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





FROM: TLMA - Transportation Dept.

SUBMITTAL DATE: March 31, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,

Annexation of Zone 161 (Glen Valley).

RECOMMENDED MOTION: That the Board adopt the following Resolutions:

Resolution No. 2011-075 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 161 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 161.

Resolution No. 2011-076, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 161 to Landscaping and Lighting Maintenance District No.

> Juan C. Perez **Director of Transportation**

MH:jp

Departmental Concurrence

DATE

PPROVED COUNTY COUNSEL

Policy

 \boxtimes

Dep't Recomm.: Per Exec. Ofc.:

Policy

X

1	FINANCIAL	Current F. F. Total Cost.	\$ U	in Current rear	buayer.	· IWA	
		Current F.Y. Net County Cost:	\$0	\$0 Budget Adjust		N/A	
	DATA	Annual Net County Cost:	\$0	For Fiscal Year	:	2010-11	
SOURCE OF FUNDS: Landscaping and L District No. 89-1-C		JNDS: Landscaping and Lighting District No. 89-1-Consolid				Positions To Be Deleted Per A-30	
					Requires	4/5 Vote	
	CEO DECOM	MENDATION.					

APPROVE

Tina Gran

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

o S xc: b : #€Transp., COB(2)

Prev. Agn. Ref.

District: 1

Agenda Number:

Kecia Harper-Ihem

Clerk of the Board

Form 11 (Rev 07/2007)

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 161 (Glen Valley).

March 31, 2011 Page 2 of 3

89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of landscaping, traffic signals, and future median landscaping, 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 161, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIIID of the California Constitution.

BACKGROUND: Adoption of Resolution No. 2011-075 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed annexation of Zone 161 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2011-076 declares the Board's intention of ordering the annexation of Zone 161 to L&LMD No. 89-1-C. Annexation of Zone 161 to L&LMD No. 89-1-C will fund the maintenance and servicing of landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic signals within public right-of-way located northerly of Cajalco Rd and at the intersection of Cajalco Rd and Wood Rd in the Glen Valley area and includes 8 commercial parcels, totaling 14.99 acre(s).

The proposed budget for fiscal year 2011-12 for Zone 161 is \$5,460 that will result in an assessment for fiscal year 2011-12 within Zone 161 of \$364.22 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 2011.

In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the future median improvements on Cajalco Rd are completed, the annual assessments may be further increased. For the fiscal year in which the future median improvements are completed, the annual assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per acre, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the future median improvements on Cajalco Rd are completed. Under the proposed annexation, neither the assessment increases based on the Standard Annual Adjustment nor the further increases associated with the completion of the future median improvements on Cajalco Rd will require any further approval of the landowners within Zone 161.

Consistent with the Board's direction regarding compliance with Article XIIID 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 161 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2011-076, 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 161 will be annexed to L&LMD No. 89-1-C.

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 161 (Glen Valley).

March 31, 2011 Page 3 of 3

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 161 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.

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RESOLUTION NO. 2011-075

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 161 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 161"), 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 161 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 XIIID 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 161; 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

as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Zone 161 to L&LMD No. 89-1-C.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside assembled in regular session on April 12, 2011 as follows:

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

Section 2. Annexation. The Board of Supervisors proposes to annex Zone 161 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the purpose of levying an annual assessment on all parcels within Zone 161 to pay the costs of the following services:

- (a) The maintenance and servicing of landscaping 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 landscaping, including but not limited to electricity for operation of the irrigation system and water for irrigation; and
- (c) Providing electricity to and the maintenance and servicing of traffic signals within the public right-of-way including incidental costs and expenses.

Section 3. <u>Boundaries and Designation.</u> The boundaries of Zone 161 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described in Exhibit "A".

Section 4. Report. The Director of the Department of the County, or his designee, is hereby designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways

1	Code and Se	ection 4 of Art	icle XIIID	of the Calif	ornia Const	itution rega	rding said	annexation	and the
2	levy.								
3		Section 5.	Effectiv	<u>re Date.</u> Th	is Resolutio	n shall take	effect from	m and afte	its date
4	of adoption.				-				
5									
6	·					• .			
7	ROLL CALL								
8	Ayes:	Buster, Ta	vaglione	, Stone, 1	Benoit, an	d Ashley	,		
9	Nays: Absent:	None None				•			
I									
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EXHIBIT "A"

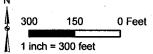
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 161 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 8 parcels as shown on Parcel Map No. 36124 in the County of Riverside, State of California for fiscal year 2011-12.

