

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

269A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
October 9, 2013

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 178 (Horsethief Canyon) District 1/District 1 [\$1,470]. Property owners in boundary 100%.

RECOMMENDED MOTION: That the Board of Supervisors adopt the following Resolutions:

1. Resolution No. 2013-227 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 178 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 178.
2. Resolution No. 2013-228, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 178 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 future median landscaping; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Zone 178, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

Juan C. Perez
Director of Transportation and
Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 1,470	\$ N/A	\$ 1,470	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS L&LMD No. 89-1-C – 100%				Budget Adjustment:	N/A
There are no General Funds used in this project.				For Fiscal Year:	13/14

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, December 10, 2013, at 9:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 22, 2013
xc: Transp., COB(2)

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

OCT 12 5W 3:53

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

3-65

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 10/2/13 DATE
DALE A. GARDNER
Departmental Concurrence

Positions Added
 Change Order
 A-30
 4/5 Vote

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 178
(Horsethief Canyon) District 1/District 1 [\$1,470].

DATE: October 9, 2013

PAGE: 2 of 2

BACKGROUND:

Summary

Adoption of Resolution No. 2013-227 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 178 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2013-228 declares the Board of Supervisors' intention of ordering the annexation of Zone 178 to L&LMD No. 89-1-C. The annexation of Zone 178 to L&LMD No. 89-1-C will fund the maintenance and servicing of future median landscaping within public right-of-way located southerly of Temescal Canyon Road in the Horsethief Canyon area and includes one (1) commercial parcel.

Consistent with the Board of Supervisors' 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 December 10, 2013 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 178 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2013-228, 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 178 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 178 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 December 10, 2013.

Impact on Citizens and Businesses

Only the property owners within the proposed boundaries of Zone 178, which are represented by Conditional Use Permit No. 03439, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram). The property owners within the proposed boundaries of Zone 178 have petitioned the County of Riverside to annex their property to L&LMD No. 89-1-C and understand that this annexation will result in an assessment on their property to fund the maintenance and servicing of the aforementioned improvements (future median landscaping).

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2014-15 for Zone 178 is \$1,469.92. This will result in an assessment for fiscal year 2014-15 within Zone 178 of \$1,469.92 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U), if any, as it stands as of March of each year over the base index for March of 2013.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Exhibit A
- B. Resolution No. 2013-227
- C. Resolution No. 2013-228
- D. Engineer's Report

2 RESOLUTION NO. 2013-227

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF ZONE 178 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 Riverside County Transportation
10 Department (hereinafter "Department") that said Department has received an application from the
11 owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter
12 "Zone 178"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof,
13 to be 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 178 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 proposed
21 assessment to be levied by L&LMD No. 89-1-C for Zone 178; and

22 WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
23 Ballot Election" allowing for the election to be held on December 10, 2013; 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 formation and annexation of territory to landscaping and
26 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able

FORM APPROVED COUNTY COUNSEL
BY: *Walter A. Gardner* 9/11/13
DATE
WALTER GARDNER

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of
2 Zone 178 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 October 22, 2013 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 178 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 178 to pay the costs of the
11 following services:

- 12 (a) The maintenance and servicing of landscaping within the public right-of-way
13 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
14 and other ornamental vegetation.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 178 that are
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described
17 in Exhibit "A".

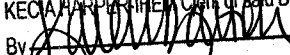
18 **Section 4. Report.** The Director of the Department, or his designee, is hereby
19 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of
20 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code
21 and Section 4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

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

24 ROLL CALL:

25 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
26 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-HEM, Clerk of said Board
By  Deputy

10.22.13 3-65

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 178 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 391-480-021 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2014-15.

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

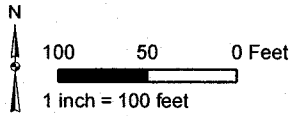
ZONE 178

PORTION OF SECTION 17, T.5S., R.5W.
CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

