

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

735A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 148 (Horsetheif Canyon).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-021 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 148.

Resolution No. 2010-022, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 148 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

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:
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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, March 16, 2010 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 26, 2010
xc: Transp., COB(2)

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.

District: 1

Agenda Number:

3.51

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 148 (Horsetheif Canyon).

January 13, 2010

Page 2 of 2

1972 for the maintenance and servicing of future median landscaping and future streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 148, 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. 2010-021 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-022 declares the Board's intention of ordering the annexation of Zone 148 to L&LMD No. 89-1-C. Annexation of Zone 148 to L&LMD No. 89-1-C will fund the maintenance and servicing of future median landscaping and the provision of electricity for future streetlights within public right-of-way located northerly and southerly of Temescal Canyon Rd in the Horsetheif Canyon area and includes 1 commercial parcel, totalling 3.1 acres.

Beginning in the fiscal year in which the future streetlight on Temescal Canyon Rd is installed the annual budget for Zone 148 will be \$330, or an assessment of \$106.44 per acre. Beginning in the fiscal year in which the future median on Temescal Canyon Rd is installed the annual budget for Zone 148 will be increased by \$1,488, and the assessment will be increased by \$479.92 per acre. Therefore, the proposed future annual budget for Zone 148 is \$1,818 that will result in a future annual assessment for Zone 148 of \$586.36 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 2010.

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 March 16, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 148 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-022, 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 148 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 148 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 March 16, 2010.

RESOLUTION NO. 2010-021

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 148 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 148"), 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 148 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 148; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on March 16, 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

BY: *[Signature]* DATE: 12/23/09
BY: GARDNER

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 148
2 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
4 Board of Supervisors of the County of Riverside assembled in regular session on January 26, 2010 as
5 follows:

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

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 148 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 148 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of future median landscaping within the public
13 right-of-way including the trimming, fertilizing, weeding and replanting of trees,
14 shrubs, grass, and other ornamental vegetation; and
- 15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the landscaping, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation; and
- 18 (c) Providing electricity to all future streetlights within the public right-of-way
19 including incidental costs and expenses.

20 **Section 3. Boundaries and Designation.** The boundaries of Zone 148 that are
21 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
22 described in Exhibit "A".

23 **Section 4. Report.** The Director of the Department of the County, or his designee,
24 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
25 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
26

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.

ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Benoit, 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 148 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 391-070-030 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

ZONE 148

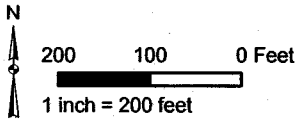
PORTION OF SECTION 7, T.5S., R.5W.

