

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

247A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
March 4, 2010

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Street Lighting Zone 100 (Belltown).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2010-076 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 100 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 100.

Resolution No. 2010-077, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 100 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act

Juan C. Perez  
Director of Transportation

MH:jp

<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 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: 2** | **Agenda Number:**

3.60

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL  
BY:   
DALE A. GARDNER  
DATE: 2/25/10

Departmental Concurrence

Policy  Policy

Consent  Consent

Dept's Recomm.:  
Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 100 (Belltown).

March 4, 2010

Page 2 of 2

of 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 100, 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. 2010-076 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 100 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-077 declares the Board's intention of ordering the annexation of Street Lighting Zone 100 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 100 to L&LMD No. 89-1-C will fund the provision of electricity for streetlights within public right-of-way located easterly of Fleetwood Dr in the Belltown area and includes 1 commercial parcel, totaling .78 acre(s).

The proposed budget for fiscal year 2010-11 for Street Lighting Zone 100 is \$330 that will result in an assessment for fiscal year 2010-11 within Street Lighting Zone 100 of \$423.08 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 Street Lighting Zone 100 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-077, 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 100 will be annexed to L&LMD No. 89-1-C.

2 RESOLUTION NO. 2010-076

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
4 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 100 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 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 Street Lighting  
12 "Zone 100"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof,  
13 to be 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 Street  
16 Lighting Zone 100 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2  
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,  
18 respectively, the "Act" 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 Street Lighting Zone 100; 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 Street  
26 Lighting Zone 100 to L&LMD No. 89-1-C.

FORM APPROVED COUNTY COUNSEL  
BY *Dale A. Garrison* 2/23/10  
DALE A. GARRISON

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 Street  
7 Lighting Zone 100 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to  
8 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 100  
9 to pay the costs of the following services:

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

12 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting  
13 Zone 100 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as  
14 shown and 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 of  
17 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code  
18 and Section 4 of Article XIID of the California Constitution regarding said annexation and the levy.

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

21 ROLL CALL:

22 Ayes: Buster, Stone, Benoit, and Ashley  
23 Nays: None  
24 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 Street Lighting Zone 100 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 178-350-022 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

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# STREET LIGHTING ZONE 100

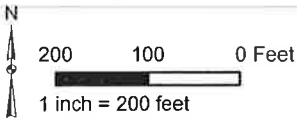
PORTION OF SECTION 11, T.2S., R.5W.