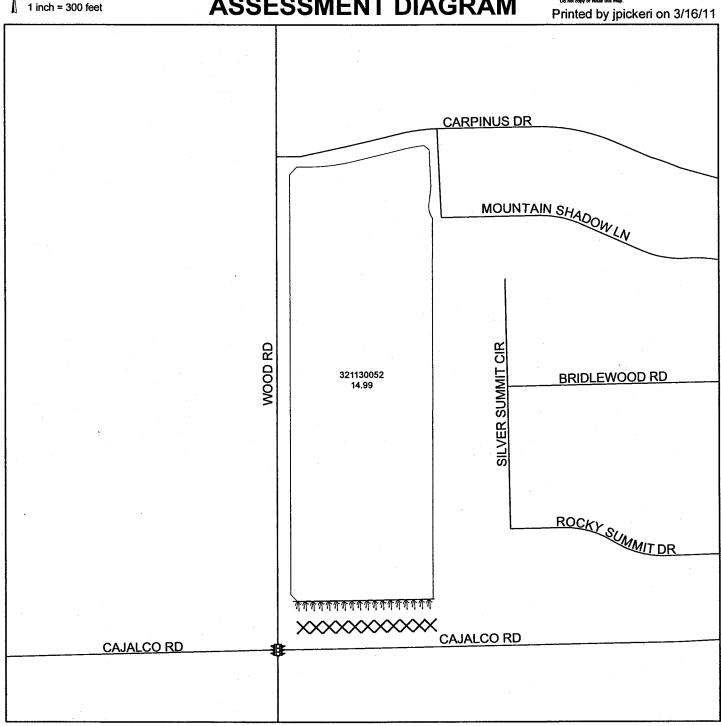
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 161

PORTION OF SECTION 8, T.4S., R.4W.
PARCEL MAP NO. 36124
8 PARCELS



The County of Riverside assumes no warranty or legal response for the information represented on this map, Date and information represented on this map, is subject to updates, modifications are may not be comprehend or appropriate for all purposes. County Oil and other sources should be queried for the most current inform Or not copy or result bits map. Printed by incickeri on 3/16



₩₩₩₩ DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

RESOLUTION NO. 2011-076

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 161 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 LANDSCAPING, TRAFFIC SIGNALS, AND FUTURE MEDIAN; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 161; 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 XIIID 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. 2011-075 on April 12, 2011 initiating proceedings for the annexation of Zone 161 (hereinafter "Zone 161"), 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 161 and the assessments to be levied within Zone 161 each fiscal year beginning fiscal year 2011-12 for the the maintenance and servicing of landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic signals within the public right-of-way within said Zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the California Constitution (hereinafter "Article XIIID:"), 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 161; and

WHEREAS, the Board of Supervisors by Resolution No. 2011-075 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 XIIID; 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 June 7, 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 161, and the assessments to be levied on parcels within Zone 161 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 April 12, 2011 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 XIIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2011-12 on all parcels within Zone 161 proposed to be annexed to L&LMD No. 89-1-C will be \$364.22 per acre.
- (d) Beginning in the fiscal year in which the future median improvements on Cajalco Rd are completed, the annual assessment and all subsequent annual assessments will be increased accordingly. The annual assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per acre, adjusted for inflation, in the

fiscal year in which the future median improvements on Cajalco Rd are completed as detailed in the Report. Subsequent annual assessments will be increased, without regard to the \$429.28 per acre ceiling, in accordance with the standard annual adjustment formula outlined in Section 5 of this Resolution.

