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



ITEM 3.21 (ID # 5014)

#### **MEETING DATE:**

Tuesday, October 17, 2017

FROM: TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:
Adopt Resolution No. 2017-166 and Resolution No. 2017-167 to Initiate proceedings for the Annexation of Street Lighting Zone 119 (Nuevo) to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, District 5 [\$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:

- Adopt Resolution No. 2017-166 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 119 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 119.
- Adopt Resolution No. 2017-167, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 119 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;
- 3. Set the time and place of the public hearing on the annexation of Street Lighting Zone 119, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIIID of the California Constitution. (Clerk to Advertise)

ACTION: Set for Hearing, Clerk to Advertise, Policy

Patricia Romo, Director of Transportation 8/31/2017

#### 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

3.21

Kecia Harper-Ihem

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ID# 5014

#### 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	
	<u> </u>		Budget Adj	Budget Adjustment: No	
			For Fiscal \	<b>/ear:</b> 17/18	

C.E.O. RECOMMENDATION: Approve

#### **BACKGROUND:**

#### **Summary**

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 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. 26048, 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 119. The boundaries of Street Lighting Zone 119 will encompass the entire Plot Plan No. 26048 and will include the maintenance and servicing of streetlights.

Adoption of Resolution No. 2017-166 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 119 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2017-167 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 119 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 119 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located easterly of Dunlap Drive and southerly of Nuevo Road in the Nuevo area and includes one commercial parcel.

Consistent with the Board of Supervisors' direction regarding compliance with Article XIIID of the California Constitution and the Landscaping and Lighting Act of 1972, the attached resolutions have been prepared and a public hearing scheduled for 9:30 a.m. on December 5, 2017 to receive testimony for and against the proposed assessment. Each property owner

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

within the proposed Street Lighting Zone 119 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2017-167, 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, Street Lighting Zone 119 will be annexed to L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Street Lighting Zone 119 have 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 119, which are represented by Plot Plan No. 26048, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this

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

annexation. By setting up an assessment for the maintenance of certain infrastructure required 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 119 is \$503.70. This will result in an assessment for fiscal year 2018-19 within Street Lighting Zone 119 of \$503.70 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. 2017-166
- D. Resolution No. 2017-167
- E. Engineer's Report

Gregory J. Prianos, Director County Counsel 9/12/2017

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#### **RESOLUTION NO. 2017-166**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 119 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 119"), 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 119 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Street and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 119; and

WHEREAS, the Applicants have 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

serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street Lighting Zone 119 to L&LMD No. 89-1-C.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside assembled in regular session on September 19, 2017 as follows:

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

Annexation. The Board of Supervisors proposes to annex Street Lighting Section 2. Zone 119 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 119 to pay the costs of the following services:

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

Boundaries and Designation. The boundaries of Street Lighting Section 3. Zone 119 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described in Exhibit "A".

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

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

ROLL CALL:

Ayes:

Jeffries, Tavaglione, Washington, Perez and Ashley

Nays:

None

Absent: 25

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None

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

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# EXHIBIT "A" DESCRIPTION OF BOUNDARIES

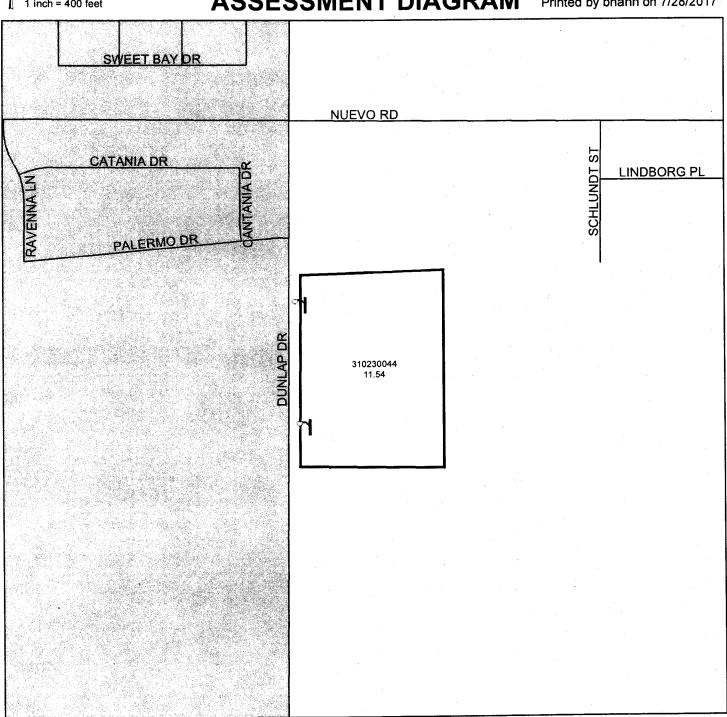
The boundaries of Street Lighting Zone 119 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 310-230-044 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year.

