

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

213A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
March 31, 2011

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Annexation of Zone 155 (French Valley).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2011-071 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 155 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 155.

Resolution No. 2011-072, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 155 to Landscaping and Lighting Maintenance District No.

Juan C. Perez  
Director of Transportation

MH:jp

<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%				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY:   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley 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, June 7, 2011, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: April 12, 2011  
xc: -2 581:1:16  
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

**3.22**

FORM APPROVED COUNTY COUNSEL  
BY:   
DALE A. GARDNER  
DATE: 3/21/11

Departmental Concurrence

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

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 155 (French Valley).

March 31, 2011

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, and the provision of electricity for, traffic signals; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 155, 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. 2011-071 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 155 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-072 declares the Board's intention of ordering the annexation of Zone 155 to L&LMD No. 89-1-C. Annexation of Zone 155 to L&LMD No. 89-1-C will fund the maintenance and servicing of, and the provision of electricity for, traffic signals within public right-of-way located at the intersection of Benton Rd and Temeku St in the French Valley area and includes 1 commercial parcel, totaling 1.39 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 155 is \$578 that will result in an assessment for fiscal year 2011-12 within Zone 155 of \$415.82 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2011.

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 June 7, 2011 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 155 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-072, 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 155 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 155 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 June 7, 2011.

RESOLUTION NO. 2011-071

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 155 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

**WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 155"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 155 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

**WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 155; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on June 7, 2011; and

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

FORM APPROVED COUNTY COUNSEL  
BY Dale A. Gardner 5/2/11  
DATE

1 as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 155  
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 April 12, 2011 as  
5 follows:

6 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all  
7 the above recitals are true and correct.

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 155 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 155 to pay the costs of the  
11 following services:

- 12 (a) Providing electricity to and the maintenance and servicing of traffic signals within  
13 the public right-of-way including incidental costs and expenses.

14 **Section 3. Boundaries and Designation.** The boundaries of Zone 155 that are  
15 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and  
16 described in Exhibit "A".

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

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

24 ROLL CALL:

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

The foregoing is certified to be a true copy of a  
resolution duly adopted by said Board of Super-  
visors on the date therein set forth.

KECIA HARPER-IHEM Clerk of said Board

By \_\_\_\_\_ Deputy

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 155 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 963-070-013 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 155**

PORTION OF SECTION 6, T.7S., R.2W.

