**From:** Gil, Cecilia <CCGIL@rcbos.org>  
**To:** recordmde@aol.com  
**Sent:** Tue, Dec 29, 2009 8:00 am  
**Subject:** FOR PUBLICATION: RES. 2009-305 STL ZONE 91

Good Morning! Attached is a Notice of a Public Hearing, for publication on Thursday, Dec. 31, 2009. Please confirm.  
THANK YOU!

*Cecilia Gil*

Board Assistant to the  
Clerk of the Board of Supervisors  
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.  
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on **Tuesday, January 12, 2010 at 9:30 a.m.** to consider the following:

**RESOLUTION NO. 2009-305**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 91 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 91; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

**WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2009-304 on November 24, 2009 initiating proceedings for the annexation of Street Lighting Zone 91 (hereinafter "Street Lighting Zone 91"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), 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 Street Lighting Zone 91 and the assessments to be levied within Street Lighting Zone 91 each fiscal year beginning fiscal year 2010-11 for providing electricity for streetlights within the public right-of-way within said Zone; and

**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 91; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2009-304 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Street and Highways Code and Section 4 of Article XIID; and

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

**WHEREAS**, the sole owner of property within the proposed boundaries of Street Lighting Zone 91 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on January 12, 2010; and

**WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Street Lighting Zone 91, and the assessments to be levied on parcels within Street Lighting Zone 91 beginning in fiscal year 2010-11;

**NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors in regular session assembled on November 24, 2009 as follows:

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

- (a) The foregoing recitals are true and correct;
- (b) The Report contains all matters required by Sections 22565 through 22574 of the Streets and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2010-11 on all parcels within Street Lighting Zone 91 proposed to be annexed to L&LMD No. 89-1-C will be \$593.82 per acre.

**Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 91, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within Street Lighting Zone 91 commencing with the fiscal year 2010-11 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 91 that are owned by a federal, state or other local governmental agency that will benefit from the services to be financed by the annual assessments. The annual assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of said assessments.

**Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 91 is proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County as described and shown in Exhibit "A".

**Section 4. Description of Services to be Provided.** The service authorized for Street Lighting Zone 91 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public right-of-way including incidental costs and expenses.

**Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits from the annexation of Street Lighting Zone 91 of L&LMD No. 89-1-C will be \$593.82 per acre for fiscal year 2010-11. As stated in the Report, the total budget for Street Lighting Zone 91 for the fiscal year 2010-11 is \$2,310; there are 2 parcel(s) that are to be assessed that aggregate to 3.89 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for "electricity" ("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 for March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within Street Lighting Zone 91. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 91 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

**Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No. 89-1-C is Street Lighting Zone 91. The boundaries of Street Lighting Zone 91 are located within the unincorporated area of the County and are described and shown in the Report and Exhibit "A".

**Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to the Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 91, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 91 proposed to be annexed to L&LMD No. 89-1-C.

**Section 8. Public Hearing.** The question of whether Street Lighting Zone 91 shall be annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on January 12, 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

**Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone 91 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of Street Lighting Zone 91 if there is a majority protest with regard to the annexation of Street Lighting Zone 91. A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and assessment of Street Lighting Zone 91 exceeds the assessment ballots in favor of the annexation and assessment of Street Lighting Zone 91.

**Section 10. Information.** Any property owner desiring additional information regarding Street Lighting Zone 91 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-6829.

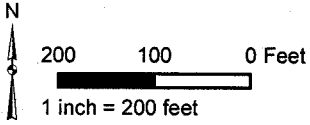
**Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the Streets and Highways Code and Section 4 of Article XIID.

For the purpose of this Resolution, the date of the Public Hearing is January 12, 2010. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of property

# STREET LIGHTING ZONE 91

PORTION OF SECTION 11, T.2., R.6W.

