

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

906A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 2, 2011

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 152 (Glen Ivy Hot Springs).

RECOMMENDED MOTION: That the Board:

1. Adopt Resolution No. 2011-126, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Zone 152 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein for fiscal year 2011-12.
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 152 of Landscaping and Lighting

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"/>
There are no General Funds used in this project.				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 Buster, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: June 14, 2011
xc: Transp., Auditor

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.	03/15/11, 3.49 05/03/11, 9.9	District: 1	Agenda Number:
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3.48

FORM APPROVED COUNTY COUNSEL
BY:
DALE A. GARDNER
DATE: 5/24/11
Departmental Concurrence

Dep't Recomm.: ☐ Consent ☐ Policy ☒
Per Exec. Ofc.: ☐ Consent ☐ Policy ☒

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of
Zone 152 (Glen Ivy Hot Springs).

June 2, 2011

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

BACKGROUND: On May 3, 2011, a public hearing was held to receive all testimony regarding the annexation of Zone 152 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C"). After closing the public hearing, the Board directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on May 4, 2011 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Zone 152 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

The proposed budget for fiscal year 2011-12 for Zone 152 (within public rights-of-way located easterly of Temescal Canyon Rd) is \$481 that will result in an assessment for fiscal year 2011-12 within Zone 152 of \$650.26 per acre. Zone 152 includes 1 commercial parcel totaling .74 acres. The annual assessment may 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.

Adoption of Resolution No. 2011-126 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2011-12 for Zone 152 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2011-12.

RESOLUTION NO. 2011-126

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 152 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 152 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2011-12

WHEREAS, on March 15, 2011 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2011-028, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Zone 152 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on May 3, 2011 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Zone 152 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2011-028, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Zone 152 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 3, 2011, as set forth in Resolution No. 2011-028, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Zone 152 to L&LMD

FORM APPROVED COUNTY COUNSEL

BY: *DALE A. GARDNER* DATE: *5/24/11*

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 152 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 152 beginning fiscal year 2011-12; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 152 of
11 L&LMD No. 89-1-C beginning fiscal year 2011-12.

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

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

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 152 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 152 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2011-12, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 152 to L&LMD No. 89-1-C;

- 1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 152 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 152 of L&LMD No. 89-1-C for the installation, the maintenance and
6 servicing of future median landscaping improvements in said Zone 152 during
7 the fiscal year 2011-12 as contained in the report of the Director of
8 Transportation which is on file with the Clerk of the Board of Supervisors
9 (hereinafter the "Report") are based on benefits derived by such lots and parcels
10 from the availability of such future median landscaping improvements, and are
11 not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 152, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Plot Plan No. 06844S2 in the County of Riverside, State of
14 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

15 **Section 3. Improvements.** The improvements authorized for Zone 152 of L&LMD
16 No. 89-1-C are:

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

23 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
24 the assessment of estimated costs for the installation, the maintenance and servicing of future median
25 landscaping improvements in Zone 152 of L&LMD No. 89-1-C for fiscal year 2011-12 as contained in
26 the Report are confirmed.

Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for the installation and the maintenance and servicing of future median landscaping improvements in Zone 152 of L&LMD No. 89-1-C during fiscal year 2011-12, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

Section 6. 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 152 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 283-180-038 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2011-12.

ZONE 152

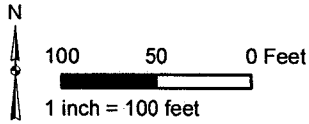
PORTION OF SECTION 34, T.4S., R.6W.

PLOT PLAN NO. 06844S2

1 PARCEL

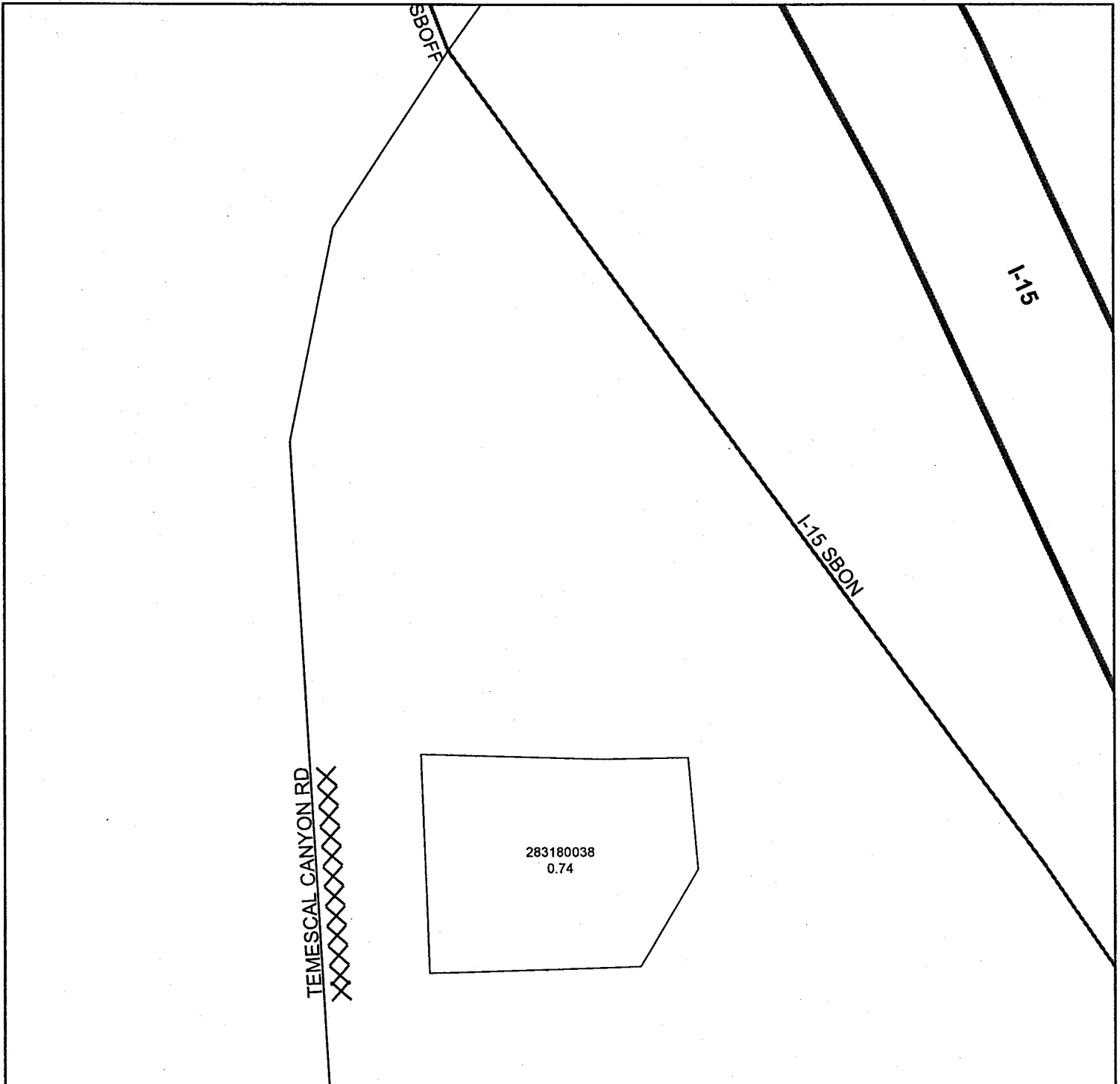


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ASSESSMENT DIAGRAM

Printed by jpickeri on 1/31/11



XXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN