

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

601B



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
November 29, 2013

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 178 (Horsethief Canyon) District 1/1 [\$1,470;L&LMD No. 89-1-C].

**RECOMMENDED MOTION:** That the Board of Supervisors:

With regard to the annexation of Zone 178 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 of Supervisors 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 the public hearing. All ballots received prior to the close of the public hearing will be tallied at 10:00 a.m. on Wednesday, December 11, 2013 in Conference Room C on the 8<sup>th</sup> Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed to cause the appropriate resolution, based on the election tally, to be prepared and returned to the Board of Supervisors for its consideration.

**Patricia Romo**  
Assistant Director of Transportation

*Patricia Romo*  
\_\_\_\_\_  
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)
<b>COST</b>	\$ 0	\$ 1,470	\$ N/A	\$ 1,470	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0	
<b>SOURCE OF FUNDS</b> L&LMD No. 89-1-C – 100%				<b>Budget Adjustment:</b>	N/A
There are no General Funds used in this project.				<b>For Fiscal Year:</b>	13/14

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

APPROVE

*Tina Grande*  
BY \_\_\_\_\_  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Ayes:** Jeffries, Tavaglione, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** December 10, 2013  
**xc:** Transp.

**Kecia Harper-Ihem**  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

2013 DEC -3 6W 1:02

**Prev. Agn. Ref.:** 10/22/13, 3-65      **District:** 1/1      **Agenda Number:**

9-9

FORM APPROVED COUNTY COUNSEL  
BY: *Dale A. Gardner* 11/4/13 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 1/1 [\$1,470; L&LMD No. 89-1-C].**

**DATE:** November 29, 2013

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary**

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2013-228 adopted October 22, 2013, the Board of Supervisors noticed a public hearing for December 10, 2013, to receive testimony regarding the Annexation of Zone 178 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Zone 178 will fund the maintenance and servicing of future median landscaping within public rights-of-way located southerly of Temescal Canyon Road in the Horsethief Canyon area and includes one (1) commercial parcel.

On October 23, 2013, a notice of the public hearing and information sheet, a mail-in ballot, an impartial analysis, and a copy of Resolution No. 2013-228 was mailed to all property owners within Zone 178, 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. 2013-228 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. 2013-228 on the official bulletin board customarily used by the Board of Supervisors for the posting of notices and in two (2) other public locations within the County.

**Impact on Residents and Businesses**

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. However, the assessment will not be levied until the median is constructed. 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 2014.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

A. Exhibit A

**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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# ZONE 178

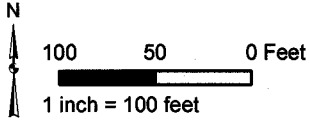
PORTION OF SECTION 17, T.5S., R.5W.

CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

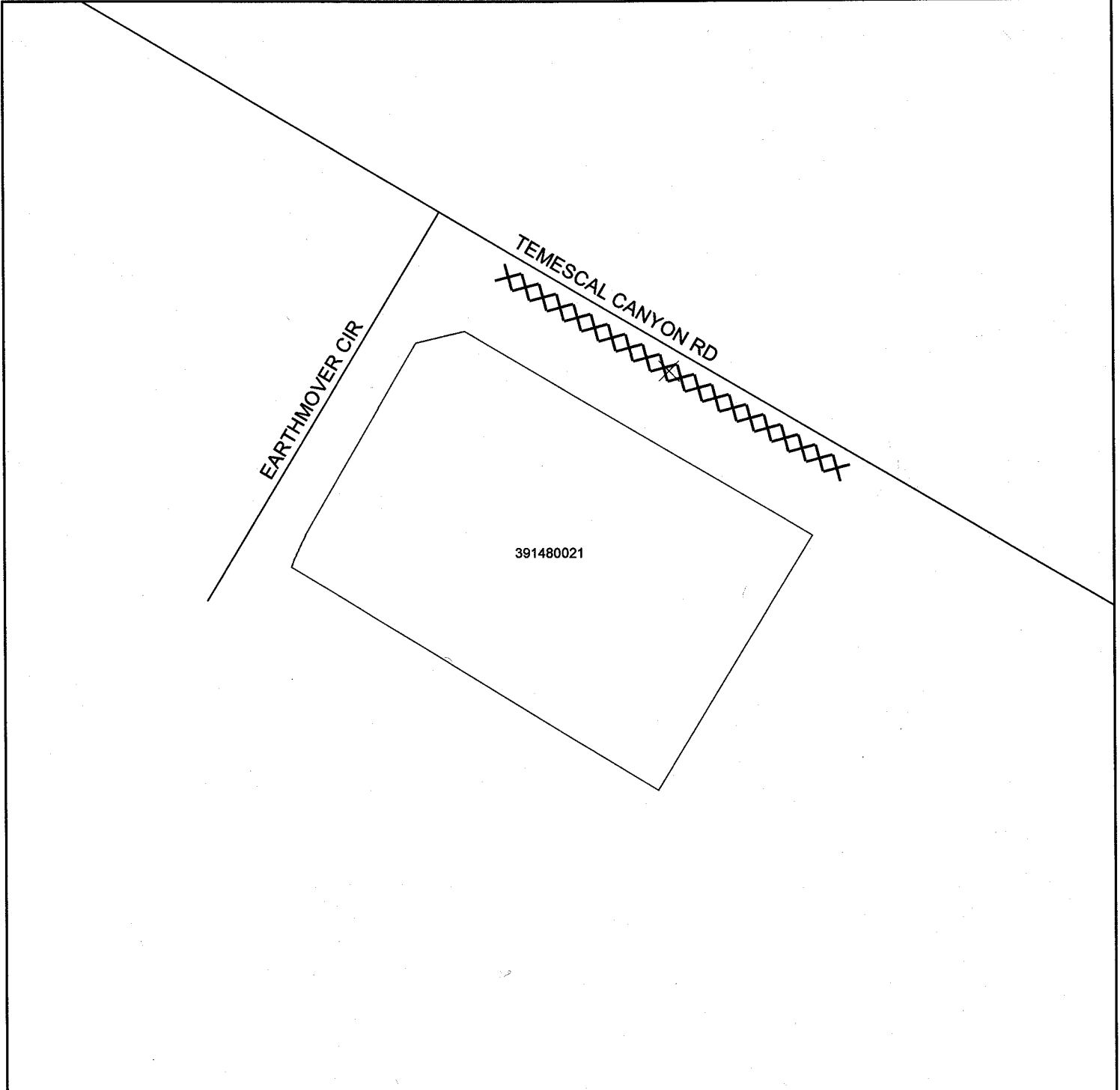


The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for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



