

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

246A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 4, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 150 (French Valley).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-074 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 150 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 150.

Resolution No. 2010-075, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 150 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

MH: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 Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above resolutions are adopted as recommended, and that the matter is set for public hearing on Tuesday, May 4, 2010 at 9:30 a.m.

Ayes: Buster, Stone, Benoit, and Ashley
Nays: None
Absent: Tavaglione
Date: March 16, 2010
xc: Transportation., COB(2)

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref. | **District: 3** | **Agenda Number:**

3.59

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
DATE 2/23/10
JALEA A. GARDNER
Departmental Concurrence

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

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 150 (French Valley).

March 4, 2010

Page 2 of 2

1972 for the maintenance and servicing of, and the provision of electricity for, traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 150, 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. 2010-074 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 150 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-075 declares the Board's intention of ordering the annexation of Zone 150 to L&LMD No. 89-1-C. Annexation of Zone 150 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and the provision of electricity for, traffic signals within public right-of-way located at the intersection of Benton Rd and Temeku St in the French Valley area and includes 1 commercial parcel, totaling 1.39 acre(s).

The proposed budget for fiscal year 2010-11 for Zone 150 is \$578 that will result in an assessment for fiscal year 2010-11 within Zone 150 of \$415.82 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 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 May 4, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 150 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-075, 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 150 will be annexed to L&LMD No. 89-1-C.

2 RESOLUTION NO. 2010-074

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 150 TO LANDSCAPING AND LIGHTING**
5 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
6 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
7 **PREPARATION OF ENGINEER’S REPORT REGARDING SAID ANNEXATION**

8 **WHEREAS**, the Board of Supervisors (hereinafter the “Board of Supervisors”) of the County of
9 Riverside (hereinafter the “County”) has been advised by the Transportation Department (hereinafter
10 “Department”) of the County that said Department has received an application from the owner (the
11 “Applicant”) of all the property within the unincorporated area of the County (hereinafter “Zone 150”),
12 as shown and described in Exhibit “A”, which is attached hereto and made a part hereof, to be
13 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
14 “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of Supervisors has
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 150 to
16 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with
17 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the “Act”
18 and the “Street and Highways Code”); and

19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
21 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 150; and

22 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
23 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
24 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve
25 as the engineer (hereinafter the “Engineer”) for the County with regard to the annexation of Zone 150
26 to L&LMD No. 89-1-C.

FORM APPROVED COUNTY COUNSEL
BY: *M. A. Garoner*
DATE: 2/23/10
TJALEA GARONER

1 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the
2 Board of Supervisors of the County of Riverside assembled in regular session on March 16, 2010 as
3 follows:

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

6 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 150 to
7 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
8 purpose of levying an annual assessment on all parcels within Zone 150 to pay the costs of the
9 following services:

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

12 **Section 3. Boundaries and Designation.** The boundaries of Zone 150 that are
13 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
14 described in Exhibit "A".

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

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

22 ROLL CALL:

23 Ayes: Buster, Stone, Benoit, and Ashley
24 Nays: None
Absent: Tavaglione

25 The foregoing is certified to be a true copy of a resolution duly
26 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 150 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 963-070-013 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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ZONE 150

PORTION OF SECTION 6, T.7S., R.2W.

