

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

232P



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
January 12, 2011

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

RECOMMENDED MOTION: That the Board:

With regard to the annexation of Zone 157 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, conduct the public hearing and, after closing the public hearing, direct the Director of Transportation, or his designee, who the Board finds to be an impartial person as that term is used in Section 53753(e) of the Government Code, to tally all ballots received prior to the close of public hearing. All ballots received prior to the close of the public hearing will be tallied at 10:00 a.m. on Wednesday, January 26, 2011 in Conference Room C on the 8th Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed

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:
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: January 25, 2011
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref. 11/30/10, 3.57 | District: 3 | Agenda Number:

9.18

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL

BY: ~~Kath A Lind~~ / 1/4/11 DATE
KATHERINE A. LIND

Departmental Concurrence

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

The Honorable Board of Supervisors

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

January 12, 2011

Page 2 of 2

to cause the appropriate resolution, based on the election tally, to be prepared and returned to the Board for its consideration.

BACKGROUND: Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2010-305 adopted November 30, 2010, the Board of Supervisors noticed a public hearing for January 25, 2011, to receive testimony regarding the annexation of Zone 157 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Zone 157 will fund the maintenance and servicing of bio-swales within public rights-of-way located northerly of Rancho California Rd in the Rancho California area and includes 1 commercial parcel, totaling 8.21 acre(s).

On December 1, 2010 a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2010-305, and an information sheet was mailed to all property owners within Zone 157, proposed for annexation to L&LMD No. 89-1-C. Pursuant to the notice, all ballots must be returned prior to the conclusion of the public hearing.

Notice of the public hearing was also given by publication of a certified copy of Resolution No. 2010-305 in an appropriate newspaper at least ten (10) days prior to the public hearing date and by posting a certified copy of the Resolution No. 2010-305 on the official bulletin board customarily used by the Board of Supervisors for the posting of notices and in two other public locations within the County.

**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 11/16/10
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
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: Kecia Harper-Ihem
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

DATE DALE A. GARDNER

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 XIID 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.