## ASSESSMENT DIAGRAM

Printed by jpickeri on 8/21/2013



391480021

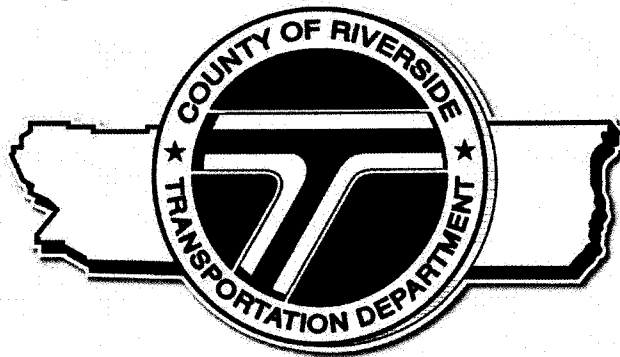
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XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

# COUNTY OF RIVERSIDE

# TRANSPORTATION DEPARTMENT



## **ENGINEER'S REPORT FOR Landscaping & Lighting Maintenance District No. 89-1-Consolidated Zone 178 (Horsethief Canyon)**

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Prepared by  
Psomas  
1500 Iowa Ave., Ste. 210  
Riverside, CA 92507  
(951) 787-8421

**September 2013**

**AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA - TRANSPORTATION DEPARTMENT**

**PROJECT: ANNEXATION OF CONDITIONAL USE PERMIT 03439 (CUP03439) TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AS ZONE 178 (L&LMD NO. 89-1-C ZONE 178)**

**TO: BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

**ENGINEER'S REPORT**

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, I submit herewith the following Report.

This Report provides for the annexation of CUP03439 to L&LMD No. 89-1-C as Zone 178 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2014 to June 30, 2015 (2014-2015) and all subsequent Fiscal Years, for this area to be known and designated as:

**L&LMD NO. 89-1-C ZONE 178  
CUP03439**

I do hereby assess and apportion the total amount of the costs and expenses upon the several parcels of land within said designated area liable therefore and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said services.

NOW, THEREFORE, I, the appointed ENGINEER, acting on behalf of the County of Riverside Transportation Department, pursuant to the "Landscaping and Lighting Act of 1972", do hereby submit the following:

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/Boundary Map, a reduced copy of which is included herein.

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.

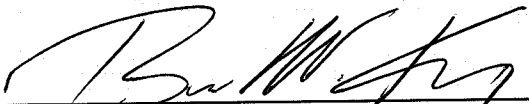
The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram/Boundary Map and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessment Roll for a description of the lots or parcels.

There are no parcels or lots within Zone 178 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.

DATED this 25<sup>th</sup> day of September, 2013



PSOMAS

  
BRUCE W. KIRBY  
PROFESSIONAL CIVIL ENGINEER 42393  
ENGINEER OF WORK  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

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## Executive Summary

- A. **Introduction:** 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/Boundary Map, a reduced copy of which is included herein. WHEREAS, on this 22<sup>nd</sup> day of October, 2013 the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the engineer's report providing for the annexation of CUP03439 to L&LMD No. 89-1-C as Zone 178 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. 2013-227 for a special assessment district zone known and designated as:

### **ZONE 178 CUP03439**

The annexation of Zone 178 includes all parcels of land within the commercial subdivision known as CUP03439, also identified by the Assessor Parcel Number(s) valid as of the date of this Report: 391480021-0. 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. Psomas submits this Engineer's Report ("Report"), for the annexation of said Zone 178 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2014-2015 and all subsequent fiscal years, consisting of five (5) parts.

### **PART I**

**Plans and Specifications:** This section contains a description of Zone 178's boundaries and the proposed improvements within said Zone. Zone 178 shall consist of a benefit zone encompassing all of the properties within the commercial development known as CUP03439. The proposed improvements described in this Report are based on current development and improvement plans provided to Psomas as of the date of this Report. Improvement plans include Conditional Use Permit and "future median maintenance exhibit" (hereinafter referred to as the "Plans".)

### **PART II**

**The Method of Apportionment:** A narrative of the property benefits from the improvements and the method of calculating each property's proportional special benefit and annual assessment. The proposed initial Maximum Assessment and assessment range formula established for Zone 178 is based on current property development Plans and estimated annual cost and expenses associated with all improvements to be accepted and maintained by L&LMD No. 89-1-C Zone 178 at build-out. The initial Maximum Assessment

may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers for ("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 of 2014. The initial Maximum Assessment established within Zone 178 shall be \$1,469.92. Pursuant to the Plans and CUP03439, which is composed of 1 assessable parcel, and 0 non-assessable parcels, the initial Maximum Assessment shall be \$1,469.92 per parcel, subject to the inflationary factor.

### PART III

**The Cost Estimate:** An estimate of the cost of the median landscaping maintenance including incidental costs and expenses in connection therewith for fiscal year 2014-2015, is as set forth on the lists thereof, attached hereto.

### PART IV

**Assessment Diagram/Boundary Map:** The Assessment Diagram/Boundary Map shows the parcels of land included within the boundaries of Zone 178. For details concerning the lines and dimensions of the applicable Assessor's Parcel Numbers, refer to the County Assessor's Maps as of the date of this Report.

### PART V

**Assessment Roll:** A listing of the Assessor's Parcel Numbers and the initial Maximum Assessment per Parcel or Lot/Unit to be applied on the tax roll for Fiscal Year 2014-2015 as provided by the Riverside County Board of Supervisors approved Conditional Use Permit and the plan checked Plans.

- B. **Assessment Zone:** The services to be provided by L&LMD No. 89-1-C Zone 178 generally includes median landscaping. The annexation of CUP03439 to L&LMD No. 89-1-C as Zone 178 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. Zone 178's structure, proposed improvements, method of apportionment and assessments described in this Report are based on current development and improvement Plans provided to Psomas as of the date of this Report, including all estimated direct expenditures, incidental expenses, and reserves associated with the maintenance, energizing and servicing of the proposed improvements as indicated by the Conditional Use Permit and the Plans.