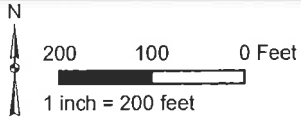
PLOT PLAN NO. 23975

1 PARCEL

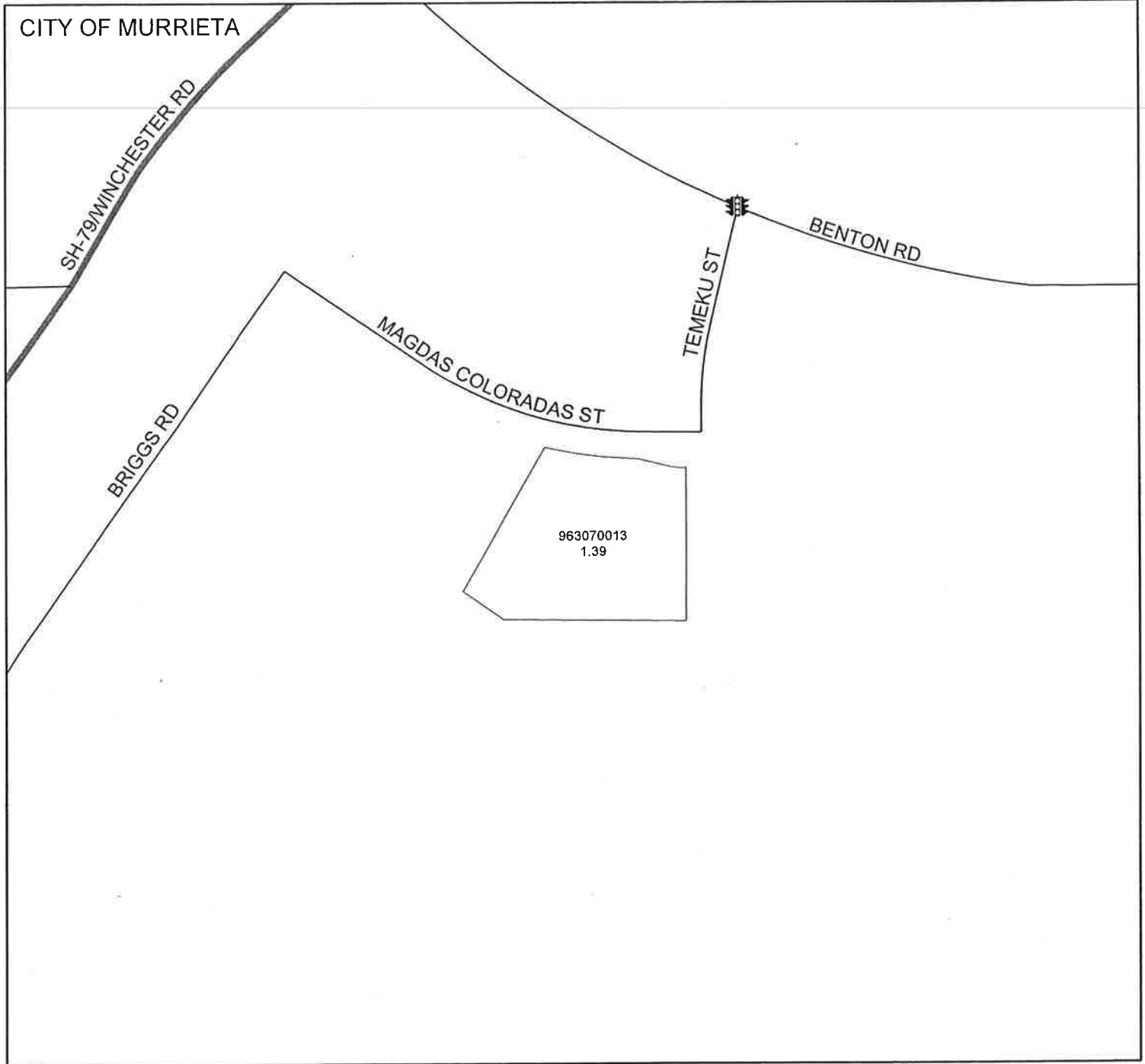


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ASSESSMENT DIAGRAM



DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2010-075

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 150 TO LANDSCAPING AND LIGHTING
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE
7 AND SERVICING OF TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 150; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA
12 CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

13 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
14 Riverside (hereinafter the "County") has adopted Resolution No. 2010-074 on March 16, 2010 initiating
15 proceedings for the annexation of Zone 150 (hereinafter "Zone 150"), as described and shown in
16 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 150 and the assessments to be levied within
22 Zone 150 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of, and
23 the provision of electricity for, traffic signals within the public right-of-way within said Zone; and