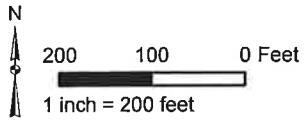
PLOT PLAN NO. 24405

1 PARCEL

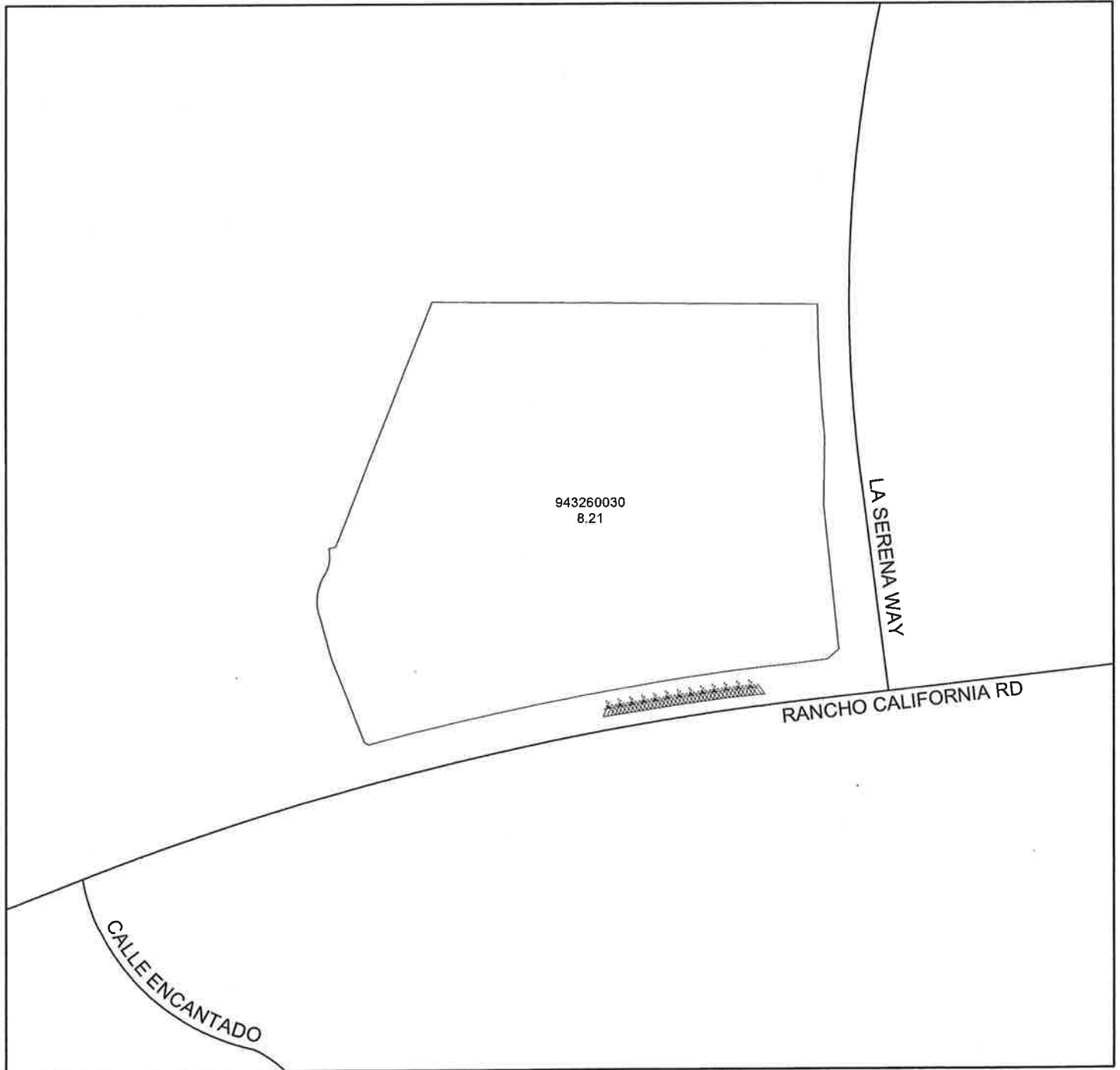


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Printed by jpickeri on 10/18/10



ASSESSMENT DIAGRAM



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 ROLL CALL:

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

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

23 KECIA HARPER-IHEM, Clerk of said Board

24 By:  _____

25 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.

