

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

4594



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
October 6, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Street Lighting Zone 102 (Glen Avon).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-279 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 102 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 102.

Resolution No. 2010-280, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 102 to Landscaping and Lighting Maintenance District

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:	2010-11
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 Stone, seconded by Supervisor Tavaglione 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, December 7, 2010, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 19, 2010
xc: Transp., COB(2)

Keia Harper-Thom
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.

District: 2

Agenda Number:

3.50

FORM 11 OVER COUNTY COUNSEL

BY: Dale A. Gardner 9/14/10 DATE

Departmental Concurrence

Policy ☒

Consent ☐

Dept't Recomm.: ☐

Policy ☒

Consent ☐

Per Exec. Ofc.: ☐

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 102 (Glen Avon).

October 6, 2010

Page 2 of 2

No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act 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 102, 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. 2010-279 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 102 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-280 declares the Board's intention of ordering the annexation of Street Lighting Zone 102 to L&LMD No. 89-1-C. Annexation of Street Lighting Zone 102 to L&LMD No. 89-1-C will fund the provision of electricity for streetlights within public right-of-way located westerly of Fleming St in the Glen Avon area and includes 1 commercial parcel, totaling 2.38 acre(s).

The proposed budget for fiscal year 2011-12 for Street Lighting Zone 102 is \$330 that will result in an assessment for fiscal year 2011-12 within Street Lighting Zone 102 of \$138.66 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 December 7, 2010 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 102 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-280, 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 102 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 102 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 December 7, 2010.

RESOLUTION NO. 2010-279

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 102 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 Street Lighting "Zone 102"), 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 Street Lighting Zone 102 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 Street Lighting Zone 102; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on December 7, 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: *Dale A. Gardner* 9/14/10
DATE
DALE A. GARDNER

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street
2 Lighting Zone 102 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 October 19, 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 Street
9 Lighting Zone 102 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to
10 the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 102
11 to pay the costs of the following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
15 Zone 102 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
16 shown and described in Exhibit "A".

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

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

23 **ROLL CALL:**

24 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
25 Nays: None
26 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

-2-
By: _____

Deputy

10.19.10 3.5

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 102 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 173-130-008 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

STREET LIGHTING ZONE 102

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

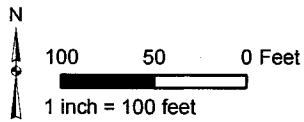
PLOT PLAN NO. 20276

1 PARCEL



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ASSESSMENT DIAGRAM



DENOTES MAINTAINED STREETLIGHT

2 RESOLUTION NO. 2010-280

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 102 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 102; 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. 2010-279 on October 19, 2010
16 initiating proceedings for the annexation of Street Lighting Zone 102 (hereinafter "Street Lighting
17 Zone 102"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to
18 Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State
19 of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets
21 and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a
22 report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 102 and the
23 assessments to be levied within Street Lighting Zone 102 each fiscal year beginning fiscal year 2011-
24 12 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 102; and

WHEREAS, the Board of Supervisors by Resolution No. 2010-279 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

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**, the Applicant has executed a "Waiver and Consent Regarding Date of
6 Assessment Ballot Election" allowing for the election to be held on December 7, 2010; 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 Street Lighting Zone 102, and the assessments to be levied on parcels within
11 Street Lighting Zone 102 beginning in fiscal year 2011-12;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on October 19, 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 2011-12 on all parcels within Street Lighting
20 Zone 102 proposed to be annexed to L&LMD No. 89-1-C will be \$138.66 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Street Lighting Zone 102, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
23 and to levy and collect an annual assessment on all assessable lots and parcels of property within
24 Street Lighting Zone 102 commencing with the fiscal year 2011-12 as set forth in the Report. The
25 Report expressly states that there are no parcels or lots within Street Lighting Zone 102 that are owned
26 by a federal, state or other local governmental agency that will benefit from the services to be financed

1 by the annual assessments. The annual assessments will be collected at the same time and in the
2 same manner as property taxes are collected, and all laws providing for the collection and enforcement
3 of property taxes shall apply to the collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 102 is
5 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated
6 area of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The service authorized for Street
8 Lighting Zone 102 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public
9 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 Street Lighting Zone 102 of L&LMD No. 89-1-C will be \$138.66 per acre
12 for fiscal year 2011-12. As stated in the Report, the total budget for Street Lighting Zone 102 for the
13 fiscal year 2011-12 is \$330; there is 1 parcel(s) that is to be assessed that aggregates to 2.38
14 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the
15 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for
16 "electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan
17 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of
18 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it
19 stands on March of each year over the base Index for March of 2010. Any increase larger than the
20 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners
21 within Street Lighting Zone 102. The Board of Supervisors will levy the assessment in each subsequent
22 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting
23 Zone 102 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4
24 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of
25 the Clerk of the Board of Supervisors.
26

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 102. The boundaries of Street Lighting Zone 102 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 102, and the annual assessment to be levied upon assessable lots and parcels within Street
8 Lighting Zone 102 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 102 shall be
10 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on December 7,
12 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon
13 Street, 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting
15 Zone 102 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 102 if there is a majority protest with regard to the
19 annexation of Street Lighting Zone 102. 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 102 exceeds the assessment ballots in favor of the annexation and
22 assessment of Street Lighting Zone 102.

23 **Section 10. Information.** Any property owner desiring additional information regarding Street
24 Lighting Zone 102 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.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 102 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is December 7, 2010. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of property within Street Lighting Zone 102 as shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on December 7, 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 Street Lighting Zone 102 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 173-130-008 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

STREET LIGHTING ZONE 102

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

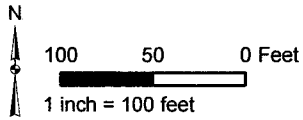
PLOT PLAN NO. 20276

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ASSESSMENT DIAGRAM



DENOTES MAINTAINED STREETLIGHT