

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



ITEM
3.19
(ID # 4991)

MEETING DATE:

Tuesday, October 17, 2017

FROM : TLMA-TRANSPORTATION:

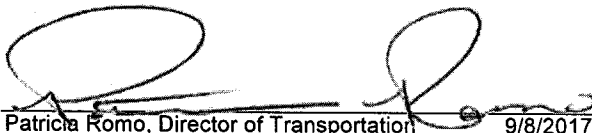
SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:

Adoption of Resolution no 2017-160 and 2017-161 to Initiate proceedings for the Annexation of Street Lighting Zone 116 (Murrieta Hot Springs) to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, District 3; [\$0] L&LMD No. 89 1 C – 100% (Set for Public Hearing December 5, 2017) (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2017-160 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 116 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 116; and,
2. Adopt Resolution No. 2017-161, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 116 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 streetlights; adopting the preliminary engineer's report; and,
3. Set the time and place of the public hearing on the annexation of Street Lighting Zone 116, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIIIID of the California Constitution. (Clerk to Advertise)

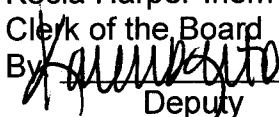
ACTION: Set for Hearing, Clerk to Advertise, Policy


Patricia Romo, Director of Transportation 9/8/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, December 5, 2017 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: October 17, 2017
xc: Transp., COB

Kecia Harper-Ihem
Clerk of the Board
By 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
			Budget Adjustment: No	
			For Fiscal Year: 17/18	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Landscaping and Lighting Maintenance Districts (L&LMD's) are formed for the purpose of creating a funding mechanism to pay for the installation and maintenance of landscaping, streetlights, traffic signals, drainage inlet water quality filters, decorative fencing, and other roadside features within the road right of way. Within an established L&LMD, zones are created for specific developments, a fee structure is developed specific to the features within that zone, and the zone is then assessed through a tax levy on an annual basis for the installation and maintenance of the features within that particular zone.

L&LMD No. 89-1-C was formed in 1994, Resolution No. 94-389, and currently consists of 124 individual zones with different fee structures spread throughout the County of Riverside (County). The commercial property owner of Plot Plan No. 25714, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No. 89-1-C, creating Street Lighting Zone 116. The boundaries of Street Lighting Zone 116 will encompass the entire Plot Plan No. 25714 and will include the maintenance and servicing of streetlights.

Adoption of Resolution No. 2017-160 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 116 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2017-161 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 116 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 116 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located easterly of Sky Canyon Dr. in the Murrieta Hot Springs area and includes one 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 5, 2017 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 116 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2017-161, and an information sheet.

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STATE OF CALIFORNIA**

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, Street Lighting Zone 116 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 Street Lighting Zone 116 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 5, 2017.

Reference

At the direction of the County of Riverside Board of Supervisors, L&LMD No. 89-1-C was formed in 1994 by Resolution No. 94-389 authorizing the annexation of new zones into L&LMD No. 89-1-C for the purpose of levying assessments to pay for the installation and maintenance of landscaping, streetlights and other right-of-way approved improvements.

The zone specific Engineer's Report for fiscal year 2018-19 was prepared in compliance with the requirement of Article 4, Chapter, 1, of the Landscaping and Lighting Act of 1972, which is Part 2, Division 15 of the California Streets and Highways Code. The County initiates annexation proceedings for the annual levy of assessments by passing a resolution, which proposes the new levy under the Landscaping and Lighting Act of 1972. This resolution also describes the improvements, describes the location of the zone within the District and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

In November 1996, California voters passed Proposition 218, Right to Vote on Taxes Act which added Articles XIII C and XIII D to the California Constitution, new procedures must be followed to levy annual assessments under the Landscaping and Lighting Act of 1972. A County may levy annual assessments for an assessment district after complying with the requirements of the Landscaping and Lighting Act of 1972, and the provisions of Proposition 218 Right to Vote on Taxes Act.

Impact on Residents and Businesses

The new assessment is for the purpose of providing the maintenance and servicing of streetlights within public right-of-way.

Only the commercial property owners within the proposed boundaries of Street Lighting Zone 116, which are represented by Plot Plan No. 25714, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. By setting up an assessment for the maintenance of certain infrastructure required

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by the development, the County requires that the development pay for its maintenance impact, rather than the obligation falling upon public funding sources.

