

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

610A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
December 31, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 126 (Mira Loma).

RECOMMENDED MOTION: That the Board:

With regard to the annexation of Zone 126 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 8th Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed

Juan C. Perez
Director of Transportation

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

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 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, 3.119 | **District:** 2 | **Agenda Number:**

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of
Zone 126 (Mira Loma).

December 31, 2009

Page 2 of 2

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

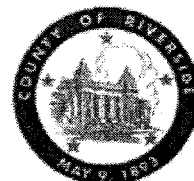
BACKGROUND: Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2009-131 adopted November 24, 2009, the Board of Supervisors noticed a public hearing for January 12, 2010, to receive testimony regarding the annexation of Zone 126 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Zone 126 will fund the maintenance and servicing of fossil filters within public rights-of-way located northerly of Harrel St in the Mira Loma area and includes 4 commercial parcels, totaling 130.53 acre(s).

On November 25, 2009 a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-131, and an information sheet was mailed to all property owners within Zone 126, 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. 2009-131 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. 2009-131 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**

929A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
November 12, 2009

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 126 (Mira Loma).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2009-130 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 126 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 126.

Resolution No. 2009-131, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 126 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:

3.119

FORM APPROVED COUNTY COUNSEL
BY:
DALE A. GARDNER
DATE: 11/27/09
Departmental Concurrence

Dep't Recomm.: ☐ Consent ☐ Policy ☒ Policy
Per Exec. Ofc.: ☐ Consent ☒ Policy

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 126 (Mira Loma).

November 12, 2009

Page 2 of 2

1972 for the maintenance and servicing of fossil filters; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 126, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

BACKGROUND: Adoption of Resolution No. 2009-130 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 126 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2009-131 declares the Board's intention of ordering the annexation of Zone 126 to L&LMD No. 89-1-C. Annexation of Zone 126 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located northerly of Harrel St in the Mira Loma area and includes 4 commercial parcels, totaling 130.53 acre(s).

The proposed budget for fiscal year 2010-11 for Zone 126 is \$1,116 that will result in an assessment for fiscal year 2010-11 within Zone 126 of \$8.52 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U, 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 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 January 12, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 126 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2009-131, and an information sheet.

Ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the ballots, the ballots submitted in favor of the annexation and levy of the assessment exceed the ballots submitted in opposition of said annexation and levy, Zone 126 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 126 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.

RESOLUTION NO. 2009-130

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 126 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 126"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 126 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 126; and

WHEREAS, the Applicant 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, the Director of the Department, or his designee, is a licensed and registered civil 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

DATE 10/29/09
BY [Signature] GARDNER

as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 126 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 Zone 126 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 Zone 126 to pay the costs of the following services:

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

Section 3. Boundaries and Designation. The boundaries of Zone 126 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.

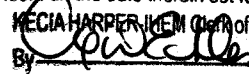
KECIA HARPER-HEM (Clerk) of said Board
By  Deputy

EXHIBIT "A"

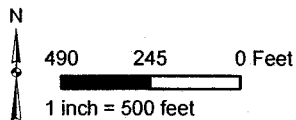
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 126 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 156-080-002, 016, 031, and 032 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

ZONE 126

PORTION OF SECTION 8, T.2S., R.6W.

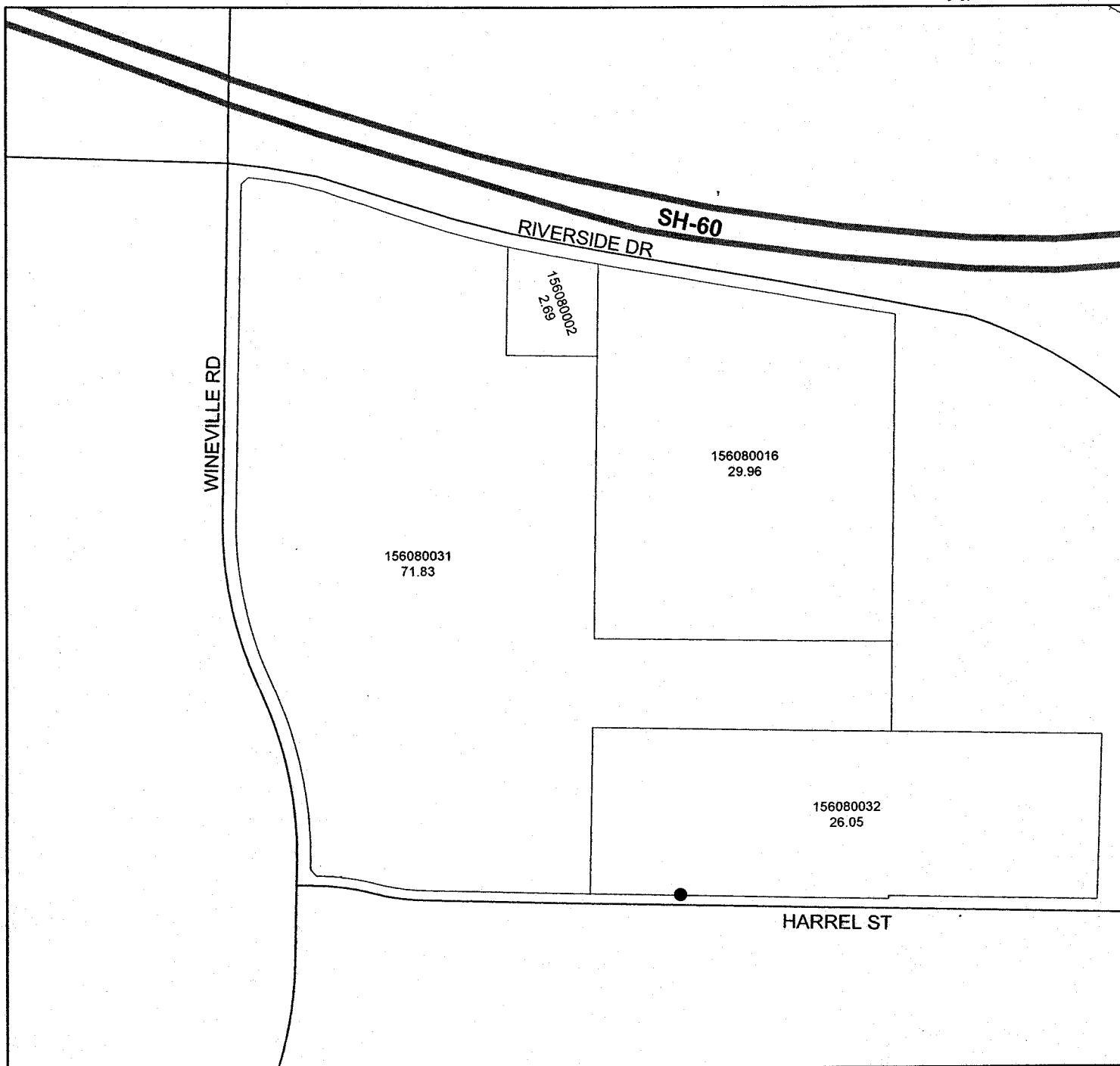
PLOT PLAN NO. 14420R1 - 4 PARCELS



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.

Printed by jpickeri on 10/13/09

ASSESSMENT DIAGRAM



● DENOTES MAINTAINED FOSSIL FILTER

RESOLUTION NO. 2009-131

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 126 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 FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 126; 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. 2009-130 on November 24, 2009 initiating proceedings for the annexation of Zone 126 (hereinafter "Zone 126"), 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 Zone 126 and the assessments to be levied within Zone 126 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of fossil filters 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 Zone 126; and

WHEREAS, the Board of Supervisors by Resolution No. 2009-130 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *[Signature]* DATE 10/27/09
DALEA GARDNER

1 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
2 Street and Highways Code and Section 4 of Article XIID; and

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

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

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
10 Report, the annexation of Zone 126, and the assessments to be levied on parcels within Zone 126
11 beginning in fiscal year 2010-11;

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

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2010-11 on all parcels within Zone 126 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$8.52 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 126, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
23 collect an annual assessment on all assessable lots and parcels of property within Zone 126
24 commencing with the fiscal year 2010-11 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 126 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