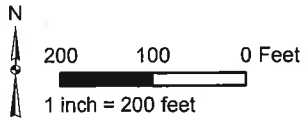
PLOT PLAN NO. 24405

1 PARCEL

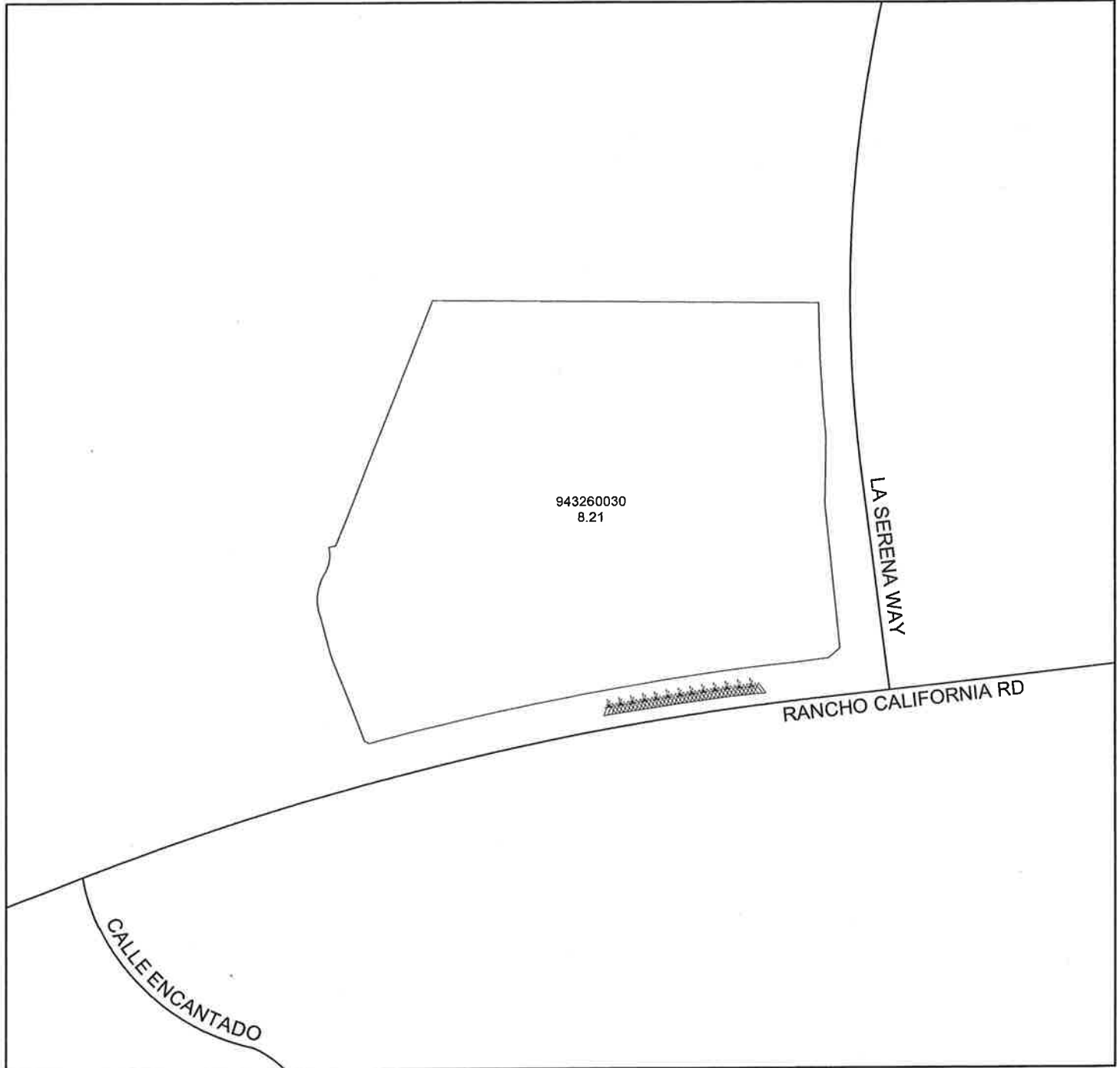


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ASSESSMENT DIAGRAM



TRANS.BIOSWALES

**COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**



ENGINEER'S REPORT FOR FISCAL YEAR 2011-12

for

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
ZONE 157
(RANCHO CALIFORNIA)**

PREPARED BY:

**RIVERSIDE COUNTY
TRANSPORTATION DEPARTMENT
NOVEMBER 8, 2010**

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA

**PROJECT: LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED - ZONE 157 ANNEXATION**

TO: BOARD OF SUPERVISORS

**ENGINEER'S REPORT
FOR FISCAL YEAR 2011-12**

Pursuant to the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972, said act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIID of the California Constitution, and direction from the Board of Supervisors of Riverside County, California submitted herewith is the Report for Landscaping and Lighting Maintenance District No. 89-1-Consolidated - Zone 157 Annexation consisting of four (4) parts as follows:

PART I

A general description and plans of the bio-swale improvements proposed to be funded.

PART II

An estimate of the cost of the bio-swale improvements and maintenance including incidental costs and expenses in connection therewith for fiscal year 2011-12, is as set forth on the lists thereof, attached hereto.

PART III

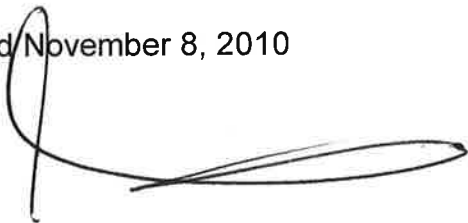
A diagram showing Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157 Annexation, the lines and dimensions of each parcel of land within said Zone 157, as the same exists on the maps of the Assessor of Riverside County for fiscal year 2011-12 is filed in the Office of the Riverside County Transportation Department. A reduced copy thereof is filed herewith and made a part hereof. Any changes in organization for said District (i.e. annexation) is discussed in this part.