SUPPLEMENTAL:

Additional Fiscal Information


The proposed budget for fiscal year 2018-19 for Street Lighting Zone 116 is \$296.64. This will result in an assessment for fiscal year 2018-19 within Street Lighting Zone 116 of \$296.64 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 for electricity (CPI-U), if any, as it stands as of March of each year over the base index for March of 2017.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2017-160
- D. Resolution No. 2017-161
- E. Engineer's Report



Gregory L. Priamos, Director County Counsel

9/12/2017

RESOLUTION NO. 2017-160

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 116 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 "Street Lighting Zone 116"), 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 Street Lighting Zone 116 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 Street Lighting Zone 116; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on November 7, 2017; 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 to

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 7/11/17
DASE ANGELO

1 serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street
2 Lighting Zone 116 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board
4 of Supervisors of the County of Riverside assembled in regular session on September 19, 2017 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 Street Lighting
9 Zone 116 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for
10 the purpose of levying an annual assessment on all parcels within Street Lighting Zone 116 to pay the
11 costs of the following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
15 Zone 116 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
16 shown and described in Exhibit "A".

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

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

23 **ROLL CALL:**

24 **Ayes:** Jeffries, Tavaglione, Washington, Perez and Ashley
25 **Nays:** None
Absent: None

26 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.

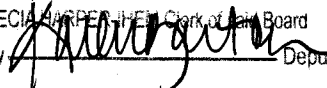
KECIA HARRIS, Clerk of said Board
By  Deputy

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 116 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 957-320-023 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.

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

STREET LIGHTING ZONE 116

PORTION OF SECTION 18, T.7S., R.2W.

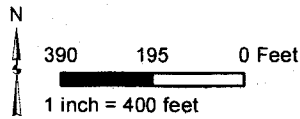
INTERSECTION OF SKY CANYON DR AND BOREL RD

1 PARCEL

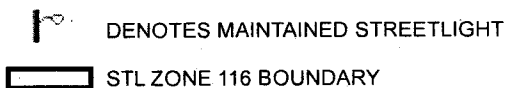
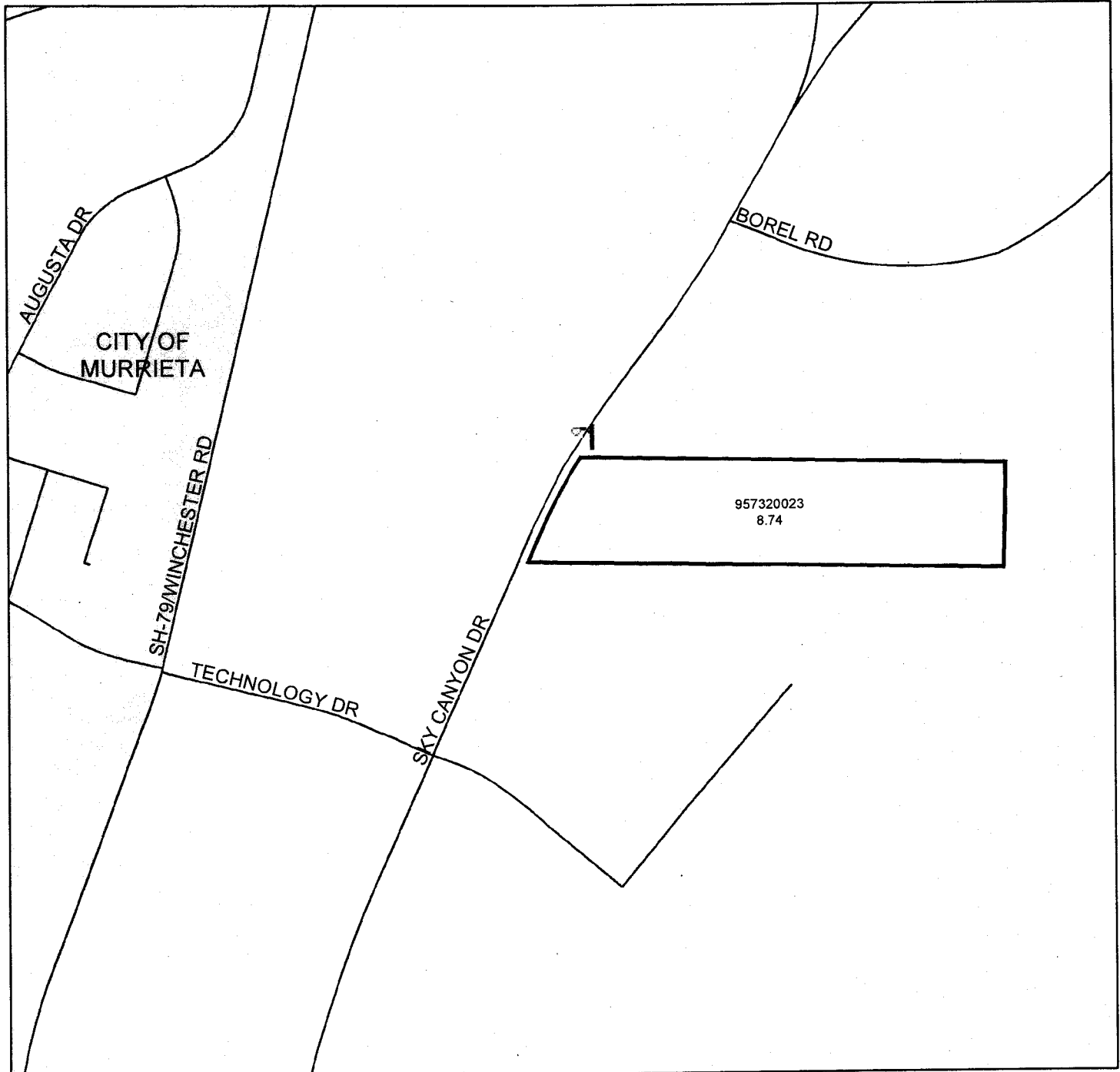


