

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

248A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
March 4, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 149 (Bermuda Dunes).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-072 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 149 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 149.

Resolution No. 2010-073, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 149 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: 4** | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.61

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 2/23/10
DATE: Departmental Concurrence

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

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 149 (Bermuda Dunes).

March 4, 2010

Page 2 of 2

1972 for the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for streetlights and 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 149, 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. 2010-072 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 149 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-073 declares the Board's intention of ordering the annexation of Zone 149 to L&LMD No. 89-1-C. Annexation of Zone 149 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for streetlights and traffic signals within public right-of-way located at the intersection of Washington St and 41st Ave and westerly of Sparkey Way in the Bermuda Dunes area and includes 1 commercial parcel, totaling 3.8 acre(s).

The proposed budget for fiscal year 2010-11 for Zone 149 is \$1,569 that will result in an assessment for fiscal year 2010-11 within Zone 149 of \$412.96 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 May 4, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 149 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-073, 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 149 will be annexed to L&LMD No. 89-1-C.

2 RESOLUTION NO. 2010-072

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 149 TO LANDSCAPING AND LIGHTING**
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
7 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
10 Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter
11 "Department") of the County that said Department has received an application from the owner (the
12 "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 149"),
13 as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be
14 annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter
15 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has
16 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 149 to
17 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with
18 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 149; and

23 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
24 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
25 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve
26 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 149
to L&LMD No. 89-1-C.

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 2/23/10
TARA A. GARDNER

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 149 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 149 to pay the costs of the
9 following services:

- 10 (a) The maintenance and servicing of fossil filters within the public right-of-way
11 including the removal of petroleum hydrocarbons and other pollutants from
12 water runoff; and
- 13 (b) Providing electricity to and the maintenance and servicing of traffic signals within
14 the public right-of-way including incidental costs and expenses; and
- 15 (c) Providing electricity to all streetlights within the public right-of-way including
16 incidental costs and expenses.

17 **Section 3. Boundaries and Designation.** The boundaries of Zone 149 that are
18 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
19 described in Exhibit "A".

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

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

2 RESOLUTION NO. 2010 – 072

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
4 INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 149 TO LANDSCAPING AND
5 LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND
7 ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

8 ADOPTED by Riverside County Board of Supervisors on March 16, 2010.

9 ROLL CALL:

10 Ayes: Buster, Stone, Benoit, and Ashley

11 Nays: None

12 Absent: Tavaglione

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

15 KECIA HARPER-IHEM, Clerk of said Board

16 By: _____
17 Deputy

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

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The boundaries of Zone 149 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 607-040-078 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2010-11.

ZONE 149

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

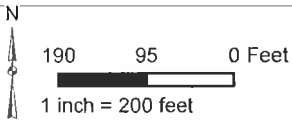
PLOT PLAN NO. 21408

1 PARCEL



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ASSESSMENT DIAGRAM



-  DENOTES MAINTAINED STREETLIGHT
-  DENOTES MAINTAINED FOSSIL FILTER
-  DENOTES MAINTAINED TRAFFIC SIGNAL

RESOLUTION NO. 2010-073

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 149 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, STREETLIGHTS, AND 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 149; 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. 2010-072 on March 16, 2010 initiating proceedings for the annexation of Zone 149 (hereinafter "Zone 149"), 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 149 and the assessments to be levied within Zone 149 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of fossil filters and traffic signals, and the provision of electricity for streetlights and traffic signals 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 149; and

APPROVED COUNTY COUNSEL
DATE 2/23/10
GARDNER

1 **WHEREAS**, the Board of Supervisors by Resolution No. 2010-072 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**, 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 149, and the assessments to be levied on parcels within Zone 149~~
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 March 16, 2010 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 149 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$412.96 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 149, 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 149
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 149 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 149 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 and traffic signals, and the provision of electricity for streetlights and traffic signals
9 authorized for Zone 149 of L&LMD No. 89-1-C are:

- 10 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
11 removal of petroleum hydrocarbons and other pollutants from water runoff; and
- 12 (b) Providing electricity to and the maintenance and servicing of traffic signals within the
13 public right-of-way including incidental costs and expenses; and
- 14 (c) Providing electricity to all streetlights within the public right-of-way including incidental
15 costs and expenses.

16 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
17 benefits from the annexation of Zone 149 of L&LMD No. 89-1-C will be \$412.96 per acre for fiscal year
18 2010-11. As stated in the Report, the total budget for Zone 149 for the fiscal year 2010-11 is \$1,569;
19 there is 1 parcel that are to be assessed that aggregate to 3.8 acres. The annual assessment will be
20 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
21 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
22 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
23 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
24 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
25 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
26 majority approval of all the property owners within Zone 149. The Board of Supervisors will levy the

1 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
2 the dissolution of Zone 149 of L&LMD No. 89-1-C. The annual assessment will fund the services
3 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
4 on file in the Office of the Clerk of the Board of Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
6 89-1-C is Zone 149. The boundaries of Zone 149 are located within the unincorporated area of the
7 County and are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
10 the Report for a full and detailed description of the services, the boundaries of Zone 149, and the
11 annual assessment to be levied upon assessable lots and parcels within Zone 149 proposed to be
12 annexed to L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Zone 149 shall be annexed into
14 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11 shall be
15 considered at a public hearing (hereinafter the "Public Hearing") to be held on May 4, 2010, at 9:30
16 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
17 Riverside, California.

18 **Section 9. Majority Protest.** Each owner of record of property within Zone 149 is to receive
19 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
20 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
21 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
22 Zone 149 if there is a majority protest with regard to the annexation of Zone 149. A majority protest
23 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
24 in opposition to the annexation and assessment of Zone 149 exceeds the assessment ballots in favor
25 of the annexation and assessment of Zone 149.
26

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 149 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 607-040-078 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 149

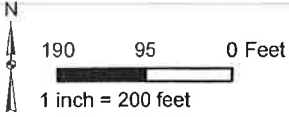
PORTION OF SECTION 7 T.5S., R.7E.

PLOT PLAN NO. 21408

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ASSESSMENT DIAGRAM

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