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

4 **Section 3. Boundaries.** All the property within boundaries of Zone 126 is proposed to be
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
8 fossil filters authorized for Zone 126 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 126 of L&LMD No. 89-1-C will be \$8.52 per acre for fiscal year
13 2010-11. As stated in the Report, the total budget for Zone 126 for the fiscal year 2010-11 is \$1,116;
14 there are 4 parcels that are to be assessed that aggregate to 130.53 acres. The annual assessment will
15 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
16 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
17 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
18 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
19 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
20 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
21 majority approval of all the property owners within Zone 126. The Board of Supervisors will levy the
22 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
23 the dissolution of Zone 126 of L&LMD No. 89-1-C. The annual assessment will fund the services
24 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
25 on file in the Office of the Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Zone 126. The boundaries of Zone 126 are located within the unincorporated area of the
3 County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the services, the boundaries of Zone 126, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 126 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 126 shall be annexed into
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11 shall be
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 12, 2010, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 126 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
18 Zone 126 if there is a majority protest with regard to the annexation of Zone 126. A majority protest
19 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
20 in opposition to the annexation and assessment of Zone 126 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 126.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 126 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
24 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
25 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
26 (951) 955-6829.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Zone 126 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. The Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that 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 within Zone 126 as shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on January 12, 2010.

Section 12. 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-IHEM, Clerk of said Board

By:

Deputy

EXHIBIT "A"

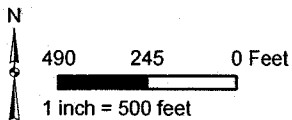
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 126 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 156-080-002, 016, 031, and 032 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

ZONE 126

PORTION OF SECTION 8, T.2S., R.6W.