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ASSESSMENT DIAGRAM



RESOLUTION NO. 2017-161

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 116 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 STREETLIGHTS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE THE ANNEXATION OF STREET LIGHTING ZONE 116 ; 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. 2017-160 on September 19, 2017 initiating proceedings for the annexation of Street Lighting Zone 116 (hereinafter "Street Lighting Zone 116"), 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 Street Lighting Zone 116 and the assessments to be levied within Street Lighting Zone 116 each fiscal year beginning fiscal year 2018-19 for the maintenance and servicing of streetlights 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 Street Lighting Zone 116; and

WHEREAS, the Board of Supervisors by Resolution No. 2017-160 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: 9/11/17

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 the
4 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 November 7, 2017; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant
8 to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section
9 22626 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the
10 annexation of Street Lighting Zone 116, and the assessments to be levied on parcels within Street
11 Lighting Zone 116 beginning in fiscal year 2018-19;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board
13 of Supervisors in regular session assembled on September 19, 2017 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 Streets
17 and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the
18 Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2018-19 on all parcels within Street Lighting
20 Zone 116 will be \$296.64 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Street Lighting Zone 116, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
23 and to levy and collect an annual assessment on all assessable lots and parcels of property within Street
24 Lighting Zone 116 commencing with the fiscal year 2018-19 as set forth in the Report. The Report
25 expressly states that there are no parcels or lots within Street Lighting Zone 116 that are owned by a
26 federal, state or other local governmental agency that will benefit from the services to be financed by the

1 annual assessments. The annual assessments will be collected at the same time and in the same manner
2 as property taxes are collected, and all laws providing for the collection and enforcement of property
3 taxes shall apply to the collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 116 is
5 proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area
6 of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided** . The services authorized for Street
8 Lighting Zone 116 of L&LMD No. 89-1-C are:

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

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits
12 from the annexation of Street Lighting Zone 116 to L&LMD No. 89-1-C will be \$296.64 per parcel for
13 fiscal year 2018-19. As stated in the Report, the total budget for Street Lighting Zone 116 for the fiscal
14 year 2018-19 is \$296.64; there is 1 parcel to be assessed. Each succeeding fiscal year the special
15 assessment may be subject to an annual adjustment that is the greater of two percent (2%) or the
16 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for
17 electricity ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan
18 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of
19 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the "Index" as it
20 stands on March of each year over the base Index for March of 2017. Any increase larger than the greater
21 of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Street
22 Lighting Zone 116. The Board of Supervisors will levy the assessment in each subsequent fiscal year
23 until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 116 of
24 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this
25 Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk
26 of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-C
2 is Street Lighting Zone 116. The boundaries of Street Lighting Zone 116 are located within the
3 unincorporated area of the 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 and
5 which has been presented to the Board of Supervisors, is hereby approved. Reference is made to the
6 Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 116, and
7 the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 116
8 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 116 shall be
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2018-19 shall
11 be considered at a public hearing (hereinafter the "Public Hearing") to be held on November 7, 2017, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
13 Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone 116
15 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article
16 XIIID and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior
17 to the 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 Street
22 Lighting Zone 116 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
23 Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside,
24 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6263, or by e-mail
25 at bhahn@rctlma.org.
26

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 116 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 November 7, 2017. 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 Street Lighting Zone 116 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 November 7, 2017.