PLOT PLAN NO. 24107

1 PARCEL

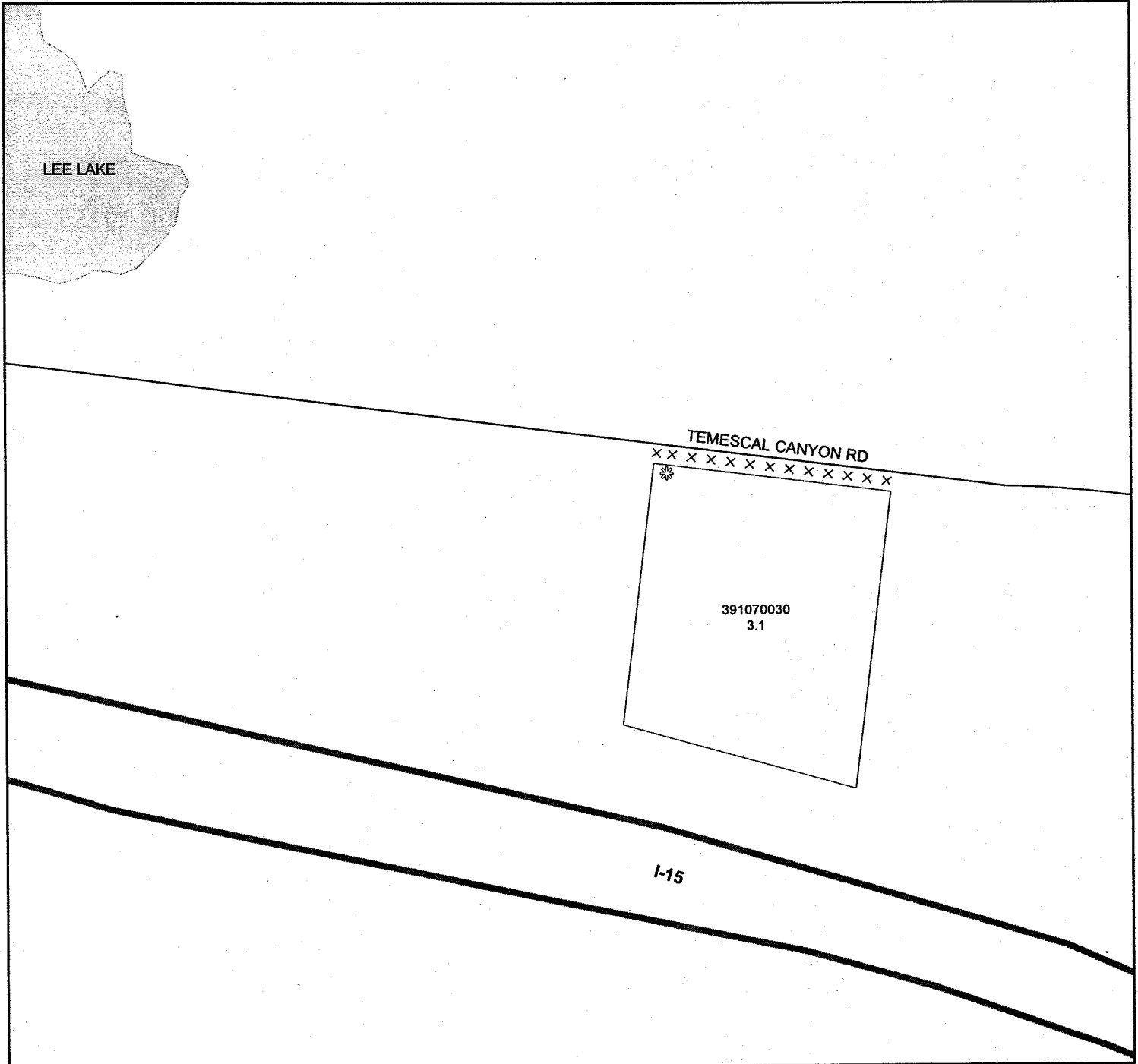


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ASSESSMENT DIAGRAM

Printed by jpickeri on 12/17/09



DENOTES FUTURE MAINTAINED STREETLIGHT

× × × × DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

RESOLUTION NO. 2010-022

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 148 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF FUTURE MEDIAN LANDSCAPING AND FUTURE STREETLIGHTS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 148; 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. 2010-021 on January 26, 2010 initiating proceedings for the annexation of Zone 148 (hereinafter "Zone 148"), 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 148 and the assessments to be levied within Zone 148 each fiscal year for the the maintenance and servicing of future median landscaping and the provision of electricity for future streetlights within the public right-of-way within said Zone, beginning with the fiscal year in which said improvements have been installed; 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 148; and

FORM APPROVED COUNTY COUNSEL
BY *[Signature]* DATE 12/23/09
BY *[Signature]* DATE 12/23/09
BY *[Signature]* DATE 12/23/09

b

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2010-021 directed the Director of the
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
4 Street and Highways Code and Section 4 of Article XIID; and

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

7 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
8 Ballot Election" allowing for the election to be held on March 16, 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 Zone 148, and the assessments to be levied on parcels within Zone 148
13 beginning in the fiscal year in which the future improvements are installed;

14 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
15 Board of Supervisors in regular session assembled on January 26, 2010 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) Beginning in the fiscal year in which the future streetlight is installed the annual
22 assessment will be \$106.44 per acre. Beginning in the fiscal year in which the future
23 median is installed the annual assessment will be increased by \$479.92 per acre.
24 Therefore, the proposed future annual assessment for on all parcels within Zone 148
25 proposed to be annexed to L&LMD No. 89-1-C will be \$586.36 per acre.
- 26

1 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
2 annexation of Zone 148, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
3 collect an annual assessment on all assessable lots and parcels of property within Zone 148
4 commencing with the fiscal year in which the future improvements are installed as set forth in the
5 Report. The Report expressly states that there are no parcels or lots within Zone 148 that are owned by
6 a federal, state or other local governmental agency that will benefit from the services to be financed by
7 the annual assessments. The annual assessments will be collected at the same time and in the same
8 manner as property taxes are collected, and all laws providing for the collection and enforcement of
9 property taxes shall apply to the collection and enforcement of said assessments.