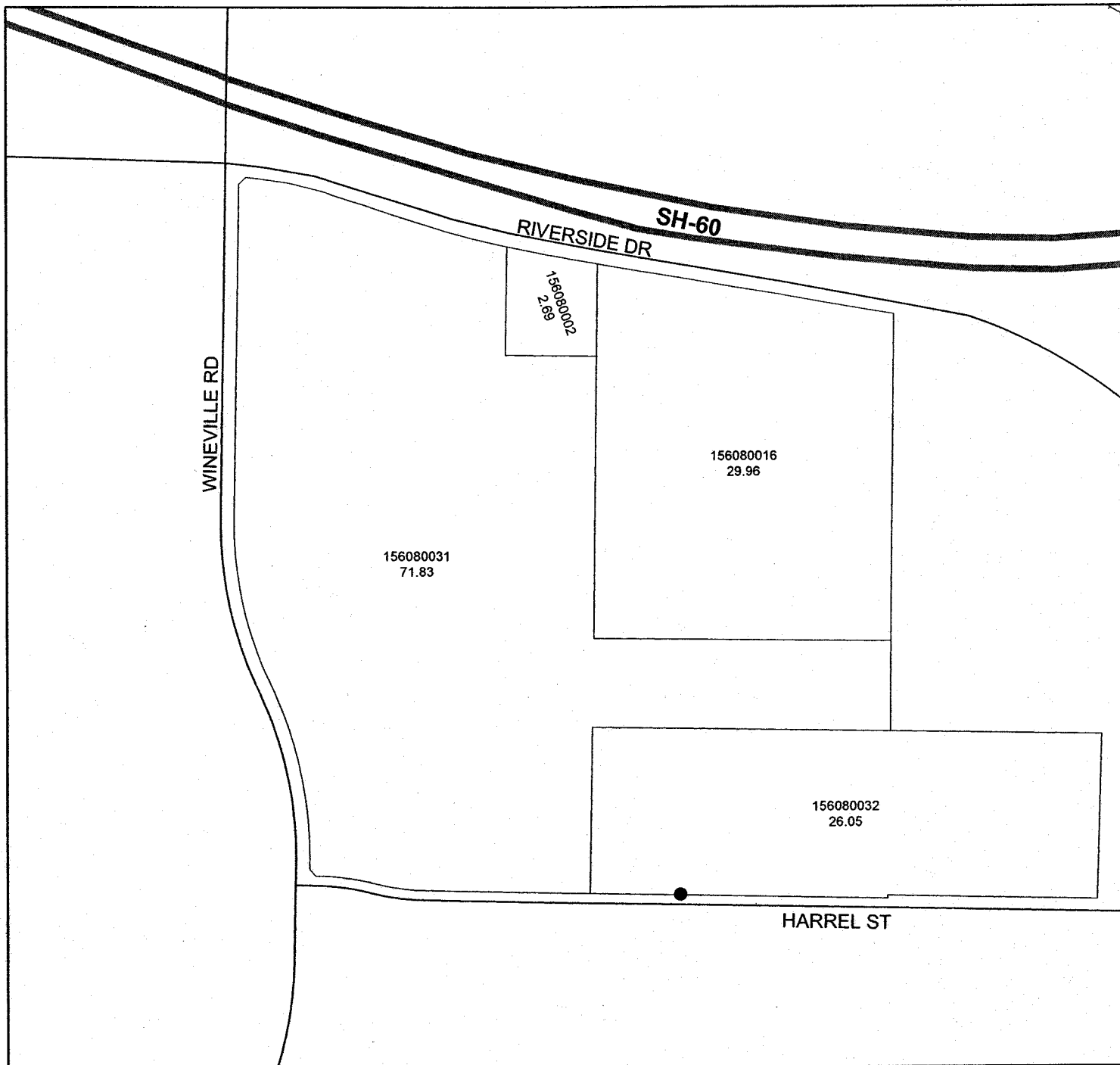
PLOT PLAN NO. 14420R1 - 4 PARCELS



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ASSESSMENT DIAGRAM



● DENOTES MAINTAINED FOSSIL FILTER



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 28, 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 2009-131 Zone 126

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: Monday, December 28, 2009 9:52 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: RES. NO. 2009-131 ZONE 126

Good Morning Cecilia,

I hope you and your family had a nice Christmas. Anyway, I have received the notice for publication.
Thanks, Mike

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

From: Gil, Cecilia <CCGIL@rcbos.org>
To: recordmde@aol.com
Sent: Mon, Dec 28, 2009 9:25 am
Subject: FOR PUBLICATION: RES. NO. 2009-131 ZONE 126

Hello! Good Morning!

Attached is a Notice of 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 1st 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. 2009-131

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 126 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 FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 126; 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. 2009-130 on November 24, 2009 initiating proceedings for the annexation of Zone 126 (hereinafter "Zone 126"), 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 Zone 126 and the assessments to be levied within Zone 126 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of fossil filters 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 Zone 126; and

WHEREAS, the Board of Supervisors by Resolution No. 2009-130 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 Applicant 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 Zone 126, and the assessments to be levied on parcels within Zone 126 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 Zone 126 proposed to be annexed to L&LMD No. 89-1-C will be \$8.52 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Zone 126, 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 Zone 126 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 Zone 126 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 Zone 126 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 maintenance and servicing of fossil filters authorized for Zone 126 of L&LMD No. 89-1-C are:

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Zone 126 of L&LMD No. 89-1-C will be \$8.52 per acre for fiscal year 2010-11. As stated in the Report, the total budget for Zone 126 for the fiscal year 2010-11 is \$1,116; there are 4 parcels that are to be assessed that aggregate to 130.53 acres. 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 ("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 Zone 126. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 126 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 Zone 126. The boundaries of Zone 126 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 Zone 126, and the annual assessment to be levied upon assessable lots and parcels within Zone 126 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. Public Hearing. The question of whether Zone 126 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, 1st Floor, Riverside, California.

Section 9. Majority Protest. Each owner of record of property within Zone 126 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 Zone 126 if there is a majority protest with regard to the annexation of Zone 126. 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 Zone 126 exceeds the assessment ballots in favor of the annexation and assessment of Zone 126.

Section 10. Information. Any property owner desiring additional information regarding Zone 126 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 Zone 126 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. ~~The Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that 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

within Zone 126 as shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on January 12, 2010.

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

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 126 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 156-080-002, 016, 031, and 032 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

(INSERT ASSESSMENT DIAGRAM here)

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-Ihem, Clerk of said Board

By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public hearing or may appear and be heard in support of or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: December 28, 2009

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

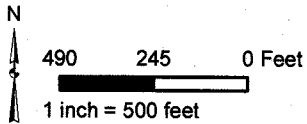
ZONE 126

PORTION OF SECTION 8, T.2S., R.6W.