Section 12 **Effective Date.** This Resolution shall take effect from and after its date of adoption.

ROLL CALL:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

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

KECIA HARPER-IHEM, Clerk of said Board
By *[Signature]*
Deputy

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 116 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 957-320-023 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.

STREET LIGHTING ZONE 116

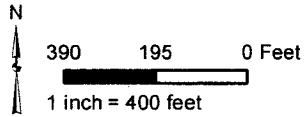
PORTION OF SECTION 18, T.7S., R.2W.

INTERSECTION OF SKY CANYON DR AND BOREL RD

1 PARCEL

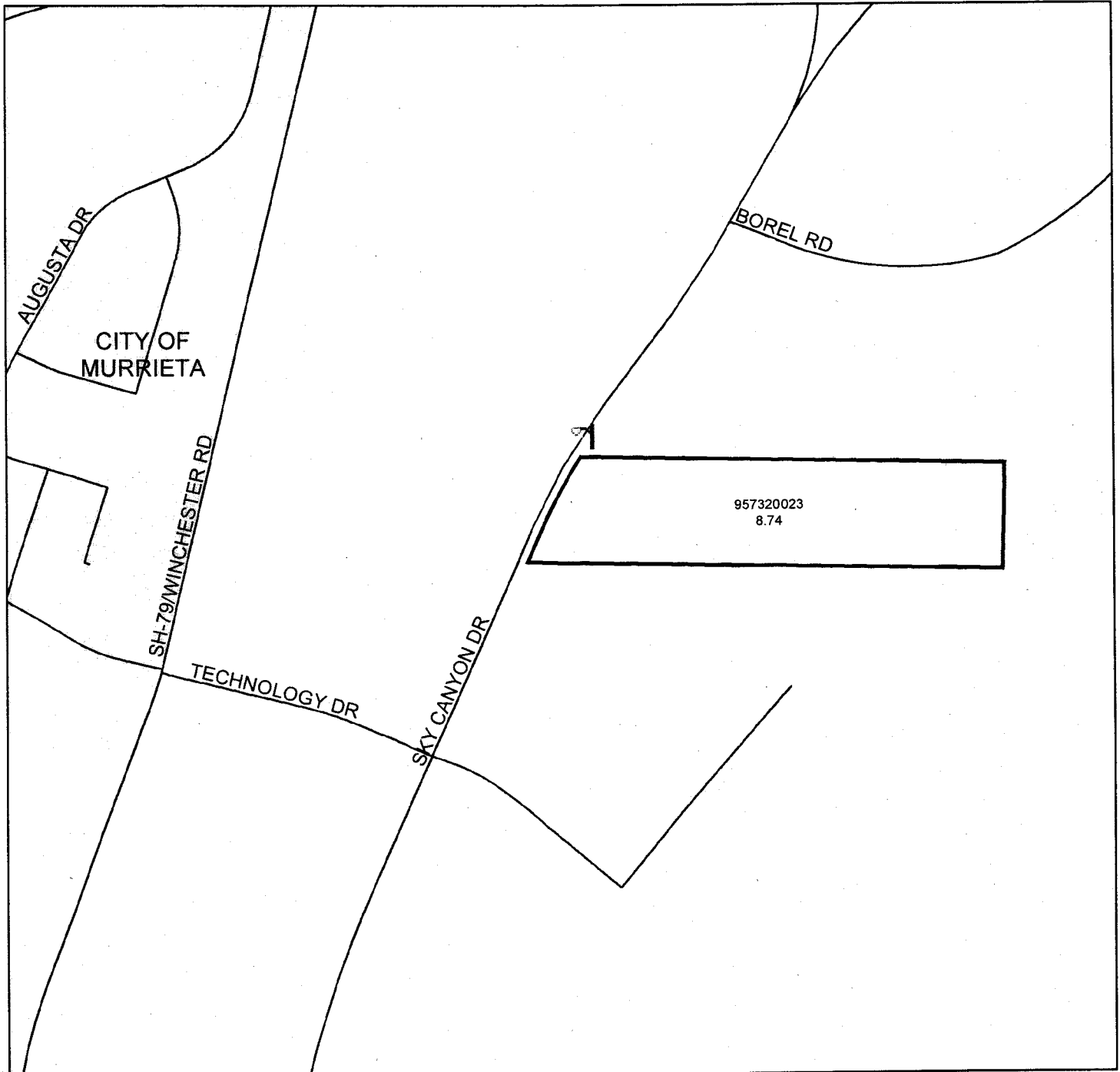


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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED STREETLIGHT



STL ZONE 116 BOUNDARY