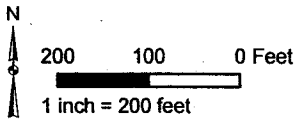
PLOT PLAN NO. 23975

1 PARCEL

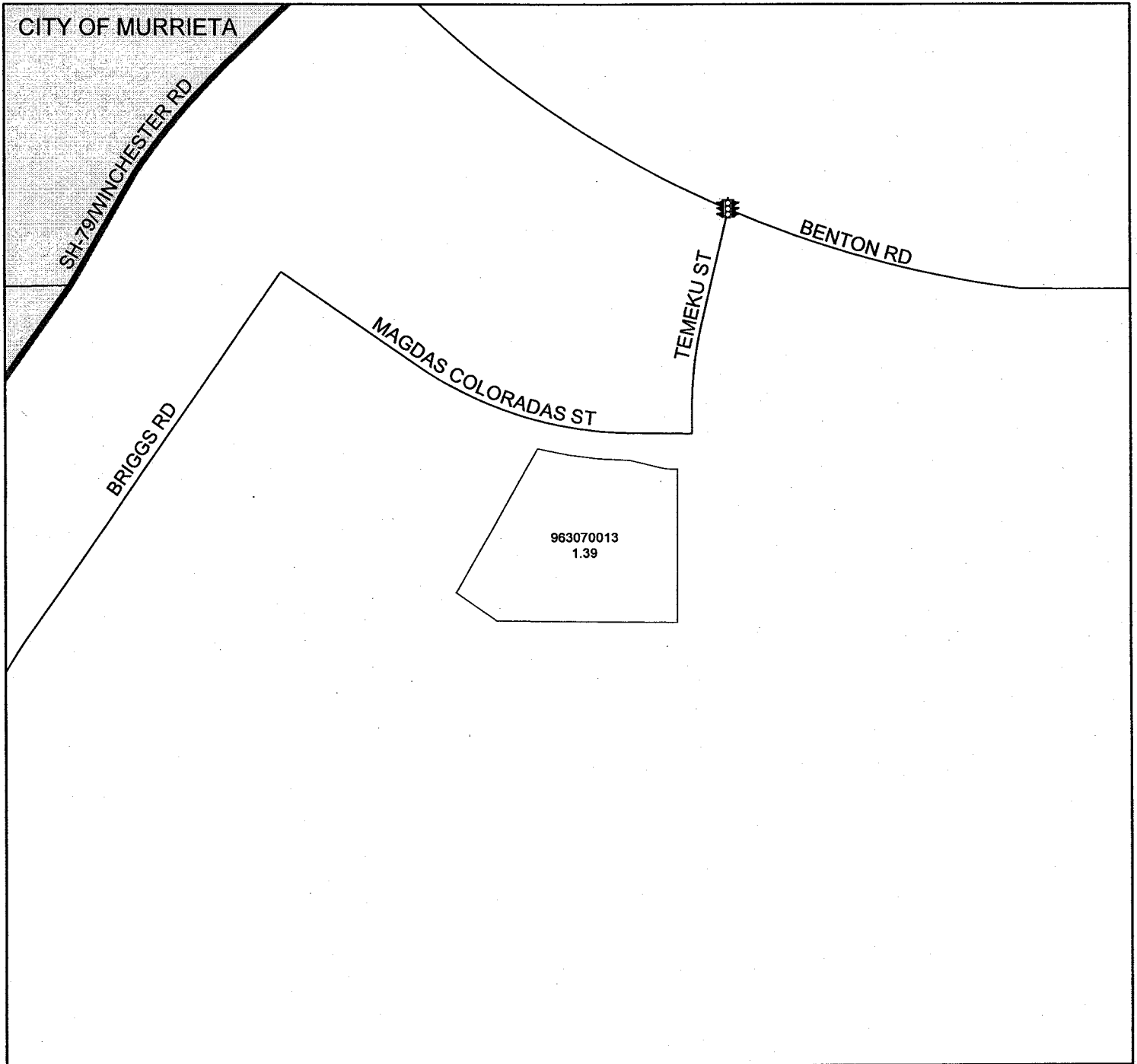


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**ASSESSMENT DIAGRAM**



 DENOTES MAINTAINED TRAFFIC SIGNAL

2 RESOLUTION NO. 2011-072

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 155 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 TRAFFIC SIGNALS; 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 155; 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. 2011-071 on April 12, 2011 initiating  
15 proceedings for the annexation of Zone 155 (hereinafter "Zone 155"), as described and shown in  
16 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 155 and the assessments to be levied within  
22 Zone 155 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of, and  
23 the provision of electricity for, traffic signals 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 155;  
and

WHEREAS, the Board of Supervisors by Resolution No. 2011-071 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 3/2/11

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 June 7, 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 155, and the assessments to be levied on parcels within Zone 155  
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 April 12, 2011 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 155 proposed  
20 to be annexed to L&LMD No. 89-1-C will be \$415.82 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 155, 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 155  
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 155 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 155 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,  
8 and the provision of electricity for, traffic signals authorized for Zone 155 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of traffic signals within the  
10 public right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Zone 155 of L&LMD No. 89-1-C will be \$415.82 per acre for fiscal year  
13 2011-12. As stated in the Report, the total budget for Zone 155 for the fiscal year 2011-12 is \$578;  
14 there is 1 parcel that is to be assessed that aggregates to 1.39 acres. The annual assessment will be  
15 increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the  
16 Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the Los Angeles-  
17 Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the  
18 Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will  
19 be based on the cumulative increase, if any, in the Index as it stands on March of each year over the  
20 base Index for March of 2011. Any increase larger than the greater of 2.0% or the CPI-U annual  
21 adjustment requires a majority approval of all the property owners within Zone 155. The Board of  
22 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors  
23 undertakes proceedings for the dissolution of Zone 155 of L&LMD No. 89-1-C. The annual assessment  
24 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be  
25 made to the Report on file in the Office of the Clerk of the Board of Supervisors.  
26

1           **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
2 89-1-C is Zone 155. The boundaries of Zone 155 are located within the unincorporated area of the  
3 County and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Zone 155, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 155 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Zone 155 shall be annexed into  
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2011-12 shall be  
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on June 7, 2011, at 9:30  
12 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor,  
13 Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Zone 155 is to receive  
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of  
18 Zone 155 if there is a majority protest with regard to the annexation of Zone 155. A majority protest  
19 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted  
20 in opposition to the annexation and assessment of Zone 155 exceeds the assessment ballots in favor  
21 of the annexation and assessment of Zone 155.