PART IV

A proposed assessment of the total costs and expense of the proposed improvements for fiscal year 2011-12 upon each parcel of land within said Zone 157, in proportion to the estimated benefits to be received by such parcels from said bio-swale improvements, is set forth upon the assessment roll filed herewith and made a part hereof.

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; a copy of said waiver is filed herewith and made a part hereof.

Dated November 8, 2010



Juan C. Perez, Director of Transportation
Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157,
County of Riverside, California

PART I

DESCRIPTION OF IMPROVEMENTS AND MAINTENANCE PLANS FOR FISCAL YEAR 2011-12 LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, ZONE 157 COUNTY OF RIVERSIDE, CALIFORNIA

Description of Improvements

Improvements to be funded by Zone 157 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated generally include the maintenance and servicing of bio-swales within the public right-of-way:

- Northerly of Rancho California Rd

Maintenance Plans

Pursuant to Section 22568 of the Landscaping and Lighting Act of 1972 maintenance plans are included on the following pages:

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

ZONE 157

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

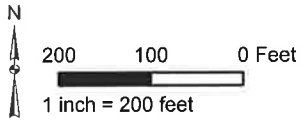
PLOT PLAN NO. 24405

1 PARCEL



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map.

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TRANS.BIOSWALES

PART II

**ENGINEER'S ESTIMATE OF COSTS AND EXPENSES
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
COUNTY OF RIVERSIDE, CALIFORNIA**

The cost estimate contains each of the items specified in Section 22569 of the Landscaping and Lighting Act of 1972.

Cost Estimate for Zone 157

Costs for Maintenance of Improvements

Maintenance ¹ & Servicing ² of the Bio-Swales	\$6,400
Administrative Costs ³	<u>335</u>
Total Amount to be Assessed for FY 2011-12	\$6,735

¹Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the bio-swale and appurtenances including repair, removal, replacement, providing for the life growth, health, beauty of landscaping, removal of trimmings, rubbish, debris and other solid wastes.

²Servicing means furnishing of energy and water to the bio-swale improvements.

³Administrative Costs include County administration, preparation of Engineer's Report, and County Auditor-Controller fees.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 157
SUMMARY
ANNUAL BUDGET
FISCAL YEAR 2011-12

MAINTENANCE OF BIO-SWALES	
FUNCTION	ZONE 157
Bio-Swales	\$ 4,200
Water	\$ 300
Electricity	\$ 300
Field Inspection/Management	\$ 640
Repair/Replacement	\$ 960
	\$ 6,400

ADMINISTRATIVE COSTS	
FUNCTION	ZONE 157
Assessment Engineer	\$ 100
County Counsel	\$ 65
Transportation Administration/Miscellaneous Expense	\$ 170
	\$ 335

TOTAL BUDGET	\$ 6,735
FISCAL YEAR 2011-12 ASSESSMENT	\$ 820.46/acre

8.21 acre(s)

PART III

**ASSESSMENT DIAGRAM AND CHANGES IN ORGANIZATION
FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
COUNTY OF RIVERSIDE, CALIFORNIA**

Assessment Diagram

A reduced copy of the Assessment Diagram is filed herewith and made a part hereof.

Changes in Organization

Zone 157

Annexation of Zone 157 as described and shown in Exhibit "A" is filed herewith and made a part hereof changes the organization for this District for Fiscal Year 2011-12.