10 **Section 3. Boundaries.** All the property within boundaries of Zone 148 is proposed to be
11 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
12 County as described and shown in Exhibit "A".

13 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
14 future median landscaping and the provision of electricity for future streetlights authorized for Zone 148
15 of L&LMD No. 89-1-C are:

- 16 (a) The maintenance and servicing of future median landscaping within the public right-of-
17 way including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
18 and other ornamental vegetation; and
- 19 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
20 landscaping, including but not limited to electricity for operation of the irrigation system
21 and water for irrigation; and
- 22 (c) Providing electricity to future streetlights within the public right-of-way including
23 incidental costs and expenses.

24 **Section 5. Amount to be Levied.** Beginning in the fiscal year in which the future streetlight
25 on Temescal Canyon Rd is installed the annual budget for Zone 148 will be \$330, or an assessment of
26 \$106.44 per acre. Beginning in the fiscal year in which the future median on Temescal Canyon Rd is

1 installed the annual budget for Zone 148 will be increased by \$1,488, and the assessment will be
2 increased by \$479.92 per acre. Therefore, as stated in the Report, the total future annual budget for
3 Zone 148 will be \$1,818 that will result in a future annual assessment for Zone 148 of \$586.36 per acre.
4 There is 1 parcel that is to be assessed that aggregates to 3.1 acres. The annual assessment will be
5 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
6 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
7 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
8 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
9 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
10 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
11 majority approval of all the property owners within Zone 148. The Board of Supervisors will levy the
12 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
13 the dissolution of Zone 148 of L&LMD No. 89-1-C. The annual assessment will fund the services
14 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
15 on file in the Office of the Clerk of the Board of Supervisors.

16 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
17 89-1-C is Zone 148. The boundaries of Zone 148 are located within the unincorporated area of the
18 County and are described and shown in the Report and Exhibit "A".

19 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
20 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
21 the Report for a full and detailed description of the services, the boundaries of Zone 148, and the
22 annual assessment to be levied upon assessable lots and parcels within Zone 148 proposed to be
23 annexed to L&LMD No. 89-1-C.

24 **Section 8. Public Hearing.** The question of whether Zone 148 shall be annexed into
25 L&LMD No. 89-1-C and an annual assessment levied, beginning in the fiscal year in which the future
26 improvements are installed, shall be considered at a public hearing (hereinafter the "Public Hearing") to

1 be held on March 16, 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County
2 at 4080 Lemon Street, 1st Floor, Riverside, California.

3 **Section 9. Majority Protest.** Each owner of record of property within Zone 148 is to receive
4 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
5 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
6 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
7 Zone 148 if there is a majority protest with regard to the annexation of Zone 148. A majority protest
8 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
9 in opposition to the annexation and assessment of Zone 148 exceeds the assessment ballots in favor
10 of the annexation and assessment of Zone 148.

11 **Section 10. Information.** Any property owner desiring additional information regarding
12 Zone 148 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
13 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
14 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
15 (951) 955-6829.

16 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
17 annexation of Zone 148 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
18 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
19 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
20 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is March 16,
21 2010. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
22 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
23 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
24 Section 4000 of the California Elections Code to all owners of record of property within Zone 148 as
25 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
26

deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on March 16, 2010.

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

ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Benoit, 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 148 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 391-070-030 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

ZONE 148

PORTION OF SECTION 7, T.5S., R.5W.