PLOT PLAN NO. 22961

1 PARCEL

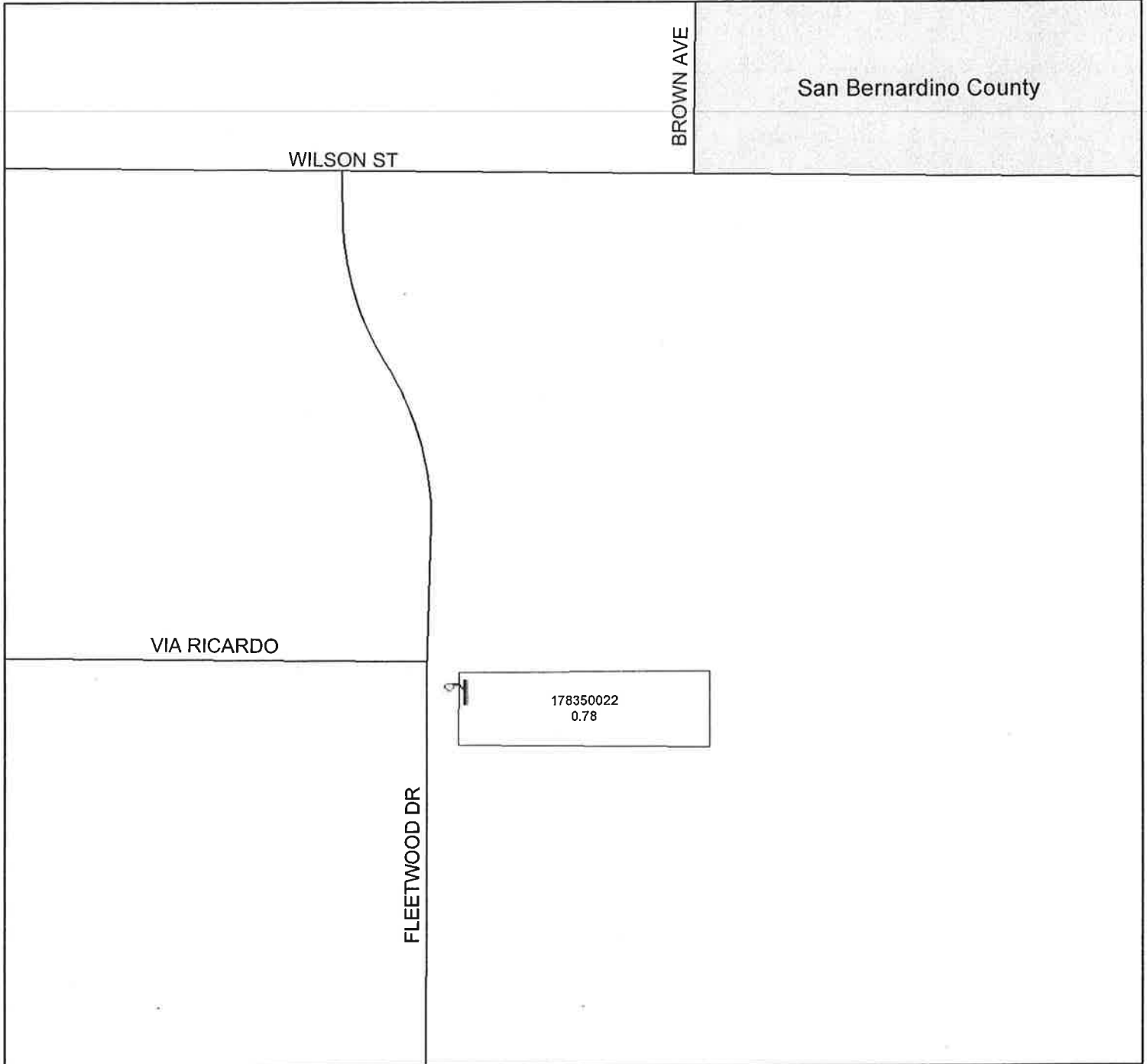


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## ASSESSMENT DIAGRAM

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 DENOTES MAINTAINED STREETLIGHT

2 RESOLUTION NO. 2010-077

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 100 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 100; 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. 2010-076 on March 16, 2010 initiating  
16 proceedings for the annexation of Street Lighting Zone 100 (hereinafter "Street Lighting Zone 100"), as  
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping  
18 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,  
19 (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter  
20 the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways  
21 Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report  
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 100 and the  
23 assessments to be levied within Street Lighting Zone 100 each fiscal year beginning fiscal year  
24 2010-11 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 100; and

WHEREAS, the Board of Supervisors by Resolution No. 2010-076 directed the Director of the  
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL  
BY: *Diane Angarone* 2/21/10  
DATE ANGEARONE 2/21/10

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 Street Lighting Zone 100, and the assessments to be levied on parcels within  
9 Street Lighting Zone 100 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 Street Lighting  
18 Zone 100 proposed to be annexed to L&LMD No. 89-1-C will be \$423.08 per acre.

19 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
20 annexation of Street Lighting Zone 100, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
21 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
22 Street Lighting Zone 100 commencing with the fiscal year 2010-11 as set forth in the Report. The  
23 Report expressly states that there are no parcels or lots within Street Lighting Zone 100 that are owned  
24 by a federal, state or other local governmental agency that will benefit from the services to be financed  
25 by the annual assessments. The annual assessments will be collected at the same time and in the  
26



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

3 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 100 is  
4 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated  
5 area of the County as described and shown in Exhibit "A".

6 **Section 4. Description of Services to be Provided.** The service authorized for Street  
7 Lighting Zone 100 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public  
8 right-of-way including incidental costs and expenses.

9 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
10 benefits from the annexation of Street Lighting Zone 100 of L&LMD No. 89-1-C will be \$423.08 per acre  
11 for fiscal year 2010-11. As stated in the Report, the total budget for Street Lighting Zone 100 for the  
12 fiscal year 2010-11 is \$330; there is 1 parcel(s) that is to be assessed that aggregates to .78 acre(s).  
13 The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative  
14 percentage increase, if any, in the Consumer Price Index for all Urban Consumers for "electricity"  
15 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical  
16 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.  
17 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands  
18 on March of each year over the base Index for March of 2010. Any increase larger than the greater of  
19 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within  
20 Street Lighting Zone 100. The Board of Supervisors will levy the assessment in each subsequent fiscal  
21 year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting  
22 Zone 100 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4  
23 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of  
24 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 Street Lighting Zone 100. The boundaries of Street Lighting Zone 100 are located within the  
3 unincorporated area of the 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 Street Lighting  
7 Zone 100, and the annual assessment to be levied upon assessable lots and parcels within Street  
8 Lighting Zone 100 proposed to be annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 100 shall be  
10 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11  
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on May 4, 2010, at  
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
13 1<sup>st</sup> Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
15 Zone 100 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
17 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property  
18 within the boundaries of Street Lighting Zone 100 if there is a majority protest with regard to the  
19 annexation of Street Lighting Zone 100. A majority protest exists if, upon the conclusion of the Public  
20 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and  
21 assessment of Street Lighting Zone 100 exceeds the assessment ballots in favor of the annexation and  
22 assessment of Street Lighting Zone 100.