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

ZONE 157

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

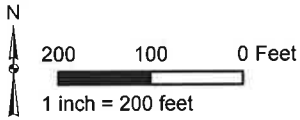
PLOT PLAN NO. 24405

1 PARCEL

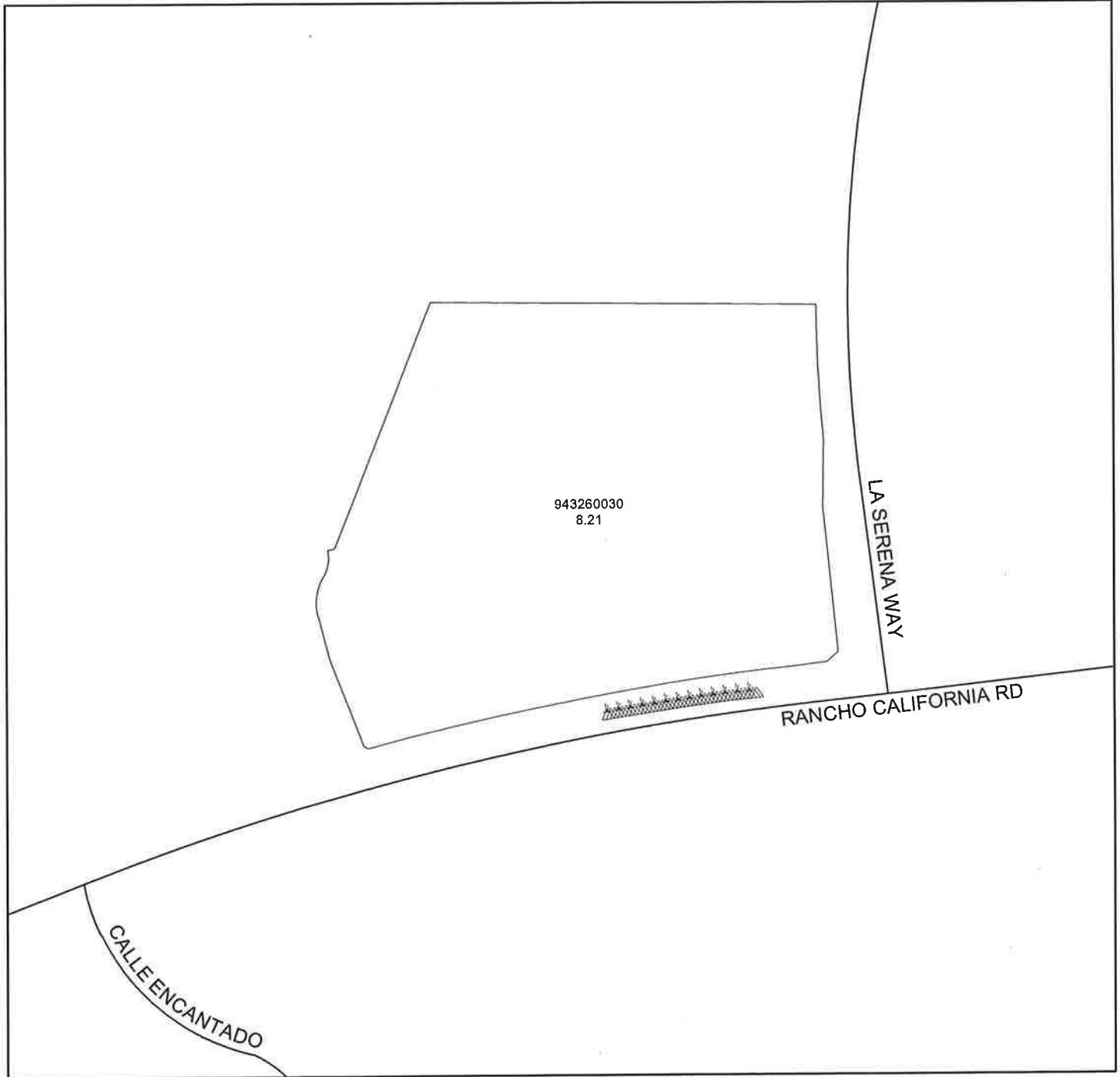


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ASSESSMENT DIAGRAM



TRANS.BIOSWALES

PART IV

**ASSESSMENT FOR FISCAL YEAR 2011-12
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED, ZONE 157
COUNTY OF RIVERSIDE, CALIFORNIA**

**“LANDSCAPING AND LIGHTING ACT OF 1972”, DIVISION 16 OF THE
STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA**

WHEREAS, on November 30, 2010 the Board of Supervisors of the County of Riverside, State of California, did, pursuant to the provisions of the “Landscaping and Lighting Act of 1972”, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2010-304 ordering the preparation of the engineer’s report for a special assessment district known and designated as:

Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157 (herein referred to as “District”); and,

WHEREAS, the Board of Supervisors, did direct the appointed Engineer to make and file a “Report”, in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code, being an article of the aforementioned Landscaping and Lighting Act of 1972.