PLOT PLAN NO. 14420R1 - 4 PARCELS

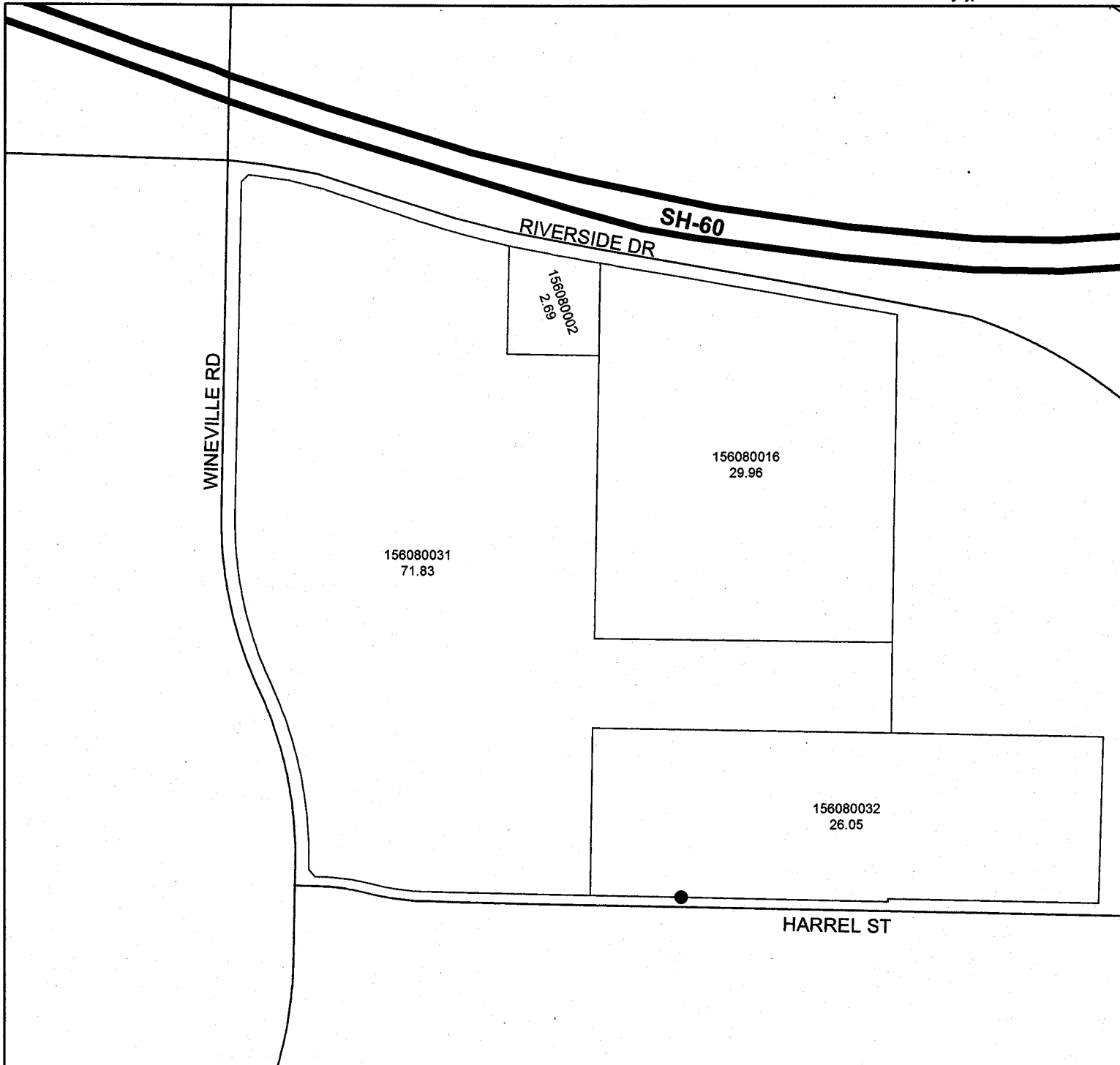


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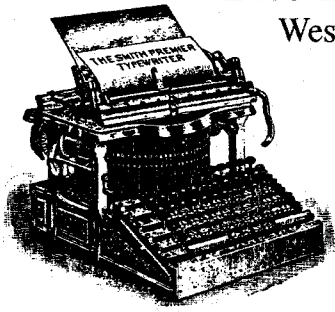


ASSESSMENT DIAGRAM

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● DENOTES MAINTAINED FOSSIL FILTER



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INVOICE

December 30, 2009

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

Legal Advertising

Notice of Public Hearing

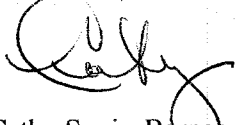
Your: Resolution 2009-131 Zone 126
Our #01153

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

Transp.
3.1195 of 11/24/09
1hr

RECEIVED RIVERSIDE COUNTY
2010 JAN -4 PM 2:06

(2015.5 C.C.P.)