Section 2. <u>Intent.</u> The Board of Supervisors hereby declares its intention to order the annexation of Zone 161, 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 161 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 161 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. <u>Boundaries.</u> All the property within boundaries of Zone 161 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. <u>Description of Services to be Provided.</u> The maintenance and servicing of landscaping, traffic signals, and future median landscaping, and the provision of electricity for traffic signals authorized for Zone 161 of L&LMD No. 89-1-C are:
 - (a) The maintenance and servicing of landscaping 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 landscaping, including but not limited to electricity for operation of the irrigation system and water for irrigation; and

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Zone 161 to L&LMD No. 89-1-C will be \$364.22 per acre for fiscal year 2011-12. As stated in the Report, the total budget for Zone 161 for the fiscal year 2011-12 is \$5,460.00; there are 8 parcels that are to be assessed. 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 2011. The annual assessment increase derived from the application of the foregoing formula is referred to as the "Standard Annual Adjustment." In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the future median improvements on Cajalco Rd are completed, the annual assessments may be further increased. For the fiscal year in which the future median improvements are completed, the annual assessment may be increased by \$65.06 which will result in an aggregate assessment of \$429.28 per acre, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the future median improvements on Cajalco Rd are completed without regard to the \$429.28 per acre, inflation adjusted, assessment ceiling required during the fiscal year the future median improvements were first completed. Except for assessment increases associated with the completion of the future median improvements on Cajalco Rd, and assessment increases resulting from the application of the Standard Annual Adjustment, any other increase in the annual assessment requires a majority approval of all the property owners within Zone 161. 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 161 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 161. The boundaries of Zone 161 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 161, and the annual assessment to be levied upon assessable lots and parcels within Zone 161 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. <u>Public Hearing.</u> The question of whether Zone 161 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 June 7, 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. <u>Majority Protest.</u> Each owner of record of property within Zone 161 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID 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 161 if there is a majority protest with regard to the annexation of Zone 161. 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 161 exceeds the assessment ballots in favor of the annexation and assessment of Zone 161.

Section 10. <u>Information.</u> Any property owner desiring additional information regarding Zone 161 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 161 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 XIIID. 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 June 7, 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 XIIID and Section 4000 of the California Elections Code to all owners of record of property within Zone 161 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 June 7, 2011.

Section 12. <u>Effective Date.</u> 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

Ву:		
	Deputy	

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

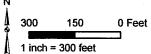
The boundaries of Zone 161 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of 8 parcels as shown on Parcel Map No. 36124 in the County of Riverside, State of California for fiscal year 2011-12.

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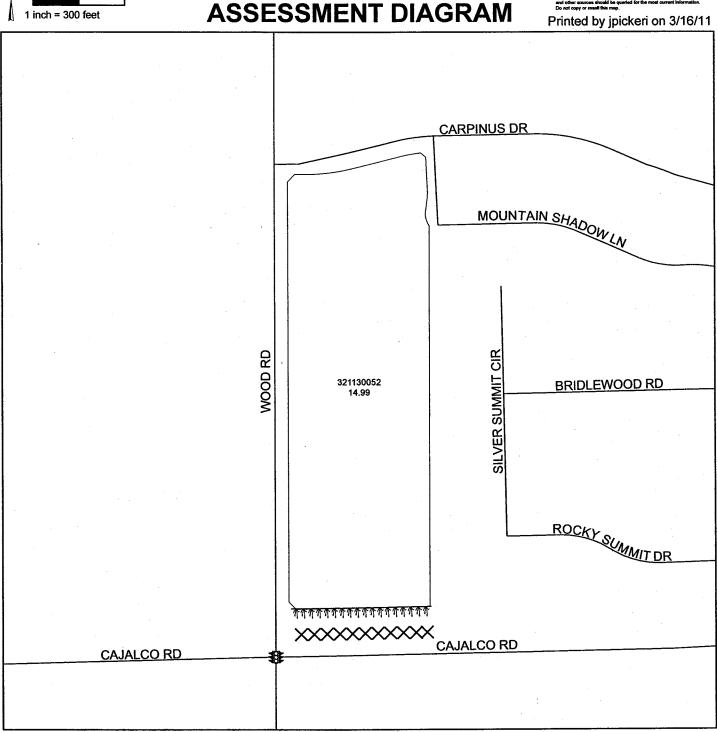
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 161

PORTION OF SECTION 8, T.4S., R.4W. PARCEL MAP NO. 36124 8 PARCELS







DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