WHEREAS, Section 22567 of said Article 4 states the “Report” shall consist of the following;

- a. Maintenance plans for the bio-swale improvements
- b. An estimate of the costs of servicing bio-swale improvements
- c. A diagram for the assessment district
- d. An assessment of the estimated costs of maintenance of the improvements

NOW, THEREFORE, I, the appointed ENGINEER, pursuant to the 'Landscaping Act of 1972", do hereby submit the following:

1. Pursuant to the provisions of law the costs and expenses of the District have been assessed upon the parcels of land in the District benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcel, reference is made to the Assessment Diagram, a reduced copy of which is included herein.
2. As required by law, a Diagram is filed herewith, showing the District, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said District as the same exist each of which subdivisions of land or parcels or lots, respectively, have been given a separate number upon said Diagram and in the Assessment Roll contained herein.
3. The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessment Roll for a description of the lots or parcels.
4. There are no parcels or lots within Zone 157 that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

Method of Assessment Apportionment

The law requires and the statutes provide that assessments, as levied pursuant to the "Landscaping and Lighting Act of 1972" be based on the benefit properties receive. The statutes do not specify the method or formula that should be used to apportion the assessment in any special assessment district proceedings.

The maintenance of bio-swales provides direct and special benefit to those properties located within Zone 157 in Landscaping and Lighting Maintenance District No. 89-1-Consolidated (DISTRICT). Bio-swales enhance the properties within the DISTRICT, improve water quality control, increase public safety, improve neighborhood aesthetics, and provide an enhanced quality of life and sense of well being for properties within the DISTRICT.

The bio-swale improvements maintained by the DISTRICT provide no general public benefit in that the properties within Zone 157 are discrete neighborhoods or communities for which the bio-swale improvements were installed. Bio-swale improvements do not extend beyond the perimeter of the boundary of each of those discrete neighborhoods or communities. It is therefore determined that all properties within the DISTRICT benefit equally from the financed improvements and the costs and expenses for the bio-swale improvements maintenance and services are apportioned on a per acre basis.

The dollar per acre value for Fiscal Year 2011-12 for Zone 157 is as follows:

$$\begin{array}{rcl} \text{Total Budget} = & \underline{\$6,735} & \\ \text{Total No. Acres} & 8.21 & = \quad \$820.46/\text{acre} \end{array}$$

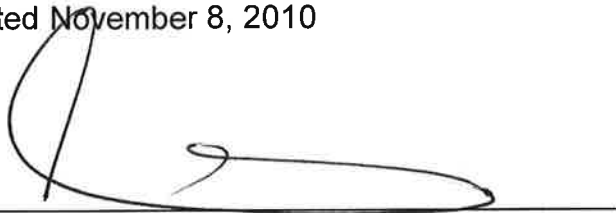
The assessment for Fiscal Year 2011-12 for Zone 157 that is to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated will be \$820.46 per acre. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index for March of 2010. Any increase larger than the greater of 2.0% or the "CPI-U" annual adjustment requires a majority approval of all the property owners within Zone 157.

Waiver and Consent Regarding Date of Assessment Ballot Election

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; a copy of said waiver is filed herewith and made a part hereof.

In conclusion, it is my opinion that the assessments for Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157 have been spread in direct accordance with the benefits that each parcel receives from the items being financed.

Dated November 8, 2010

A handwritten signature in black ink, appearing to read 'Juan C. Perez', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

Juan C. Perez, Director of Transportation
Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zone 157,
County of Riverside, California

APN

ACRES

ASSESSMENT

943-260-030

8.21

6,735.98

**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
OF THE COUNTY OF RIVERSIDE, CALIFORNIA**

**WAIVER AND CONSENT REGARDING DATE OF
ASSESSMENT BALLOT ELECTION**

The undersigned, an authorized representative of Eurppa Village LLC (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessors Parcel Numbers for fiscal year 2011-12 (the "Property"): APN(s) 943-260-030.

