

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

733A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
November 16, 2010

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 157 (Rancho California).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2010-304 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 157 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 157.

Resolution No. 2010-305, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 157 to Landscaping and Lighting Maintenance District No.

Juan C. Perez
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 11/4/10
DALE A. GARDNER DATE
Departmental Concurrence

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:
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster 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, January 25, 2011, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 30, 2010
xc: Transp., COB(2)

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.

District: 3

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.57

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 157 (Rancho California).

November 16, 2010

Page 2 of 2

89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of bio-swales; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 157, 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. 2010-304 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 157 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2010-305 declares the Board's intention of ordering the annexation of Zone 157 to L&LMD No. 89-1-C. Annexation of Zone 157 to L&LMD No. 89-1-C will fund the maintenance and servicing of bio-swales within public right-of-way located northerly of Rancho California Rd in the Rancho California area and includes 1 commercial parcel, totaling 8.21 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 157 is \$6,735 that will result in an assessment for fiscal year 2011-12 within Zone 157 of \$820.46 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 January 25, 2011 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 157 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-305, 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 157 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 157 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 January 25, 2011.

2 RESOLUTION NO. 2010-304

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 157 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 157"),
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 157 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 157; and

22 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of
23 Assessment Ballot Election" allowing for the election to be held on January 25, 2011; and

24 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil
25 engineer, has expertise with respect to the annexation of territory to landscaping and lighting
26 maintenance districts and the levying of assessments for said purposes and, therefore, is able to serve

FORM APPROVED COUNTY COUNSEL
BY: Dale A Gardner 11/4/10
DALE A GARDNER DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 157.
2 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 November 30, 2010
5 as 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 Zone 157 to
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the
10 purpose of levying an annual assessment on all parcels within Zone 157 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of bio-swales within the public right-of-way
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
14 and other ornamental vegetation; and
15 (b) The maintenance and servicing of irrigation and electrical facilities associated
16 with the bio-swales, including but not limited to electricity for operation of the
17 irrigation system and water for irrigation.

18 **Section 3. Boundaries and Designation.** The boundaries of Zone 157 that are
19 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and
20 described in Exhibit "A".

21 **Section 4. Report.** The Director of the Department of the County, or his designee,
22 is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board
23 of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways
24 Code and Section 4 of Article XIIIID of the California Constitution regarding said annexation and the
25 levy.
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Section 5. 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 157 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 943-260-030 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

ZONE 157

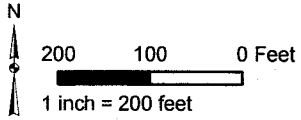
PORTION OF SECTION 33, T.7S., R.2W.