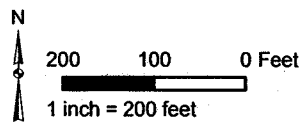
PLOT PLAN NO. 24107

1 PARCEL

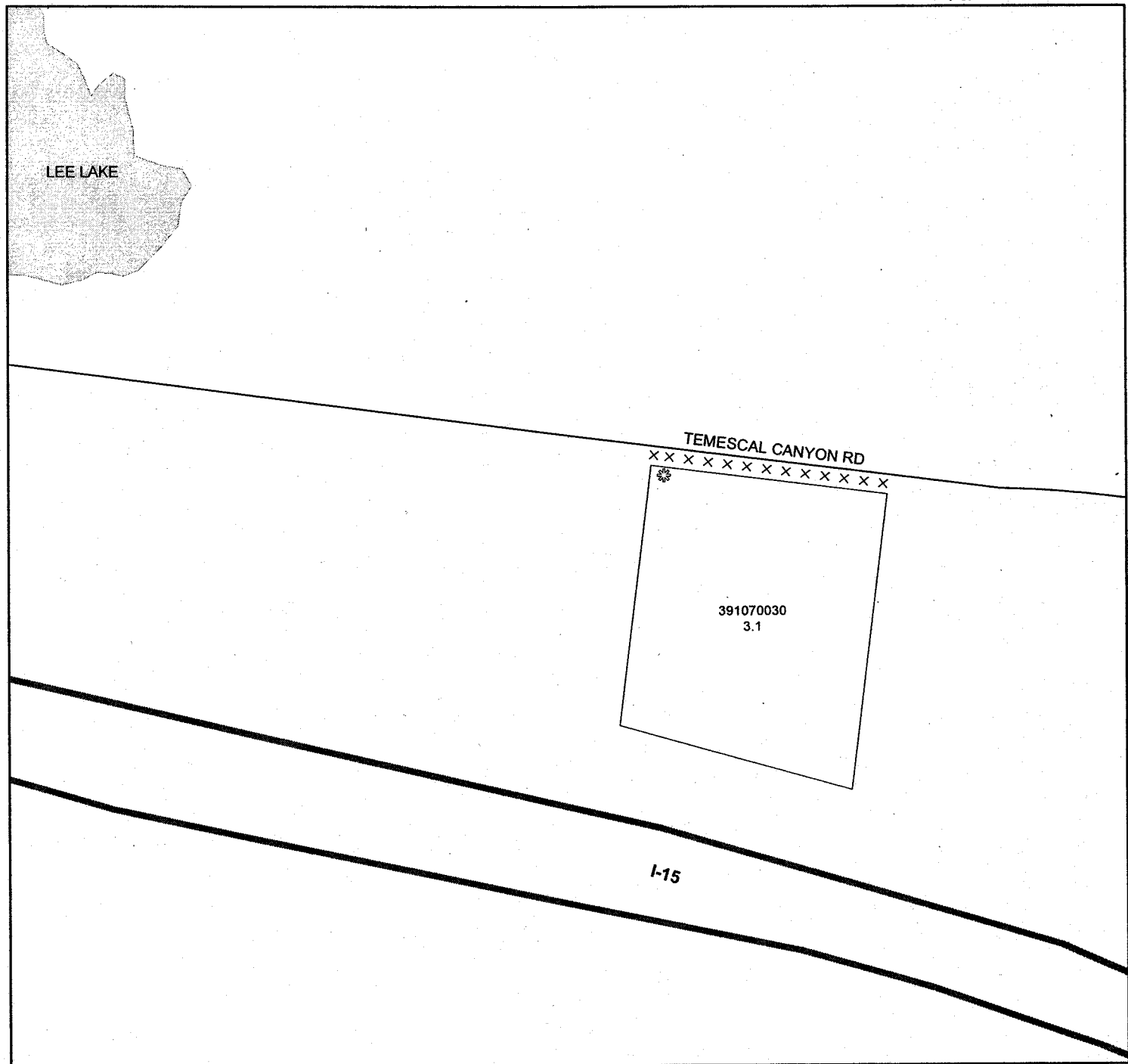


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ASSESSMENT DIAGRAM



- DENOTES FUTURE MAINTAINED STREETLIGHT
- DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN