

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

109B



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
December 29, 2010

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

**RECOMMENDED MOTION:** That the Board:

1. Adopt Resolution No. 2011-004, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Street Lighting Zone 102 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 2011-12.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Street Lighting Zone 102 of

Juan C. Perez  
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 12/13/10  
DATE: 12/13/10  
Departmental Concurrence

<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:	2010-11

<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<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 Buster, seconded by Supervisor Benoit 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: January 11, 2011  
xc: Transp., Auditor

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Dept't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref. 10/19/10, 3.50 | District: 2 | Agenda Number:  
12/07/10, 9.12

3.83

The Honorable Board of Supervisors

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

December 29, 2010

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

**BACKGROUND:** On December 7, 2010, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 102 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 December 8, 2010 at 10:00 a.m. in Conference Room C 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 Street Lighting Zone 102 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2011-12 for Street Lighting Zone 102 (within public rights-of-way located westerly of Fleming St) is \$330 that will result in an assessment for fiscal year 2011-12 within Street Lighting Zone 102 of \$138.66 per acre. Street Lighting Zone 102 includes 1 commercial parcel totaling 2.38 acres. 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.

Adoption of Resolution No. 2011-004 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2011-12 for Street Lighting Zone 102 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2011-12.

2 RESOLUTION NO. 2011-004

3  
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**  
5 **THE ANNEXATION OF STREET LIGHTING ZONE 102 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND**  
7 **CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 102 OF**  
8 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND**  
9 **LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN**  
10 **FOR THE FISCAL YEAR 2011-12**

11 **WHEREAS**, on October 19, 2010 the Board of Supervisors (hereinafter the "Board of  
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2010-280,  
13 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the  
14 intention of the Board of Supervisors to order the annexation of Street Lighting Zone 102 to  
15 Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No.  
16 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2  
17 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice  
18 of and setting a public hearing for 9:30 a.m. on December 7, 2010 at the meeting room of the Board of  
19 Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all  
20 owners of property within Street Lighting Zone 102 as shown on the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by  
22 Resolution No. 2010-280, Section 22626 of the Streets and Highways Code and Sections 53753 and  
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of  
24 property within said Street Lighting Zone 102 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:30 a.m. on December 7, 2010, as set forth in Resolution No. 2010-280, the  
26 Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be  
heard, and considered all oral statements and all written protest or communications made or filed by  
any interested persons, closed the public hearing and directed the Director of Transportation, or his  
designee, as an impartial person having no vested interest in the annexation of Street Lighting

FORM APPROVED COUNTY COUNSEL

BY: *Dale A. Gardner*  
DALE A. GARDNER  
DATE: 12/13/10

1 Zone 102 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the  
2 assessment ballots 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 Street Lighting Zone 102 to L&LMD No.  
6 89-1-C and the levy of an annual assessment in said Street Lighting Zone 102 beginning fiscal year  
7 2011-12; and

8 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
9 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally  
10 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall  
11 constitute the levy of an assessment on all assessable lots and parcels of land within Street Lighting  
12 Zone 102 of L&LMD No. 89-1-C beginning fiscal year 2011-12.

13 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
14 Board of Supervisors of the County in regular session on January 11, 2011 as follows:

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

- 16 (a) the proceeding recitals are correct;
- 17 (b) compliance has been had with all the requirements of the Landscaping and  
18 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division  
19 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the  
20 Government Code;
- 21 (c) a majority protest to the annexation of and annual assessment of Street Lighting  
22 Zone 102 of L&LMD No. 89-1-C has not been filed;
- 23 (d) the tally of the assessment ballots timely received was 100 percent voted in  
24 favor of the annexation of Street Lighting Zone 102 to L&LMD No. 89-1-C and  
25 the levy of an annual assessment beginning fiscal year 2011-12, and 0 percent  
26 voted no;

- 1 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
2 annexation of Street Lighting Zone 102 to L&LMD No. 89-1-C;
- 3 (f) the Board of Supervisors may proceed to adopt a resolution confirming the  
4 diagram and assessment for Street Lighting Zone 102 of L&LMD No. 89-1-C  
5 either as originally proposed or as changed by it; and
- 6 (g) the assessments to be levied on the assessable lots and parcels of land within  
7 Street Lighting Zone 102 of L&LMD No. 89-1-C for the provision of electricity for  
8 streetlights in said Street Lighting Zone 102 during the fiscal year 2011-12 as  
9 contained in the report of the Director of Transportation which is on file with the  
10 Clerk of the Board of Supervisors (hereinafter the "Report") are based on  
11 benefits derived by such lots and parcels from the availability of such streetlight  
12 improvements, and are not based upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Street Lighting Zone 102, as proposed to be annexed to  
14 L&LMD No. 89-1-C, includes all the property subject to Plot Plan No. 20276 in the County of Riverside,  
15 State of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD  
16 No. 89-1-C.

17 **Section 3. Improvements.** The improvements authorized for Street Lighting  
18 Zone 102 of L&LMD No. 89-1-C are:

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

21 **Section 4. Confirmation of Report.** The Report and the assessment diagram and  
22 the assessment of estimated costs for the the provision of electricity for streetlights in Street Lighting  
23 Zone 102 of L&LMD No. 89-1-C for fiscal year 2011-12 as contained in the Report are confirmed.

24 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and  
25 Highways Code the adoption of this resolution constitutes the levy of the assessment for the the  
26 provision of electricity for streetlights in Street Lighting Zone 102 of L&LMD No. 89-1-C during fiscal

1 year 2011-12, as contained in the Report, and such assessment is levied. The Clerk of the Board of  
2 Supervisors is directed to file a certified copy of this resolution, together with the diagram and  
3 assessment contained in the Report with the County Auditor-Controller of the County of Riverside,  
4 who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll  
5 opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

6 **Section 6. Effective Date.** This Resolution shall take effect from and after its date  
7 of adoption.

8 ROLL CALL:

9 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley  
10 Nays: None  
11 Absent: None

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

14 KECIA HARPER-IHEM, Clerk of said Board

15 By: \_\_\_\_\_

16 Deputy