# **PART I – PLANS AND SPECIFICATIONS**

## **A. Description of the Assessment Zone**

Zone 178 is located within the unincorporated area known as Horsethief Canyon in the County of Riverside, State of California and is comprised of CUP03439. The area for CUP03439 is generally located northeast of Interstate 15 and southwest of Temescal Canyon Road. At full development, CUP03439 is projected to include 1 assessable commercial Lots/Units and 0 non-assessable Lots/Units. Zone 178 consists of all Lots/Units, parcels and subdivision of land located in the following development areas:

- CUP03439 – Assessor Parcel Number(s) as of the date of this Report: 391480021-0

## **B. Description of Improvements and Services authorized pursuant to County of Riverside Board of Supervisors approved Resolution No. 94-389 for L&LMD No. 89-1-C:**

- L&LMD No. 89-1-C will annually levy an assessment on property within its boundaries to pay the cost of the following services and improvements:
  - The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation.
  - The installation or construction of statuary, fountains and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities including but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities, and,
  - The maintenance or servicing, or both of any of the foregoing.

## **C. Improvements and Services for L&LMD No. 89-1-C Zone 178**

The services to be funded by L&LMD No. 89-1-C Zone 178 include the maintenance and servicing of median landscaping within the commercial subdivision designated as CUP03439 on the public right-of-way known as:

- Temescal Canyon Road

## **PART II – METHOD OF APPORTIONMENT**

### **A. Benefit Analysis**

The proposed improvements, the associated costs, and assessments have been carefully reviewed, identified, and allocated based on special benefit.

Median landscaping is the responsibility of L&LMD No. 89-1-C Zone 178.

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lot(s) or parcel(s) of land within an assessment district in proportion to the estimated benefits to be received by each lot or parcel from the improvements rather than assessed value.

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments reflects the composition of the parcels and the improvements and services provided by the District to fairly apportion the costs based on the estimated benefit to each parcel.

In addition, Article XIII D of the California Constitution (the “Article”) requires that a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Article provides that only special benefits are assessable, and the County must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

#### **Special Benefit**

The median landscaping improvements within L&LMD No. 89-1-C Zone 178 (DISTRICT) provide direct and special benefit to the lots or parcels within the DISTRICT. Therefore, the maintenance of these improvements also provides direct and special benefit by maintaining the functionality of the improvements and allowing the improvements to operate in a proper manner.

Each and every lot or parcel within the DISTRICT, receives a particular and distinct benefit from the improvements over and above general benefits conferred by the improvements. First, the improvements were conditions of approval for the creation or development of the parcels. In order to create or develop the parcels, the County required the original developer to guarantee the maintenance of the future median landscaping and appurtenant facilities serving the lots or parcels.

Therefore, each and every lot or parcel within the proposed DISTRICT could not have been developed in the absence of the installation and expected maintenance of these facilities.

In addition, the improvements continue to confer a particular and distinct special benefit upon parcels within the DISTRICT because of the nature of the improvements.

The proper maintenance of landscaping specially benefit parcels within the DISTRICT by improving erosion control, defining specific paths, and providing an enhanced quality of life and sense of well-being for properties within the DISTRICT.

Streets are constructed for the safe and convenient travel of vehicles and pedestrians. They also provide an area for underground and overhead utilities. These elements are a distinct and special benefit to all developed parcels in the DISTRICT. Landscaping is installed on and is for street purposes and is maintained and serviced to allow for better erosion control and beautification of the streets.

Finally, the proper maintenance of landscaping and appurtenant structures provides an enhanced quality of life and sense of well-being for properties within the DISTRICT.

Because all benefiting properties consist of a uniform land use, it is determined that all non-residential parcels benefit equally from the improvements and the costs and expenses for the maintenance and servicing of median landscaping are apportioned on a per parcel basis.

Based on the benefits described above, landscaping is an integral part of the quality of life of the DISTRICT. This quality of life is a special benefit to those parcels with a non-residential land use within the DISTRICT and do not include government owned easements, easements, and flood channel parcels. Government-owned easement, utility easement and flood channel parcels do not benefit from the improvements due to their use and lack of habitation on such parcels. Parcels of this nature are usually vacant narrow strips of land or flood control channels and therefore do not generate or experience pedestrian or vehicular traffic. Nor do these types of parcels support dwelling units or other structures that would promote frequent use of the parcels by the traveling public. As a result of this lack of activity on such parcels they do not receive any benefit from median landscaping and are not assessed.

#### **SPECIAL BENEFITS OF L&LMD NO. 89-1-C ZONE 178 AUTHORIZED IMPROVEMENTS AND SERVICES:**

The special benefits of median landscaping are the provision of erosion control, beautification improvements and goods, specifically:

- Erosion control
- Beautification

## **General Benefit**

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the DISTRICT and the general benefits to the public at large and to adjacent property owners. The portion of the total median landscaping maintenance costs, if any, associated with general benefits will not be assessed to the parcels in the DISTRICT, but will be paid from other Riverside County Transportation Department Funds. Because the median landscaping improvements are located immediately adjacent to properties within the DISTRICT and are maintained solely for the benefit of the properties within the DISTRICT, any benefit received by properties outside of the DISTRICT is nominal. Therefore, the general benefit portion of the benefit received from the improvements for the DISTRICT is zero.

As a result, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property.

Because the benefiting properties consist of a uniform land use (commercial), it is determined that each of the commercial parcels within the DISTRICT benefit equally from the improvements.

The percentages were derived from the budget prepared by Riverside County Transportation Department. Therefore the proportionate share of the costs and expenses for the provision of median landscaping as well as costs and expenses for the maintenance of the median landscaping are apportioned equally on a per parcel basis.