24 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
25 California Constitution (hereinafter "Article XIID:"), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 150;
27 and

28 **WHEREAS**, the Board of Supervisors by Resolution No. 2010-074 directed the Director of the
29 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY: *Debra A. Gardner* 2/23/10
DAIME A. GARDNER DATE

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**, it is necessary that the Board of Supervisors adopt a resolution of intention
6 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
7 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
8 Report, the annexation of Zone 150, and the assessments to be levied on parcels within Zone 150
9 beginning in fiscal year 2010-11;

10 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
11 Board of Supervisors in regular session assembled on March 16, 2010 as follows:

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

- 13 (a) The foregoing recitals are true and correct;
- 14 (b) The Report contains all matters required by Sections 22565 through 22574 of the
15 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
16 approved by the Board of Supervisors;
- 17 (c) The annual assessment for fiscal year 2010-11 on all parcels within Zone 150 proposed
18 to be annexed to L&LMD No. 89-1-C will be \$415.82 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
20 annexation of Zone 150, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
21 collect an annual assessment on all assessable lots and parcels of property within Zone 150
22 commencing with the fiscal year 2010-11 as set forth in the Report. The Report expressly states that
23 there are no parcels or lots within Zone 150 that are owned by a federal, state or other local
24 governmental agency that will benefit from the services to be financed by the annual assessments. The
25 annual assessments will be collected at the same time and in the same manner as property taxes are
26

1 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
2 collection and enforcement of said assessments.

3 **Section 3. Boundaries.** All the property within boundaries of Zone 150 is proposed to be
4 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
5 County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The maintenance and servicing of,
7 and the provision of electricity for, traffic signals authorized for Zone 150 of L&LMD No. 89-1-C are:

- 8 (a) Providing electricity to and the maintenance and servicing of traffic signals within the
9 public right-of-way including incidental costs and expenses.

10 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
11 benefits from the annexation of Zone 150 of L&LMD No. 89-1-C will be \$415.82 per acre for fiscal year
12 2010-11. As stated in the Report, the total budget for Zone 150 for the fiscal year 2010-11 is \$578;
13 there is 1 parcel that are to be assessed that aggregate to 1.39 acres. The annual assessment will be
14 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
15 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-
16 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the
17 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will
18 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the
19 base Index for March of 2010. Any increase larger than the greater of 2.0% or the CPI-U annual
20 adjustment requires a majority approval of all the property owners within Zone 150. The Board of
21 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors
22 undertakes proceedings for the dissolution of Zone 150 of L&LMD No. 89-1-C. The annual assessment
23 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be
24 made to the Report 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 150. The boundaries of Zone 150 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 150, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 150 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 150 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 May 4, 2010, at 9:30
12 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
13 Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 150 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 150 if there is a majority protest with regard to the annexation of Zone 150. 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 150 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 150.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 150 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
24 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
25 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at (951) 955-6748.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 150 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
3 ~~Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall~~
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
5 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is May 4,
6 2010. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
7 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
8 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
9 Section 4000 of the California Elections Code to all owners of record of property within Zone 150 as
10 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
11 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on May 4,
12 2010.

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

15 ROLL CALL:

16 Ayes: Buster, Stone, Benoit, and Ashley

17 Nays: None

 Absent: Tavaglione

18
19 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.

20 KECIA HARPER-IHEM, Clerk of said Board

21 By: _____
 Deputy

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 150 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 963-070-013 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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

ZONE 150

PORTION OF SECTION 6, T.7S., R.2W.