The Owner has made application that the Property be annexed as Zone 157 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County ("L&LMD No. 89-1-C") and certifies the following:

1. The Owner waives the requirements of Section 4000 of the Elections Code of the State of California (the "Elections Code") that the mailed ballot election required for annexation and the levy of an annual assessment must be held on an established mailed ballot election date pursuant to Section 1500 of the Election Code; and
2. The Owner consents to the mailed assessment ballot election with respect to the levy of an annual assessment on the Property being held on January 25, 2011

OWNER: Eurppa Village LLC
(Name of Company
as Stated in Initial Paragraph)

By: _____

Signature

Name: _____

Print

Title: _____

Manager



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS

1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147

PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

January 10, 2011

THE CALIFORNIAN
ATTN: LEGALS
28765 SINGLE OAK DR., STE. 100
TEMECULA, CA 92590

FAX: (951) 699-1467
E-MAIL: tswenson@nctimes.com

RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2010-305 ZONE 157

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, January 13, 2011**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Tammi Swenson [TSwenson@nctimes.com]
Sent: Monday, January 10, 2011 9:09 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: RES. 2010-305 ZONE 157

Received...

Tammi Swenson
Legal Advertising Representative
The Californian & The North County Times
Riverside County: (951)676-4315 ext 2604
San Diego County: (760)745-6611 ext 2604
tswenson@nctimes.com

From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Monday, January 10, 2011 8:35 AM
To: Tammi Swenson
Subject: FOR PUBLICATION: RES. 2010-305 ZONE 157

Good Morning! Attached is a Notice of Public Hearing, for above-mentioned Resolution, for publication on Thursday, Jan. 13, 2011. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

***THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.***

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on **Tuesday, January 25, 2011 at 9:30 a.m.** to consider the following:

RESOLUTION NO. 2010-305

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 157 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 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 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. 2010-304 on November 30, 2010 initiating proceedings for the annexation of Zone 157 (hereinafter "Zone 157"), 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 157 and the assessments to be levied within Zone 157 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of bio-swales 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 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 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Street and Highways Code and Section 4 of Article XIID; and

WHEREAS, said Engineer has filed the Report with the Clerk of the Board of Supervisors and the Report has been presented to and considered by the Board of Supervisors; and

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

WHEREAS, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Zone 157, and the assessments to be levied on parcels within Zone 157 beginning in fiscal year 2011-12;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on November 30, 2010 as follows:

Section 1. Findings. The Board of Supervisors, after reviewing the Report, finds that:

- (a) The foregoing recitals are true and correct;

- (b) The Report contains all matters required by Sections 22565 through 22574 of the Streets and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2011-12 on all parcels within Zone 157 proposed to be annexed to L&LMD No. 89-1-C will be \$820.46 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Zone 157, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within Zone 157 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that there are no parcels or lots within Zone 157 that are owned by a federal, state or other local governmental agency that will benefit from the services to be financed by the annual assessments. The annual assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of said assessments.

Section 3. Boundaries. All the property within boundaries of Zone 157 is proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County as described and shown in Exhibit "A".

Section 4. Description of Services to be Provided. The maintenance and servicing of bio-swales authorized for Zone 157 of L&LMD No. 89-1-C are:

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Zone 157 of L&LMD No. 89-1-C will be \$820.46 per acre for fiscal year 2011-12. As stated in the Report, the total budget for Zone 157 for the fiscal year 2011-12 is \$6,735; there is 1 parcel that is to be assessed that aggregates to 8.21 acres. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of each year over the base Index for March of 2010. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners within Zone 157. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 157 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

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

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

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

Section 9. Majority Protest. Each owner of record of property within Zone 157 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and

Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of Zone 157 if there is a majority protest with regard to the annexation of Zone 157. A majority protest exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and assessment of Zone 157 exceeds the assessment ballots in favor of the annexation and assessment of Zone 157.