The dollar amounts per assessable parcel value for Fiscal Year 2014-2015 for Zone 178 are as follows:

- The initial Maximum Assessment established within Zone 178 (CUP03439) shall be \$1,469.92
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$1,469.92

The initial Maximum Assessment established within Zone 178 shall be \$1,469.92. Pursuant to the Plans and CUP03439, which is composed of 1 assessable parcel, the initial Maximum Assessment shall be \$1,469.92 per parcel, subject to the inflationary factor. Each succeeding fiscal year the initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U for 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 of 2014. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Zone 178.

## **B. Maximum Assessment Methodology**

The following methodology was adopted by Riverside County Board of Supervisors in the annual Engineers Report approved on November 29, 1994. Such methodology has been maintained in preparation of this report. The purpose of establishing a Maximum Assessment formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which would add to the Assessment Zone costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within the Assessment Zone. For Zone 178, the initial Maximum Assessments for Fiscal Year 2014-2015 are as follows:

- The initial Maximum Assessment established within Zone 178 (CUP03439) shall be \$1,469.92
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$1,469.92

The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2015-2016. The initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor.

The Maximum Assessment is adjusted annually and is calculated independent of the Zone 178's annual budget and proposed annual assessment. The proposed annual assessment (rate per assessable parcel) applied in any fiscal year is not considered to be an increased assessment if less than or equal to the Maximum Assessment amount. In no case shall the annual assessment exceed the Maximum Assessment.

Although the Maximum Assessment will increase each year, the actual Zone 178 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on Zone 178 assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjusted maximum amount. If the budget and assessments for the fiscal year require an increase and the increase is more than the adjusted Maximum Assessment, it is considered an increased assessment.

To impose an increased assessment, the County of Riverside must comply with the provisions of the Constitution Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for Zone 178. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone 178.

**C. Annual Assessment**

The Method of Apportionment of the Assessment is based upon the relative special benefit derived from the improvements and conferred upon the assessable real property within Zone 178 over and above general benefit conferred upon the assessable real property within Zone 178 or to the public at large. The Assessment for each assessable parcel within Zone 178 is calculated by dividing the total Annual Balance to Levy by the total number of assessable subdivided parcels within Zone 178 to determine the Annual Assessment per assessable parcel.

***Annual Balance to Levy/Total number of assessable parcels = Annual Assessment per assessable parcel. Refer to Budget sheet pg. 13.***



## PART III – L&LMD NO. 89-1-C ZONE 178 COST ESTIMATE FOR FISCAL YEAR 2014-2015<sup>1</sup>

L&LMD No. 89-1-C Zone 178	Total Costs for 1 Parcel/Lot for Zone 178 (CUP03439)	Cost per Parcel/Lot for Zone 178 (CUP03439)
Future Median Landscaping <sup>3</sup>	486.78	486.78
Water	241.48	241.48
Calsense Subscription and Monitoring	87.50	87.50
Backflow Certification	\$25.00	25.00
Electric Meter	\$150.00	150.00
Mulch	\$66.50	66.50
Tree Trimming	\$25.00	25.00
Administrative Costs	\$20.64	\$20.64
Contingency Cost	\$18.30	\$18.30
Field	\$109.32	\$109.32
Repair	\$239.40	\$239.40
<b>Total Annual Costs for Zone 178 (CUP03439)</b>	<b>\$1,469.92</b>	<b>\$1,469.92</b>

Recapitulation of Assessments per Assessable Parcel/Lot		
Total L&LMD No. 89-1-C Zone 178 <sup>2</sup> Assessment per Assessable Parcel/Lot		<b>\$1,469.92</b>

<sup>1</sup> Zone 178 Proposed Budget is based on information provided in the Plot Plan.

<sup>2</sup> Projected rates of services for Fiscal Year 2014-2015 per TLMA provided base rates.

<sup>3</sup> Property owner assessed for their half of median only.

# **PART IV - ZONE 178 ASSESSMENT DIAGRAM / BOUNDARY MAP**

## **FISCAL YEAR 2014-2015 L&LMD NO. 89-1-C ZONE 178**

The Assessment Diagram/Boundary Map for Zone 178 by this reference is incorporated and made a part of this Report. Only the parcels identified within the Zone 178 Assessment Diagram are within said boundary.

If any parcel submitted for collection is identified by the County Auditor Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel number will be identified and resubmitted to the County Auditor Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Information identified on this Assessment Diagram/Boundary Map was received from several sources including the owner, the developer, Riverside County Transportation Department and the Riverside County Assessor.

The Zone 178 Assessment Diagram/Boundary Map identifying the boundaries of parcels within CUP03439 in L&LMD No. 89-1-C Zone 178 is included in this Report for reference on the following page.

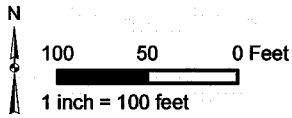
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
**ZONE 178**

