

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

657A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
April 22, 2010

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

**RECOMMENDED MOTION:** That the Board:

1. Adopt Resolution No. 2010-111, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 148 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2010-11.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 148 of Landscaping and Lighting

Juan C. Perez  
Director of Transportation

<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 Benoit, seconded by Supervisor Tavaglione 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: May 4, 2010  
xc: Transp., Auditor

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

**Prev. Agn. Ref.** 01/26/10, 3.51  
03/16/10, 9.10

**District:** 1

**Agenda Number:**

**3.78**

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL  
BY: 4/7/10  
DALE A. GARDNER DATE

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  
Zone 148 (Horsetheif Canyon).

April 22, 2010

Page 2 of 2

Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-  
22656 of the Streets and Highways Code.

**BACKGROUND:** On March 16, 2010, a public hearing was held to receive all testimony regarding the annexation of Zone 148 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on March 17, 2010 at 10:00 a.m. in Conference Room D on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Zone 148 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Beginning in the fiscal year in which the future streetlight on Temescal Canyon Rd is installed the proposed 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 proposed 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.

Adoption of Resolution No. 2010-111 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2010-11 for Zone 148 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2010-11.

2 RESOLUTION NO. 2010-111

3  
4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING  
5 THE ANNEXATION OF ZONE 148 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
6 NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM  
AND ASSESSMENT FOR ZONE 148 OF LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE  
LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2010-11

7  
8 **WHEREAS**, on January 26, 2010 the Board of Supervisors (hereinafter the "Board of  
9 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2010-022,  
10 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the  
11 intention of the Board of Supervisors to order the annexation of Zone 148 to Landscaping and Lighting  
12 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant  
13 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of  
14 Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for  
15 9:30 a.m. on March 16, 2010 at the meeting room of the Board of Supervisors and requiring that the  
16 notice of the public hearing and assessment ballots be mailed to all owners of property within  
17 Zone 148 as shown on the equalized tax roll; and

18 **WHEREAS**, notice of said public hearing was duly published and mailed as required by  
19 Resolution No. 2010-022, Section 22626 of the Streets and Highways Code and Sections 53753 and  
20 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of  
21 property within said Zone 148 as shown on the equalized tax roll; and

22 **WHEREAS**, at 9:30 a.m. on March 16, 2010, as set forth in Resolution No. 2010-022, the  
23 Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be  
24 heard, and considered all oral statements and all written protest or communications made or filed by  
25 any interested persons, closed the public hearing and directed the Director of Transportation, or his  
26 designee, as an impartial person having no vested interest in the annexation of Zone 148 to L&LMD

FORM APPROVED COUNTY COUNSEL  
BY: *Wendy A. Gardner* 4/17/10  
DATE: 4/17/10  
WENDY A. GARDNER

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots  
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely  
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the  
5 assessment ballots received) voted in favor of annexation of Zone 148 to L&LMD No. 89-1-C and the  
6 levy of an annual assessment in said Zone 148 beginning fiscal year 2010-11; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally  
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall  
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 148 of  
11 L&LMD No. 89-1-C beginning fiscal year 2010-11.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors of the County in regular session on April 20, 2010 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and  
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division  
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the  
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 148 of  
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in  
23 favor of the annexation of Zone 148 to L&LMD No. 89-1-C and the levy of an  
24 annual assessment beginning fiscal year 2010-11, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
26 annexation of Zone 148 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the  
2 diagram and assessment for Zone 148 of L&LMD No. 89-1-C either as originally  
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within  
5 Zone 148 of L&LMD No. 89-1-C for the installation, the maintenance and  
6 servicing of future median landscaping and the provision of electricity for future  
7 streetlight improvements in said Zone 148 during the fiscal year 2010-11 as  
8 contained in the report of the Director of Transportation which is on file with the  
9 Clerk of the Board of Supervisors (hereinafter the "Report") are based on  
10 benefits derived by such lots and parcels from the availability of such future  
11 median landscaping and future streetlight improvements, and are not based  
12 upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Zone 148, as proposed to be annexed to L&LMD No.  
14 89-1-C, includes all the property subject to Plot Plan No. 24107 in the County of Riverside, State of  
15 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 148 of L&LMD  
17 No. 89-1-C are:

18 (a) The maintenance and servicing of landscaping within the public right-of-way  
19 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,  
20 and other ornamental vegetation; and

21 (b) The maintenance and servicing of irrigation and electrical facilities associated  
22 with the landscaping, including but not limited to electricity for operation of the  
23 irrigation system and water for irrigation; and

24 (c) Providing electricity to all streetlights within the public right-of-way including  
25 incidental costs and expenses.  
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**Section 4. Confirmation of Report.** The Report and the assessment diagram and the assessment of estimated costs for the installation, the maintenance and servicing of future median landscaping and the provision of electricity for future streetlight improvements in Zone 148 of L&LMD No. 89-1-C for fiscal year 2010-11 as contained in the Report are confirmed.

**Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for the installation and the maintenance and servicing of future median landscaping and the provision of electricity for future streetlight improvements in Zone 148 of L&LMD No. 89-1-C during fiscal year 2010-11, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

**Section 6. 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.

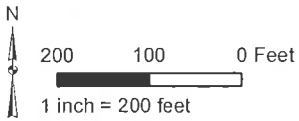
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 148**

PORTION OF SECTION 7, T.5S., R.5W.  
PLOT PLAN NO. 24107  
1 PARCEL

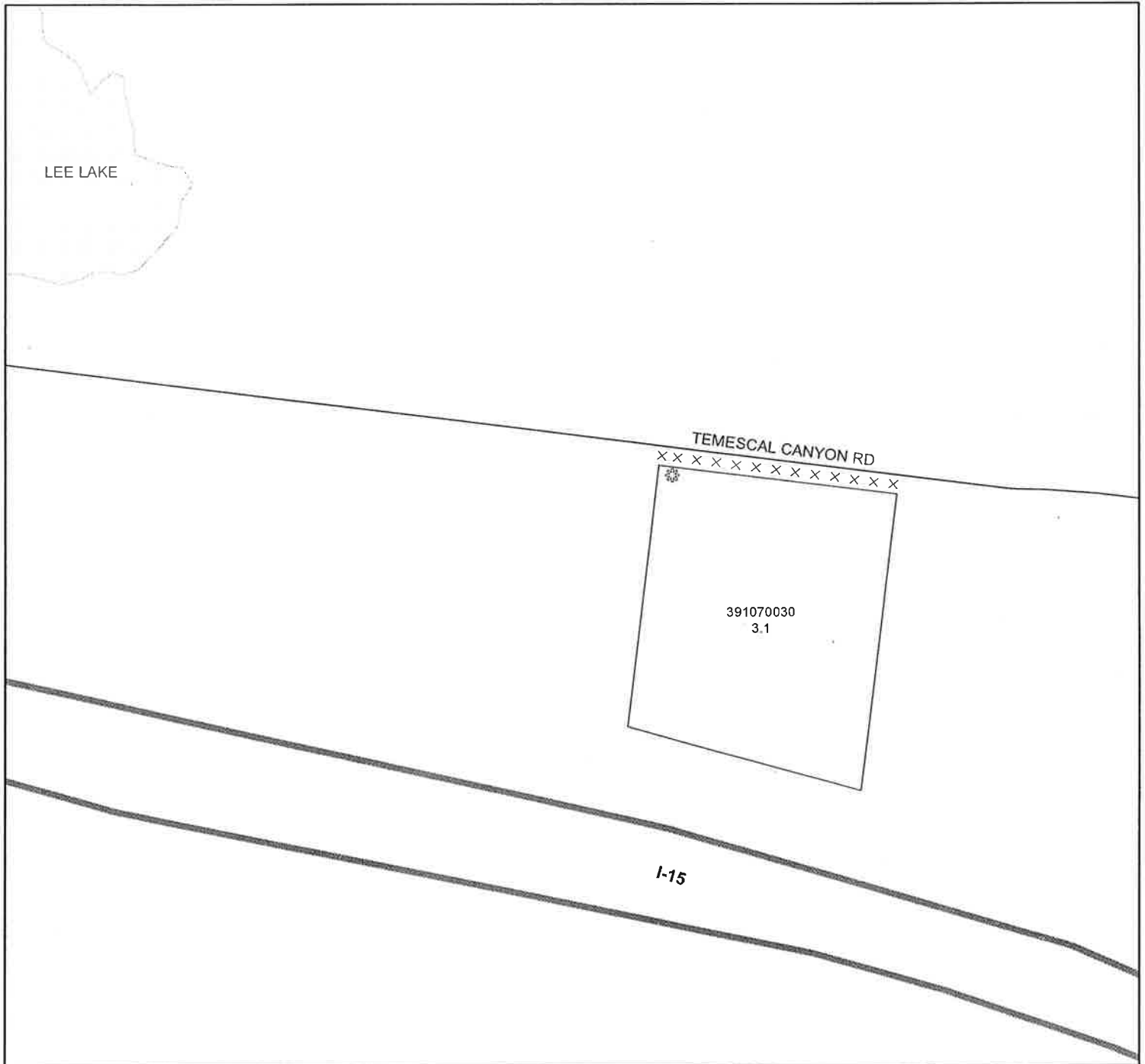


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 12/17/09



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