23           **Section 10. Information.** Any property owner desiring additional information regarding Street  
24 Lighting Zone 100 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact  
25 Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside,  
26 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 100 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 178-350-022 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

**STREET LIGHTING ZONE 100**

PORTION OF SECTION 11, T.2S., R.5W.

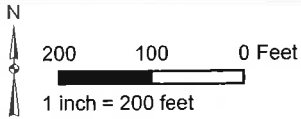
PLOT PLAN NO. 22961

1 PARCEL

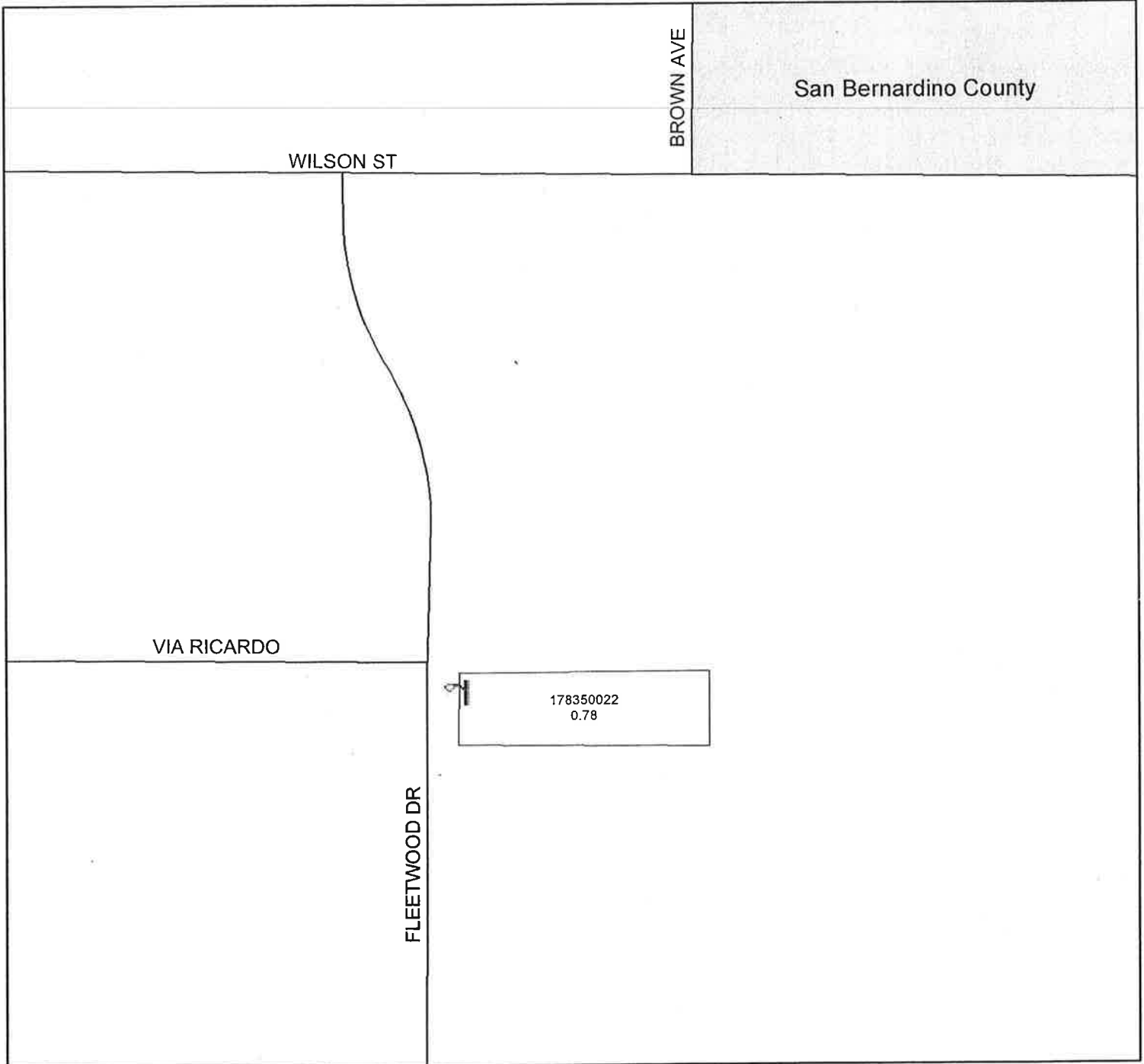


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**ASSESSMENT DIAGRAM**



 DENOTES MAINTAINED STREETLIGHT