PLOT PLAN NO. 24405

1 PARCEL

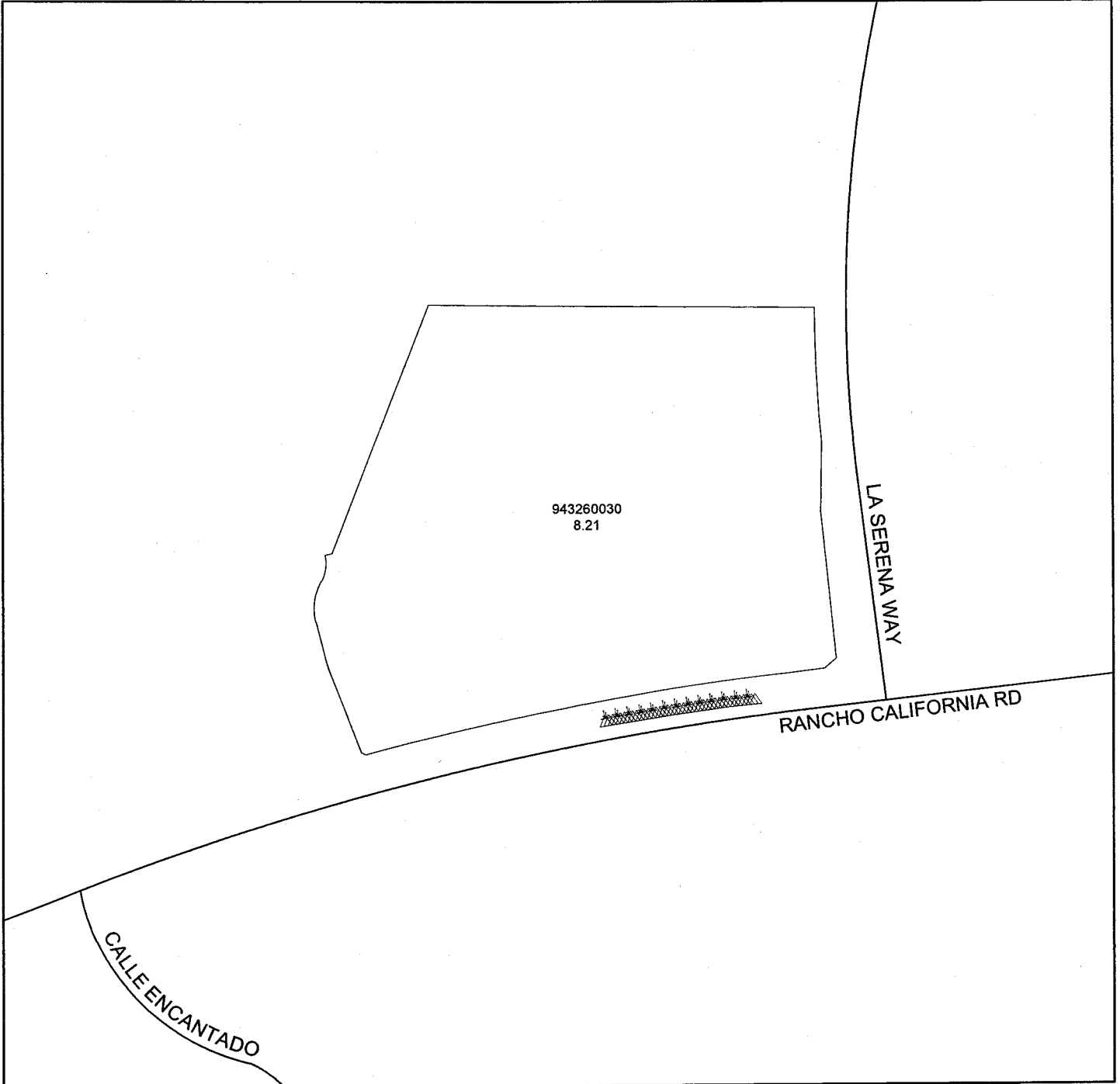


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ASSESSMENT DIAGRAM

Printed by jpickeri on 10/18/10



 TRANS. BIOSWALES

2 RESOLUTION NO. 2010-305

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 157 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 BIO-SWALES; 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 157; 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. 2010-304 on November 30, 2010
15 initiating proceedings for the annexation of Zone 157 (hereinafter "Zone 157"), as described and shown
16 in 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 157 and the assessments to be levied within
22 Zone 157 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of bio-
23 swales 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 157;
and

WHEREAS, the Board of Supervisors by Resolution No. 2010-304 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner 11/4/10

DATE
DALE A. GARDNER

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 January 25, 2011; 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 157, and the assessments to be levied on parcels within Zone 157
11 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 November 30, 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 Zone 157 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$820.46 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 157, 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 157
24 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 157 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 157 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 bio-
8 swales authorized for Zone 157 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of bio-swales within the public right-of-way including the
10 trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
11 ornamental vegetation; and
12 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
13 bio-swales, including but not limited to electricity for operation of the irrigation system
14 and water for irrigation.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
16 benefits from the annexation of Zone 157 of L&LMD No. 89-1-C will be \$820.46 per acre for fiscal year
17 2011-12. As stated in the Report, the total budget for Zone 157 for the fiscal year 2011-12 is \$6,735;
18 there is 1 parcel that is to be assessed that aggregates to 8.21 acres. The annual assessment will be
19 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
20 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
21 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
22 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
23 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
24 March of 2010. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
25 majority approval of all the property owners within Zone 157. The Board of Supervisors will levy the
26 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for

1 the dissolution of Zone 157 of L&LMD No. 89-1-C. The annual assessment will fund the services
2 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
3 on file in the Office of the Clerk of the Board of Supervisors.

4 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
5 89-1-C is Zone 157. The boundaries of Zone 157 are located within the unincorporated area of the
6 County and are described and shown in the Report and Exhibit "A".

7 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
8 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
9 the Report for a full and detailed description of the services, the boundaries of Zone 157, and the
10 annual assessment to be levied upon assessable lots and parcels within Zone 157 proposed to be
11 annexed to L&LMD No. 89-1-C.

12 **Section 8. Public Hearing.** The question of whether Zone 157 shall be annexed into
13 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12 shall be
14 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 25, 2011, at
15 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
16 1st Floor, Riverside, California.

17 **Section 9. Majority Protest.** Each owner of record of property within Zone 157 is to receive
18 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and
19 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
20 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
21 Zone 157 if there is a majority protest with regard to the annexation of Zone 157. A majority protest
22 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
23 in opposition to the annexation and assessment of Zone 157 exceeds the assessment ballots in favor
24 of the annexation and assessment of Zone 157.

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 157 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan

1 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
2 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.