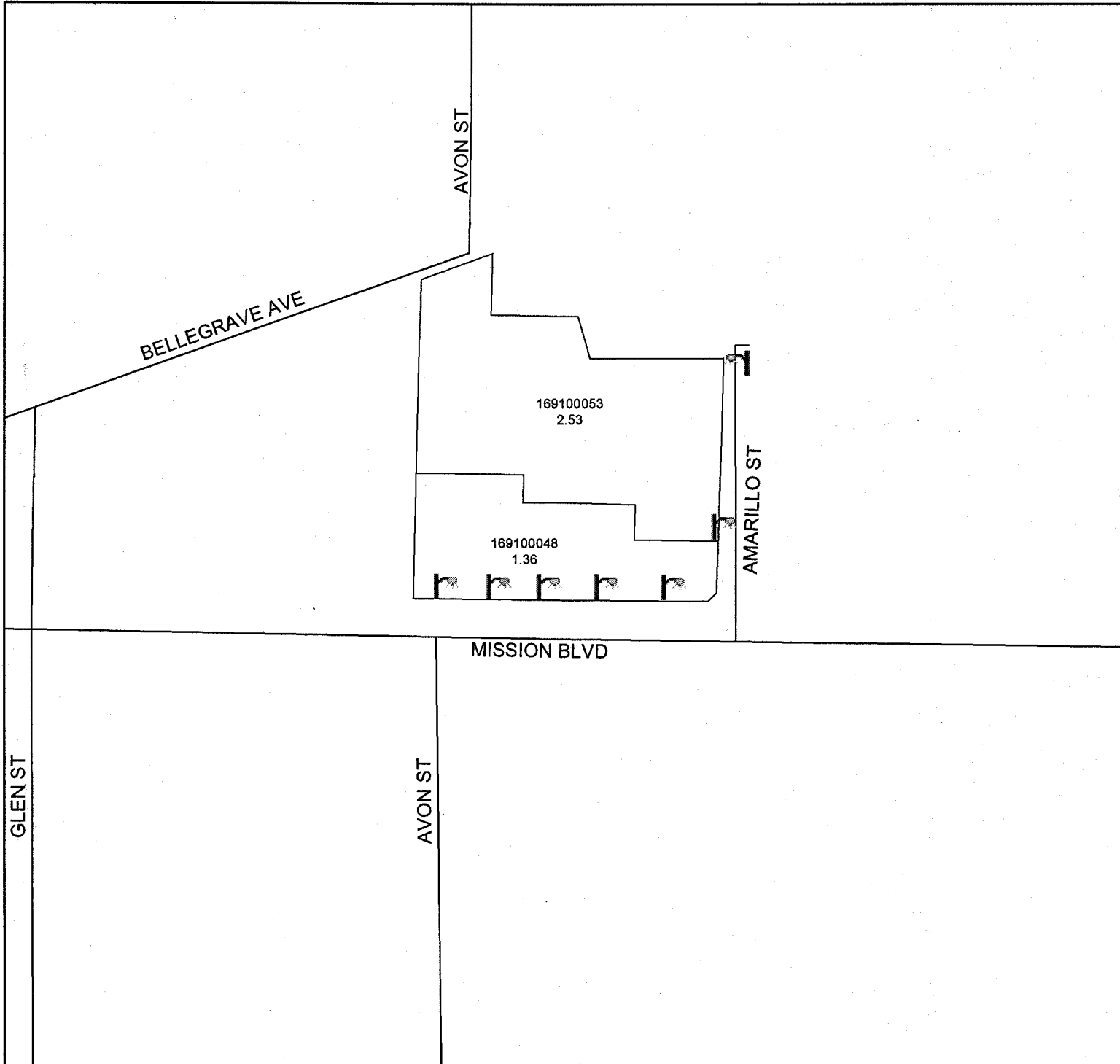
PARCEL MAP NO. 34696 & PLOT PLAN NO. 22456  
2 PARCELS



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## ASSESSMENT DIAGRAM

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DENOTES MAINTAINED STREETLIGHT



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## INVOICE

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December 30, 2009

Riverside County  
Clerk of the Board  
4080 Lemon Street, 1st Floor  
P.O. Box 1147  
Riverside, CA 92502- 1147

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Notice of Public Hearing

Your: Resolution 2009-305 Zone 91  
Our #01155

54.00 column inches x \$8.94 = \$482.76

Publish one (1) week: December 31, 2009

Amount Due: \$482.76

Thank You,

Cathy Sypin-Barnes

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**(2015.5 C.C.P.)**

# State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and all times hereinafter, mentioned that she was a citizen of the over the age of eighteen years, and a resident of said County and during all said times the principal clerk of the printer and The Riverside County Record-News, a newspaper of general adjudicated by court decree, printed and published weekly in of Riverside, State of California, that said Riverside County is and was at all times herein mentioned, a newspaper of general as that term is defined in section 4460 of the Political Code, and by that section, is published for the dissemination of local and news and intelligence of a general character, having a bona fide list of paying subscribers, and is not devoted to nor published for entertainment or instruction of a particular class, profession, race or denominations; that at all said time said newspaper has been published, printed and published in said County and State at regular more than one year preceding the date of publication of the notice mentioned; that said notice was set in type not smaller than non preceded with words printed in black face type not smaller describing and expressing in general terms the purport and content of the notice intended to be given; that the


**RIVERSIDE COUNTY RECORD  
NEWSPAPER**

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

December 31, 2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

is true and correct.



Signature

Signature

Dated: December 31, 2009 at  
Riverside , California

Section 12b-6  
and after its date

Public Notice of Public Hearing  
Notice No. 81 to L&LMD No.  
22025 of the Streets and  
Highways Division of the Board  
of Public Works of the City of  
Los Angeles, California, shall be  
published once in an appropriate  
newspaper of general circulation  
on or before the date of the Public Hearing  
and this Publication is to be effective  
for 30 days. Notice shall also be given  
to those parties, as prepared by  
the City Engineer, on the  
Information sheets as required  
by Section 4000 of the California  
Electronically  
on the last equalized assess-  
ment made by the Engineer and  
at least forty-five (45) days prior  
to the hearing.

Section 12b-6  
and after its date