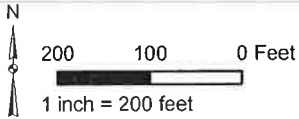
PLOT PLAN NO. 23975

1 PARCEL

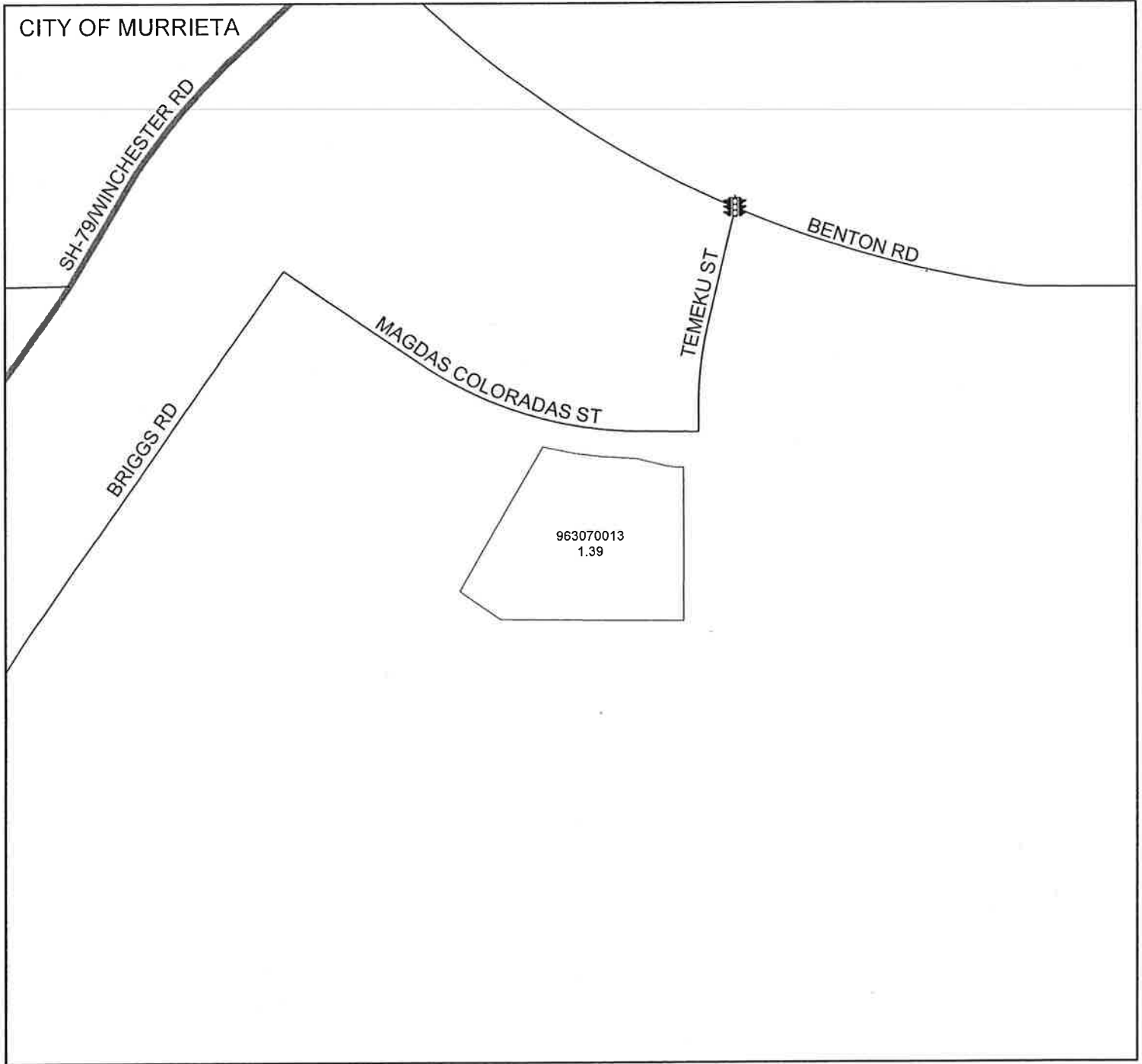


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ASSESSMENT DIAGRAM



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