22           **Section 10. Information.** Any property owner desiring additional information regarding  
23 Zone 155 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan  
24 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080  
25 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at 951-955 6748.  
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**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

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The boundaries of Zone 155 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 963-070-013 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

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

**ZONE 155**

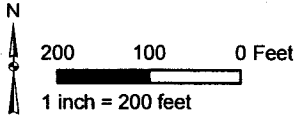
PORTION OF SECTION 6, T.7S., R.2W.

PLOT PLAN NO. 23975

1 PARCEL

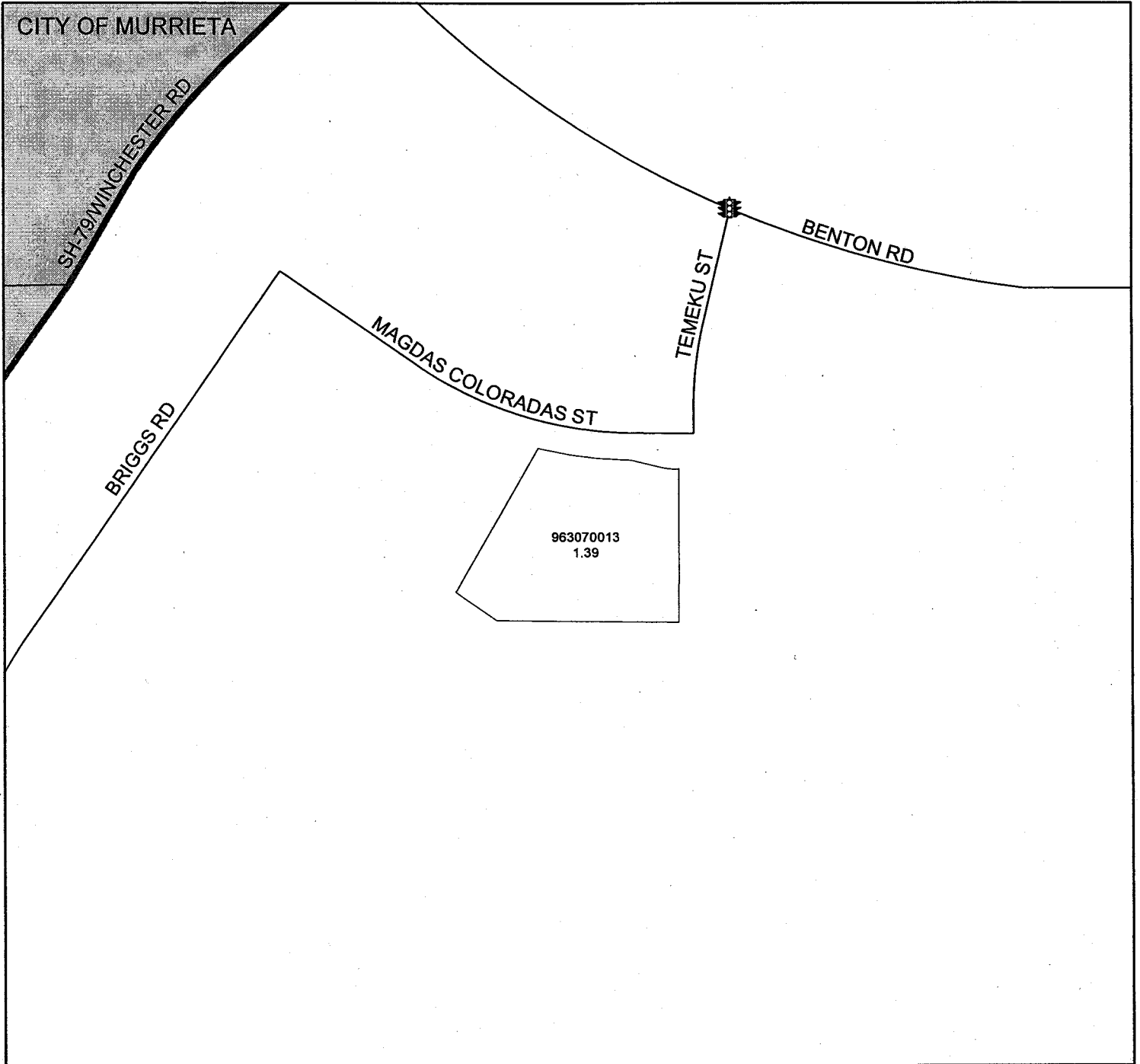


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**ASSESSMENT DIAGRAM**

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