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

1 PARCEL

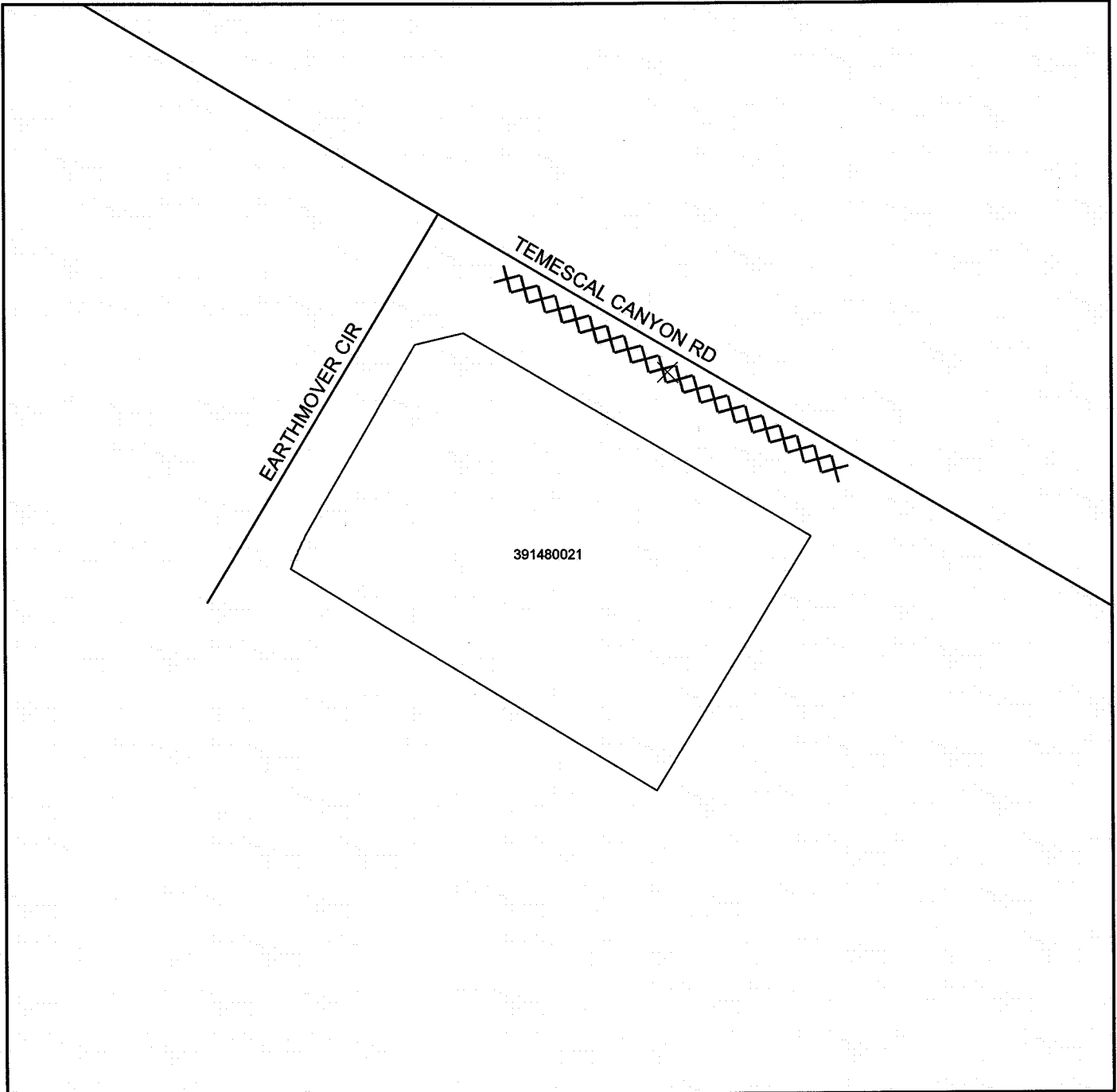


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**ASSESSMENT DIAGRAM**

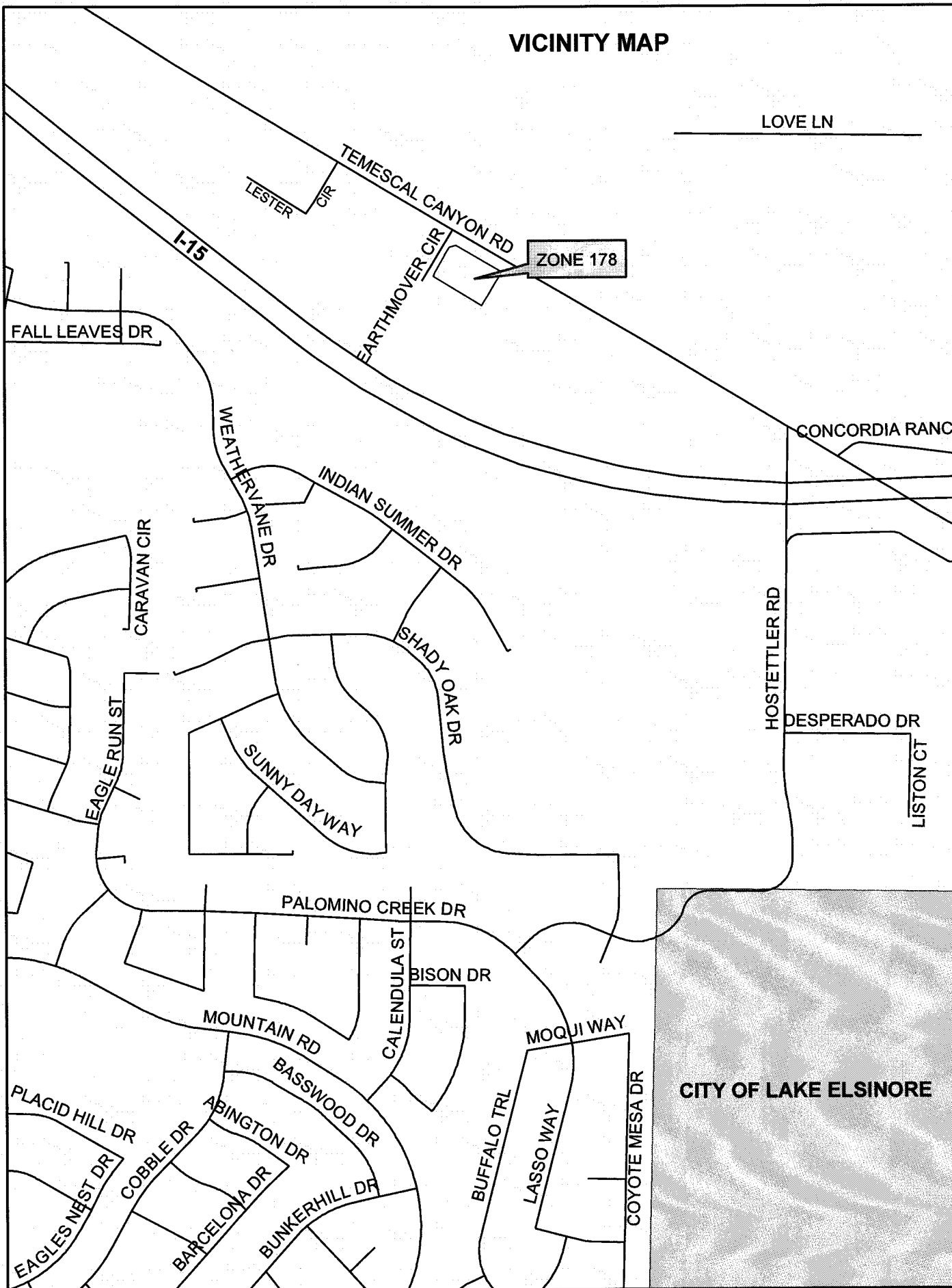
Printed by jpickeri on 8/21/2013



XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

# VICINITY MAP

LOVE LN



# PART V – ASSESSMENT ROLL

Parcel identification for each Lot/Unit or parcel within Zone 178 shall be the parcel as shown on the Riverside County Secured Roll for the year in which this Report is prepared and reflective of the Assessor's Parcel Maps. Zone 178 includes the following APN(s) as of the date of this Report: 391480021-0. The initial Maximum Assessment shall be \$1,469.92. When subdivided, the initial Maximum Assessment for Zone 178 is as follows:

Plot Plan	Parcel/Lot No.	Proposed Fiscal Year 2014-2015 Maximum Assessment (L&LMD No. 89-1-C Zone 178) <sup>4</sup>
03439	1	\$1,469.92

<sup>4</sup> The initial Maximum Assessment may be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor.

## **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 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 10th, 2013; a copy of said waiver is filed herewith and made a part hereof.

**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 Ottavio and Marie Forcone (the "Owner") owns property within the unincorporated area of the County of Riverside (the "County") represented by the following Assessor's Parcel Numbers for fiscal year 2014-15 (the "Property"): APN(s) 391-480-013.

The Owner has made application that the Property be annexed as Zone 178 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 December 10, 2013

OWNER: Ottavio and Marie Forcone  
(Name of Company  
as stated in Initial Paragraph)

By:   
Signature

Name: OTTAVIO FORCONE & Marie  
Print

Title: owners of Property







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

November 25, 2013

THE PRESS ENTERPRISE  
ATTN: LEGALS  
PO BOX 792  
RIVERSIDE, CA 92501

FAX: (951) 368-9268  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

**RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2013-228 ZONE 178**

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, November 28, 2013**.

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,

*Cecilia Gil*

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

**Gil, Cecilia**

---

**From:** mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>  
**Sent:** Monday, November 25, 2013 8:13 AM  
**To:** Gil, Cecilia  
**Subject:** Re: FOR PUBLICATION: RES. 2013-228 ZONE 178

Received for publication on Nov. 29. Proof with cost to follow.

Thank You!



Publisher of The Press-Enterprise  
*Inland Southern California's News Leader*

**Legal Advertising**

**Phone:** 1.800.880.0345

**Fax:** 951.368.9018

**E-mail:** [legals@pe.com](mailto:legals@pe.com)

**Please Note:** Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

**\*\*Additional days required for larger ad sizes\*\***

On Mon, Nov 25, 2013 at 7:27 AM, Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)> wrote:

Attached is a Notice of Public Hearing for above-mentioned Resolution, for publication on Friday, Nov. 29, 2013. Please confirm. THANK YOU!

*Cecilia Gil*

Board Assistant

Clerk of the Board

951-955-8464

MS# 1010

**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 1<sup>st</sup> Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on **Tuesday, December 10, 2013 at 9:30 a.m.** to consider the following:

**RESOLUTION NO. 2013-228**

RESOLUTION OF THE BOARD OF SUPERVISORS 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 THE ANNEXATION OF ZONE 178 ; 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 SAID ACT AND 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. 2013-227 on October 22, 2013 initiating proceedings for the annexation of Zone 178 (hereinafter "Zone 178"), 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 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 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 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 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 December 10, 2013; 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 178, and the assessments to be levied on parcels within Zone 178 beginning in fiscal year 2014-15;

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

**Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the annexation of Zone 178, 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 178 commencing with the fiscal year 2014-15 as set forth in the Report. The Report expressly states that there are no parcels or lots within Zone 178 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 178 is proposed to be annexed to 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 services authorized for Zone 178 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.

**Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits from the annexation of Zone 178 to L&LMD No. 89-1-C will be \$1,469.92 per parcel for fiscal year 2014-15. As stated in the Report, the total budget for Zone 178 for the fiscal year 2014-15 is \$1,470; there is 1 parcel that is to be assessed. Each succeeding fiscal year the special assessment may be subject to an annual adjustment that is the greater of two percent (2%) 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 2013. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Zone 178. 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 178 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 to L&LMD No. 89-1-C is Zone 178. The boundaries of Zone 178 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 178, and the annual assessment to be levied upon assessable lots and parcels within Zone 178 proposed to be annexed to L&LMD No. 89-1-C.

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

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

**Section 10. Information.** Any property owner desiring additional information regarding Zone 178 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, or by e-mail at [jpickeri@rctlma.org](mailto:jpickeri@rctlma.org).

**Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the annexation of Zone 178 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 December 10, 2013. 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 178 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 December 10, 2013.

**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 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.



**ROLL CALL:**

AYES: Jeffries, 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 October 22, 2013.

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: November 25, 2013

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

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

**ZONE 178**

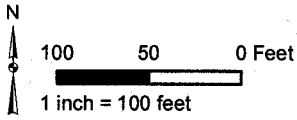
PORTION OF SECTION 17, T.5S., R.5W.

CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

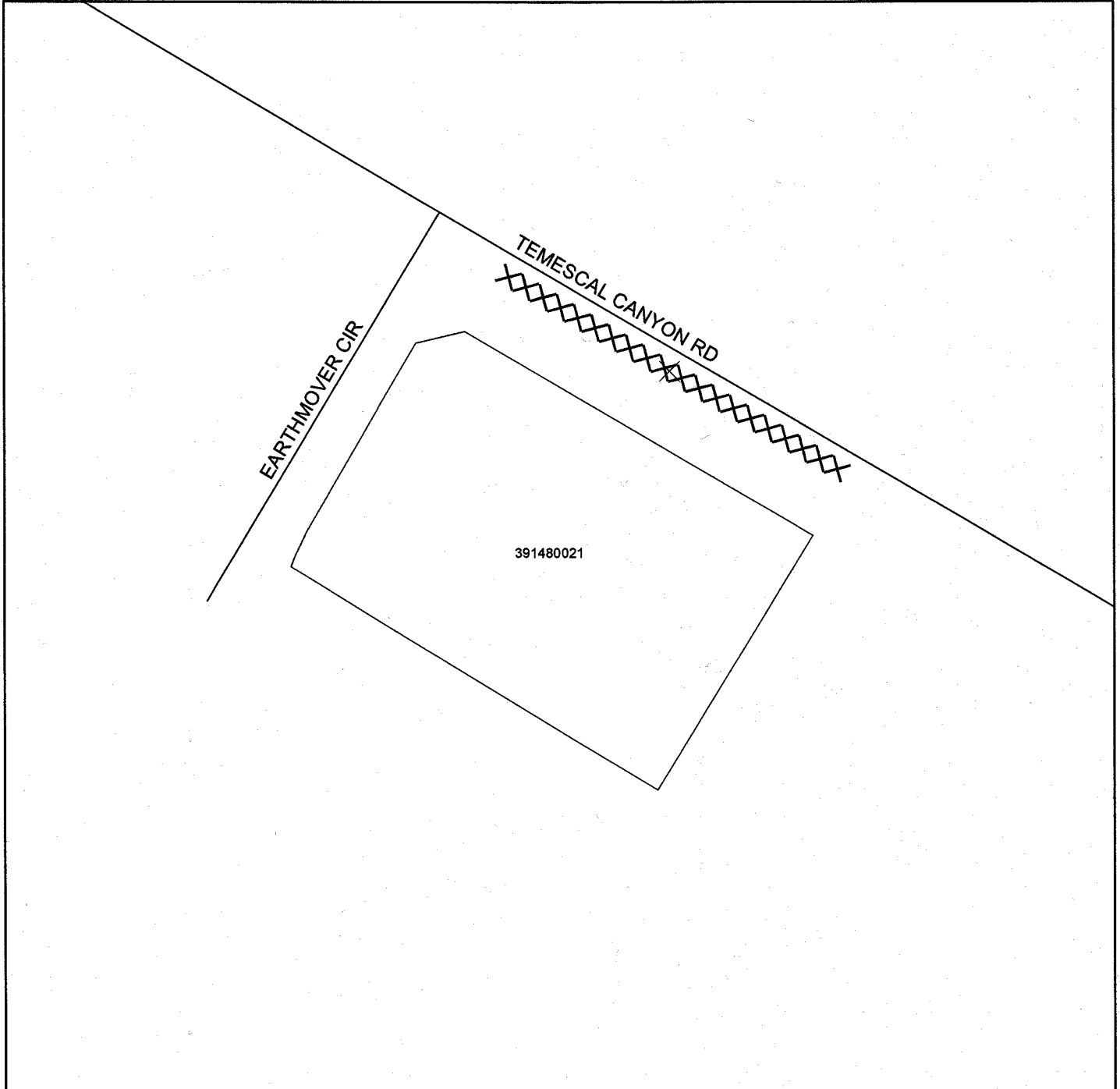


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 8/21/2013



XXXX DENOTES FUTURE LANDSCAPED AND MAINTAINED MEDIAN

**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

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

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%  
 There are no General Funds used in this project.

<b>Budget Adjustment:</b>	N/A
<b>For Fiscal Year:</b>	13/14

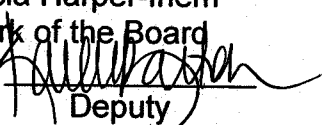
**C.E.O. RECOMMENDATION:** APPROVE

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 6 33

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** 1/1 \_\_\_\_\_ **Agenda Number:** \_\_\_\_\_

3-65

A-30  
 Positions Added  
 4/5 Vote  
 Change Order

**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



**RESOLUTION NO. 2013-227**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR 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 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 Riverside County Transportation Department (hereinafter "Department") 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 178"), 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 178 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 178; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on December 10, 2013; and

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

FORM APPROVED COUNTY COUNSEL  
BY: *Wanda A. Gardner* 9/11/13  
DATE  
WANDA A. 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".

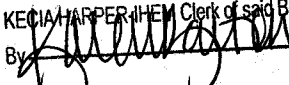
18 **Section 4. Report.** The Director of the Department, or his designee, is hereby  
19 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of  
20 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code  
21 and Section 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  
26 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-HEM Clerk of said Board  
By:  Deputy

**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**

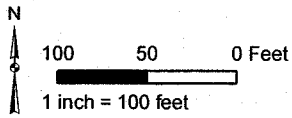
PORTION OF SECTION 17, T.5S., R.5W.