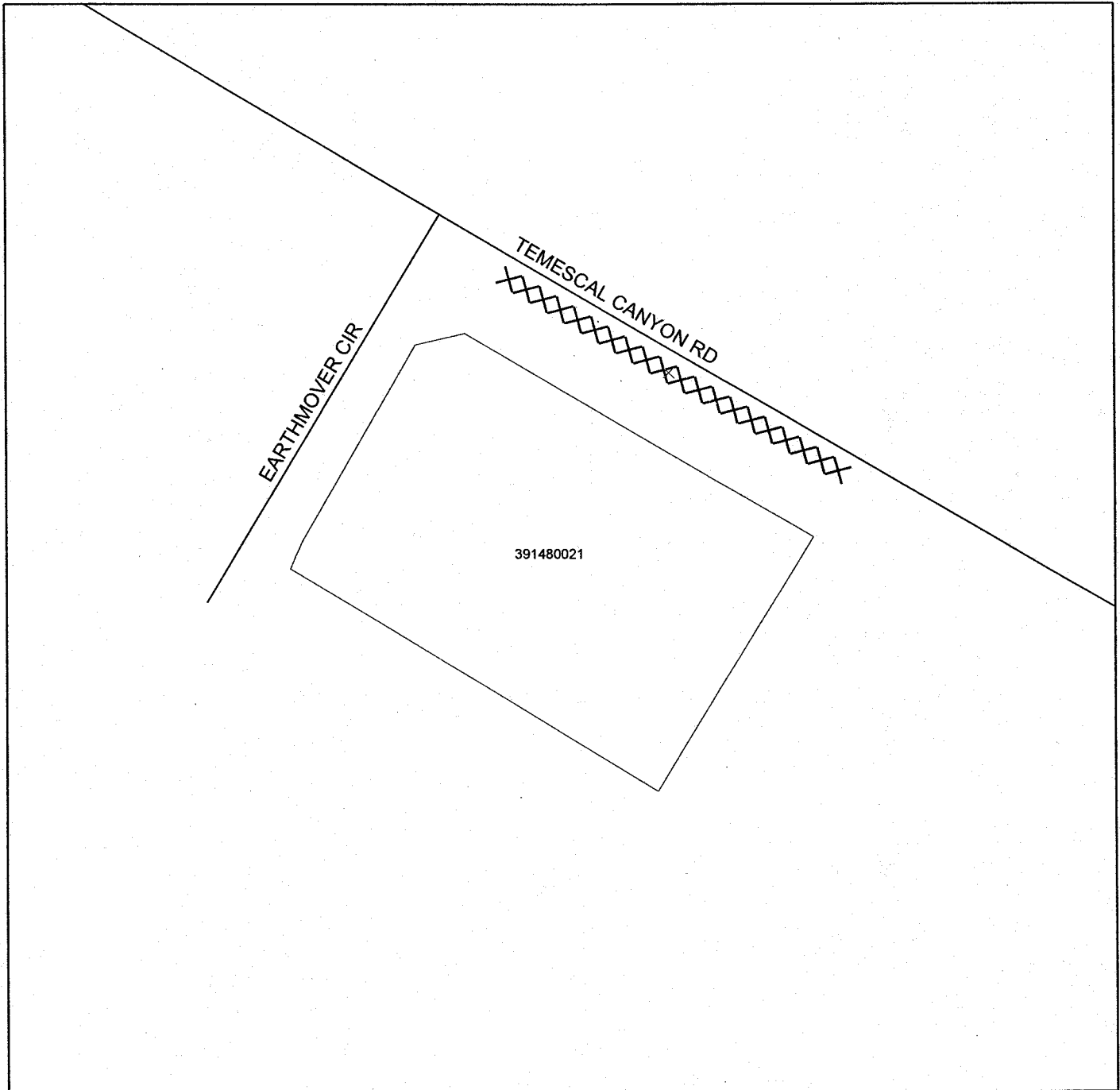


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ASSESSMENT DIAGRAM

Printed by jpickeri on 8/21/2013



XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

2 RESOLUTION NO. 2013-228

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
4 DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 178 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY
6 OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR
7 THE MAINTENANCE AND SERVICING OF FUTURE MEDIAN LANDSCAPING; ADOPTING
8 THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME
9 AND PLACE OF THE PUBLIC HEARING ON THE THE ANNEXATION OF ZONE 178 ;
10 ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION;
11 AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT
12 TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIIRD OF THE CALIFORNIA
13 CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
15 Riverside (hereinafter the "County") has adopted Resolution No. 2013-227 on October 22, 2013
16 initiating proceedings for the annexation of Zone 178 (hereinafter "Zone 178"), as described and shown
17 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
18 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
20 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 178 and the assessments to be levied within
Zone 178 each fiscal year beginning fiscal year 2014-15 for the maintenance and servicing of future
median landscaping within the public right-of-way within said Zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIIRD of the
California Constitution (hereinafter "Article XIIRD:"); 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 178;
and

WHEREAS, the Board of Supervisors by Resolution No. 2013-227 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *[Signature]* 11/13
DATE AGGARONIA

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 Assessment
6 Ballot Election" allowing for the election to be held on December 10, 2013; 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 178, and the assessments to be levied on parcels within Zone 178
11 beginning in fiscal year 2014-15;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on October 22, 2013 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 2014-15 on all parcels within Zone 178 will be
20 \$1,469.92 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 178, 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 178
24 commencing with the fiscal year 2014-15 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 178 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 178 is proposed to be
5 annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County
6 as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The services authorized for Zone 178
8 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of landscaping within the public right-of-way including
10 the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other
11 ornamental vegetation.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
13 benefits from the annexation of Zone 178 to L&LMD No. 89-1-C will be \$1,469.92 per parcel for fiscal
14 year 2014-15. As stated in the Report, the total budget for Zone 178 for the fiscal year 2014-15 is
15 \$1,470; there is 1 parcel that is to be assessed. Each succeeding fiscal year the special assessment
16 may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative
17 percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los
18 Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published
19 by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U
20 adjustment will be based on the cumulative increase, if any, in the "Index" as it stands on March of each
21 year over the base Index for March of 2013. Any increase larger than the greater of 2% or the CPI-U
22 annual adjustment requires a majority approval of all the property owners in Zone 178. The Board of
23 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors
24 undertakes proceedings for the dissolution of Zone 178 of L&LMD No. 89-1-C. The annual assessment
25 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be
26 made to the Report on file in the Office of the Clerk of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
2 89-1-C is Zone 178. The boundaries of Zone 178 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 178, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 178 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 178 shall be annexed to L&LMD
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2014-15 shall be considered at
11 a public hearing (hereinafter the "Public Hearing") to be held on December 10, 2013, at 9:30 a.m. at the
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
13 California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 178 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. The agency shall not impose an assessment if there is a majority protest. A majority
18 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment
19 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be
20 weighted according to the proportional financial obligation of the affected property.