Section 10. Information. Any property owner desiring additional information regarding Zone 157 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 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 Zone 157 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 January 25, 2011. 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 Zone 157 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 January 25, 2011.

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

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.

(INSERT ASSESSMENT DIAGRAM here)

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 November 30, 2010.

Kecia Harper-Ihem, Clerk of said Board
By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public hearing or may appear and be heard in support of or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: January 10, 2011 Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

ZONE 157

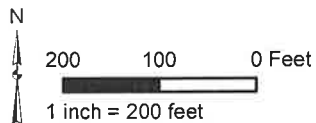
PORTION OF SECTION 33, T.7S., R.2W.

PLOT PLAN NO. 24405

1 PARCEL



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ASSESSMENT DIAGRAM

Printed by jpickeri on 10/18/10



TRANS. BIOSWALES

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on Tuesday, January 25, 2011 at 9:30 a.m. to consider the following:

RESOLUTION NO. 2010-305

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 157 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 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 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 XIII D 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. 2010-304 on November 30, 2010 initiating proceedings for the annexation of Zone 157 (hereinafter "Zone 157"), 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 157 and the assessments to be levied within Zone 157 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of bio-swales within the public right-of-way within said Zone; and
WHEREAS, such proceedings shall comply with the requirements of Article XIII D of the California Constitution (hereinafter "Article XIII D"), 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 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 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22605 et. seq. of the Street and Highways Code and Section 4 of Article XIII D; and
WHEREAS, said Engineer has filed the Report with the Clerk of the Board of Supervisors and the Report has been presented to and considered by the Board of Supervisors; and
WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on January 25, 2011; and
WHEREAS, it is necessary that the Board of Supervisors adopt a resolution pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Zone 157, and the assessments to be levied on parcels within Zone 157 beginning in fiscal year 2011-12;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on November 30, 2010 as follows:

Section 1. Findings. The Board of Supervisors, after reviewing the Report, finds that:

(a) The foregoing recitals are true and correct;
(b) The Report contains all matters required by Sections 22565 through 22574 of the Streets and Highways Code and Section 4 of Article XIII D and may, therefore, be approved by the Board of Supervisors;
(c) The annual assessment for fiscal year 2011-12 on all parcels within Zone 157 proposed to be annexed to L&LMD No. 89-1-C will be \$620.46 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Zone 157, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within Zone 157 commencing with the fiscal year 2011-12 as set forth in the Report. The Report expressly states that there are no parcels or lots within Zone 157 that are owned by a federal, state or other local governmental agency that will benefit from the services to be financed by the annual assessments. The annual assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of said assessments.

Section 3. Boundaries. All the property within boundaries of Zone 157 is proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County as described and shown in Exhibit "A".

Section 4. Description of Services to be Provided. The maintenance and servicing of bio-swales authorized for Zone 157 of L&LMD No. 89-1-C are:

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Zone 157 of L&LMD No. 89-1-C will be \$620.46 per acre for fiscal year 2011-12. As stated in the Report, the total budget for Zone 157 for the fiscal year 2011-12 is \$6,735; there is 1 parcel that is to be assessed that aggregates to 9.21 acres. The annual assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI U adjustment will be based on the cumulative increase, if any, in the index as it stands on March of each year over the base index for March of 2010. Any increase larger than the greater of 2.0% or the CPI U annual adjustment requires a majority approval of all the property owners within Zone 157. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 157 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

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

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

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

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

Section 10. Information. Any property owner desiring additional information regarding Zone 157 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 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 Zone 157 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 XIII D. 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 January 25, 2011. 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 XIII D and Section 4000 of the California Elections Code to all owners of record of property within Zone 157 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 January 25, 2011.

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

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.

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 November 30, 2010.

Kecia Harper-Ihem, Clerk of said Board
By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public hearing or may appear and be heard in support of or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: January 10, 2011
Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED
ZONE 157

PORTION OF SECTION 33 T7S, R15W
PLOT PLAN NO. 36465
1 PARCEL