CONDITIONAL USE PERMIT NO. 03439

1 PARCEL

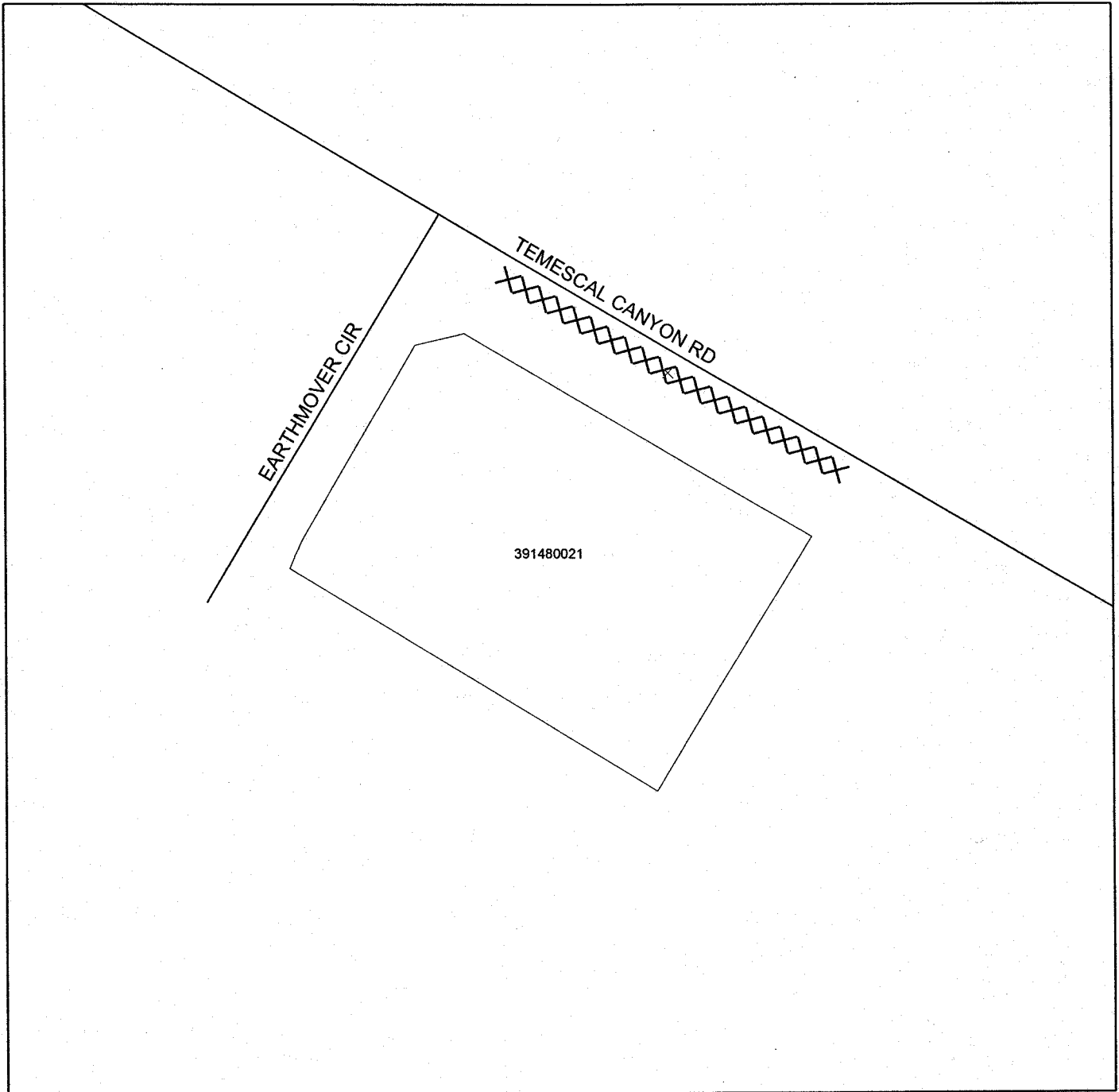


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**ASSESSMENT DIAGRAM**

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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 XIID 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 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 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 DALE A. GARDNER  
DATE 11/13

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, 1<sup>st</sup> 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](mailto: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**

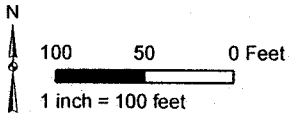
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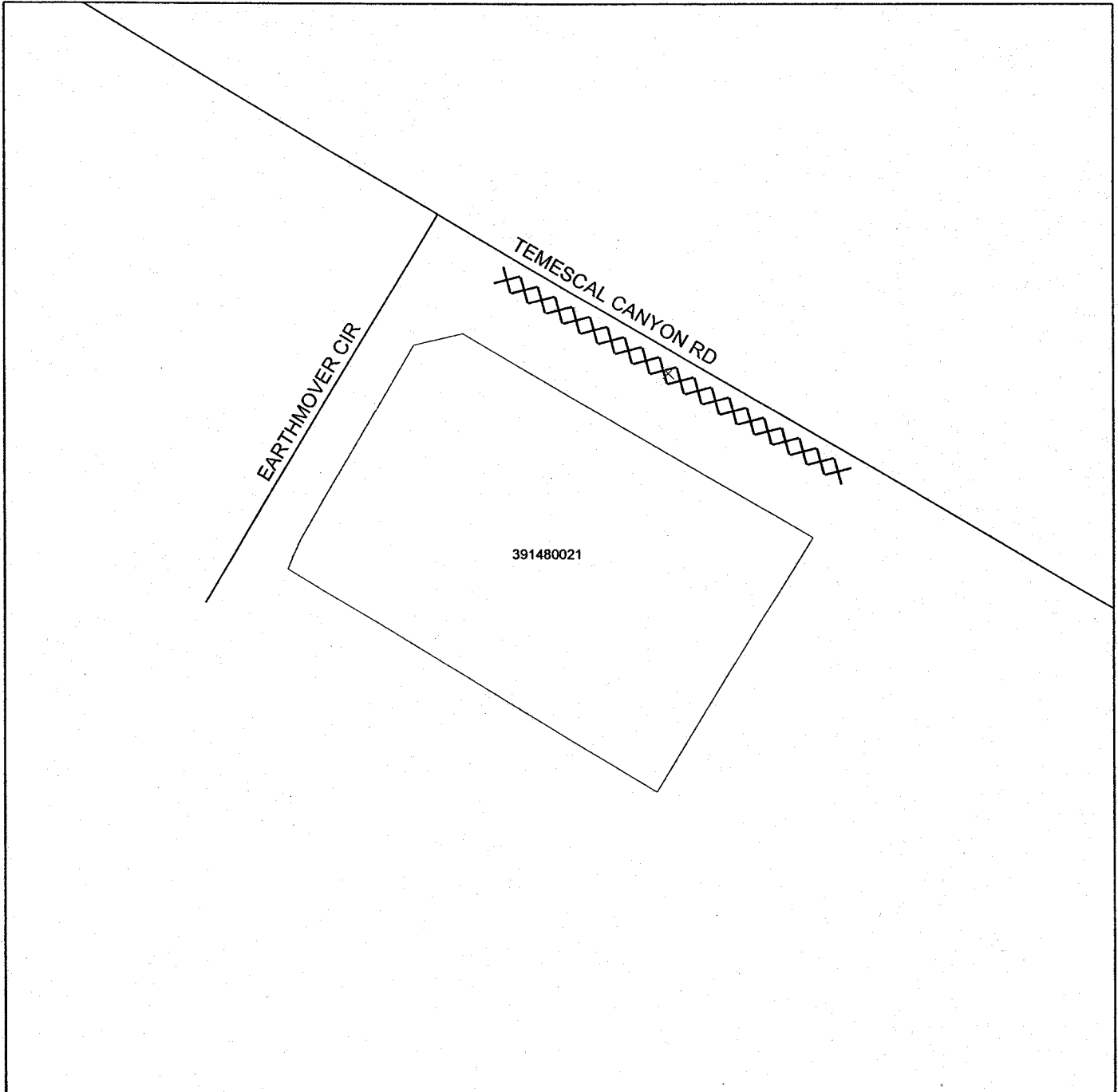


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