21 **Section 10. Information.** Any property owner desiring additional information regarding
22 Zone 178 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan
23 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
24 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at
25 jpickeri@rctlma.org.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 178 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 391-480-021 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2014-15.

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

ZONE 178

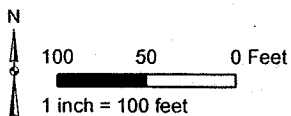
PORTION OF SECTION 17, T.5S., R.5W.

CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

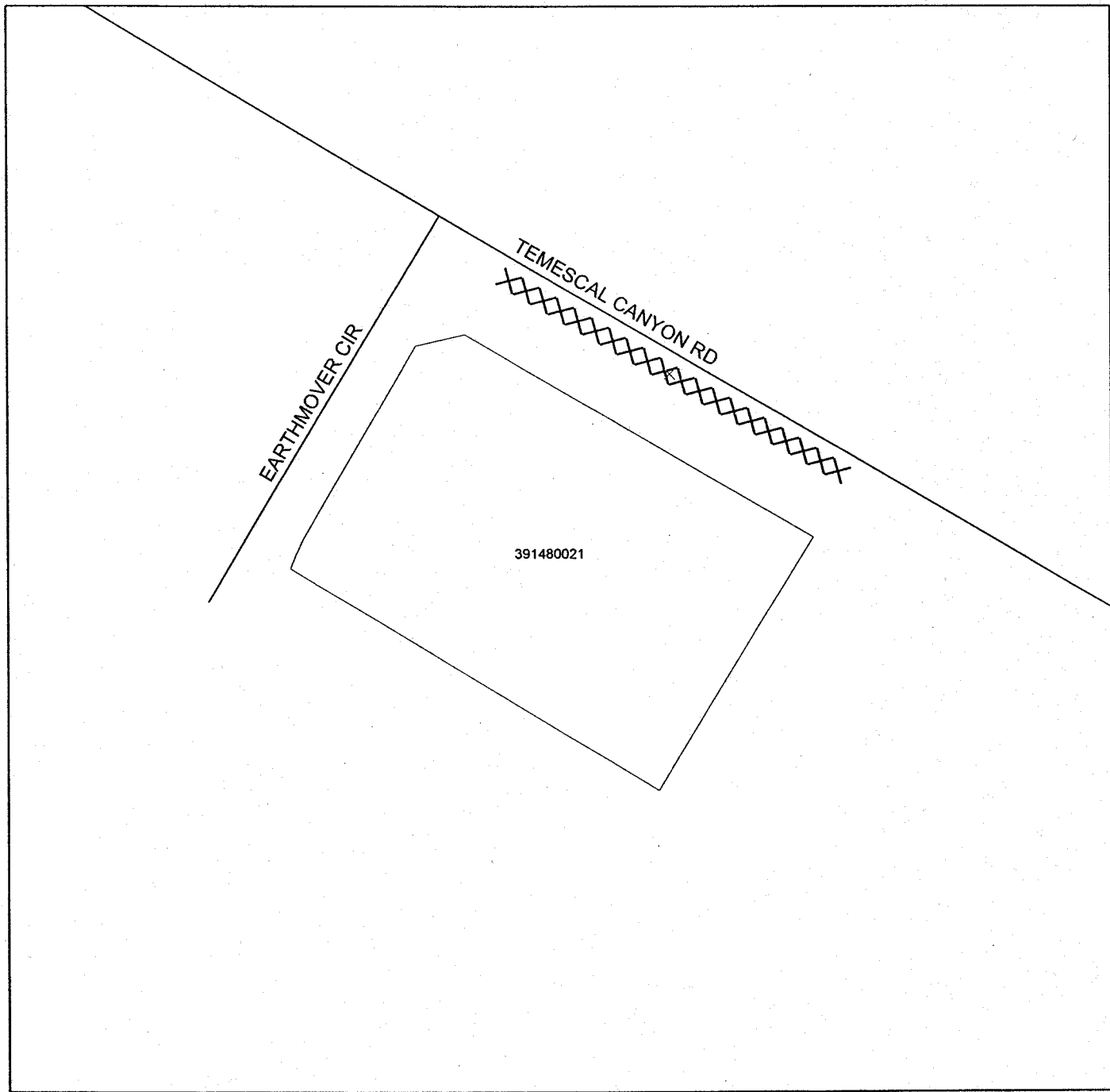


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