County of Riverside

State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and says that she is a citizen of the United States, of the County of Riverside, State of California, and is over the age of eighteen years, and a resident of said County of Riverside, and during all said times the principal clerk of the press of The Riverside County Record-News, a newspaper or publication adjudicated by court decree, printed and published within the County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper as that term is defined in section 4460 of the Political Code of the State of California, by that section, is published for the dissemination of news and intelligence of a general character, having a list of paying subscribers, and is not devoted to nor published for the purpose of entertainment or instruction of a particular class, professing any particular race or denomination; that at all said time said newspaper was published, printed and published in said County and State of California more than one year preceding the date of publication of said notice mentioned; that said notice was set in type not smaller than ten point type, preceded with words printed in black face type not smaller than ten point type, describing and expressing in general terms the purpose of the notice intended to be given; that the

RIVERSIDE COUNTY RECORD
NEWSPAPER

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

December 31, 2009

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

Signature

Dated: December 31, 2009 at

Riverside , California

**NOTICE OF
SUPERVISOR**

NOTICE IS HEREBY
 interested persons and
 sors of Riverside C
 istrative Center, Be
 Riverside, on Tues
 the following:

Crime Report

at the 5500 block of Alexandria Avenue.

ing reported December
4:37 p.m. at the 3700
of Packard Street.

BREAKING and
ing reported December
3:35 p.m. at the 5700
of 28th Street.

THEFT reported E
ber 17 at 12:55 p.m.
corner of Main Stre
Transit Avenue.

THEFT reported December 16 at 6:03 a.m. corner of Cool Meadow Summer Avenue

THEFT reported December 16 at 5:12 p.m.
12300 block of Lir Avenue

THEFT of vehicle reported December 10:13 a.m. at the block of Arguello Drive.

THEFT reported December 16 at 10:48 a.m. the 10300 block of 4th Avenue, San Diego.

THEFT reported Dec. 16 at 5:45 p.m. on 6300 block of Jurupa. **THEFT** cannot be identified.

THIEF of vehicle

0:04 a.m. at the
lock of Nine Way.
THEFT from vehicle
ported by

THEFT reported

Public Hear-

RESOLUTION OF
COUNTY OF RIVE
THE ANNEXATION

THEFT from vehicle reported December 18 at 12:33 p.m. at the 4200 block of Wineville Road

AND PLACE OF TI
ZONE 128. ORDER
ING A MAILED BA
of a prior case of
of all the property.
north branch of the
SEXUAL offense reported
December 18 at 6:06 p.m.
at the 9700 block of Hast-
ings Boulevard

THEFT from vehicle reported December 18 at 6:05 p.m. at the 7700 block of Linmonite Avenue.

Section 6. **THEFT** of vehicle reported December 18 at 8:32 a.m. Zone 126 are total at the 7400 block of River are described and Glen Drive.

THEFT from vehicle reported December 18 at 8:29 A.m. at the 5800 block of

Section 8. **THEFT** reported Decem-
ber 18 at 9:35 p.m. at the 600
126 shall be arre- block of Swayzee Court.
ment levied begin
public hearing the

12, 2010, at 9:30 a.m. at the County Jail, 6300 block of Pats Ranch, Section 9, property within Z-Road, that shall conform

BREAKING and enter-

Public Hearing, the opposition to the assessment of the assessment of Zone 126. ing reported December 17 at 7:23 p.m. at the 7800 block of Limonite Avenue.

information regarding the proposed astronomical Engineering County of Riverside 92501 or by telephone 951-261-1111. The hearing is scheduled for 9:21 p.m. at the 5700 block of Avenue Juan Bautista.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the Amendment of Zone 128 to LAMC No. 89-1-G shall be given consistent with Section 4000 of the Streets and Highways Code and Section 4 of Article XXIII. The Clerk of the Board of Supervisors shall give notice of the Public Hearing by sending a certified copy of this Resolution to be published once in an appropriate newspaper of general circulation (10) days prior to the date of the Public Hearing that is January 12, 2010. Publication of the Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, three notices, as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of Article XXIII and Section 4000 of the California Elections Code to all owners of record of property within Zone 128 as shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on January 12, 2010.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of the subject property be annexed into Landscaping and Lighting Maintenance District No. 1 of the County of