3 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
4 annexation of Zone 157 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
5 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
6 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
7 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is
8 January 25, 2011. Publication of this Resolution is to be effected by the Clerk of the Board of
9 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
10 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
11 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
12 Zone 157 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
13 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
14 Hearing on January 25, 2011.

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

17
18 **ROLL CALL:**

19 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
20 Nays: None
21 Absent: None

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

24 KECIA HARPER-IHEM, Clerk of said Board

25 By: _____
26 Deputy

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 157 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 943-260-030 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

ZONE 157

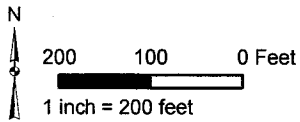
PORTION OF SECTION 33, T.7S., R.2W.

PLOT PLAN NO. 24405

1 PARCEL

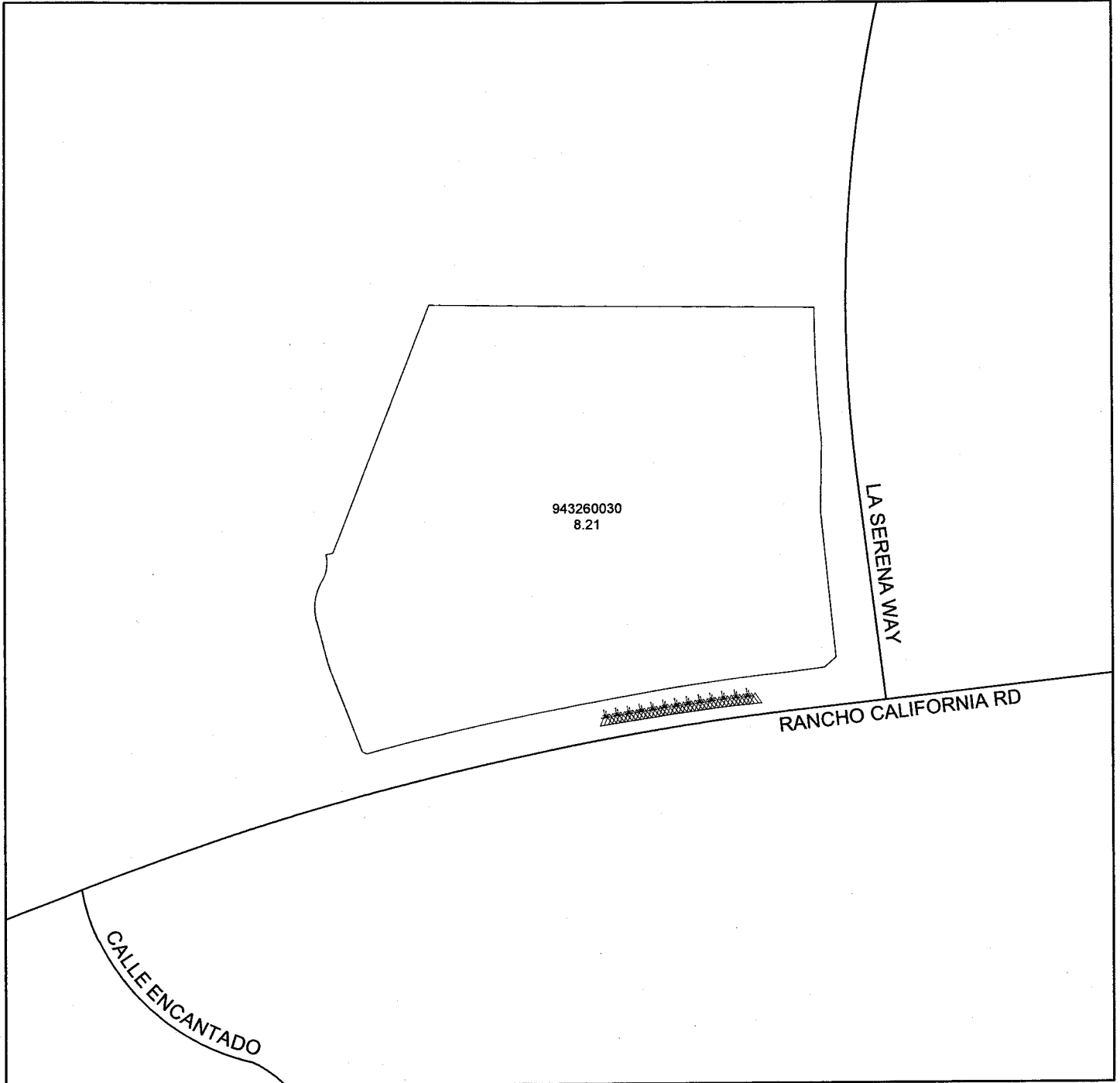


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ASSESSMENT DIAGRAM

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