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

## **STREET LIGHTING ZONE 119**

PORTION OF SECTION 27, T.4S., R.3W.
PLOT PLAN NO. 26048





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DENOTES MAINTAINED STREETLIGHT

STL ZONE 119 BOUNDARY

PPROVED COUNTY COUNSE!

#### **RESOLUTION NO. 2017-167**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 119 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 119; 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 XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2017-166 on September 19, 2017 initiating proceedings for the annexation of Street Lighting Zone 119 (hereinafter "Street Lighting Zone 119"), 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 119 and the assessments to be levied within Street Lighting Zone 119 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 XIIID of the California Constitution (hereinafter "Article XIIID:"), the Act, and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 119; and

WHEREAS, the Board of Supervisors by Resolution No. 2017-166 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Street and Highways Code and Section 4 of Article XIIID; and

WHEREAS, said Engineer has filed the Report with the Clerk of the Board of Supervisors and the Report has been presented to and considered by the Board of Supervisors; and

WHEREAS, the Applicants have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on November 7, 2017; 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 Street Lighting Zone 119, and the assessments to be levied on parcels within Street Lighting Zone 119 beginning in fiscal year 2018-19;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on September 19, 2017 as follows:

Section 1. Findings. The Board of Supervisors, after reviewing the Report, finds that:

- (a) The foregoing recitals are true and correct;
- (b) The Report contains all matters required by Sections 22565 through 22574 of the Streets and Highways Code and Section 4 of Article XIIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2018-19 on all parcels within Street Lighting Zone 119 will be \$503.70 per parcel.

Section 2. <u>Intent.</u> The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 119, 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 Street Lighting Zone 119 commencing with the fiscal year 2018-19 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 119 that are owned by a federal, state or other local governmental agency that will benefit from the services to be financed by the

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25 26 annual assessments. The annual assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of said assessments.

Section 3. <u>Boundaries.</u> All the property within boundaries of Street Lighting Zone 119 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. <u>Description of Services to be Provided.</u> The services authorized for Street Lighting Zone 119 of L&LMD No. 89-1-C are:

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

Amount to be Levied. The assessment to be levied upon each parcel that benefits Section 5. from the annexation of Street Lighting Zone 119 to L&LMD No. 89-1-C will be \$503.70 per parcel for fiscal year 2018-19. As stated in the Report, the total budget for Street Lighting Zone 119 for the fiscal year 2018-19 is \$503.70; 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 for electricity ("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 2017. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Street Lighting Zone 119. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 119 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 Street Lighting Zone 119. The boundaries of Street Lighting Zone 119 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 Street Lighting Zone 119, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 119 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. <u>Public Hearing.</u> The question of whether Street Lighting Zone 119 shall be annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2018-19 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on November 7, 2017, 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 Street Lighting Zone 119 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the Public Hearing. 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. <u>Information.</u> Any property owner desiring additional information regarding Street Lighting Zone 119 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6263, or by e-mail at bhahn@rctlma.org.

Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 119 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the Streets and Highways Code and Section 4 of Article XIIID. The Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is 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 XIIID and Section 4000 of the California Elections Code to all owners of record of property within Street Lighting Zone 119 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.

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

ROLL CALL:

Ayes:

Jeffries, Tavaglione, Washington, Perez and Ashley

Nays: Absent: None None

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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.

HARPER-IHEM, Clerk of said Board

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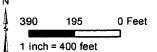
# EXHIBIT "A" DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 119 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 310-230-044 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year.

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

## **STREET LIGHTING ZONE 119**

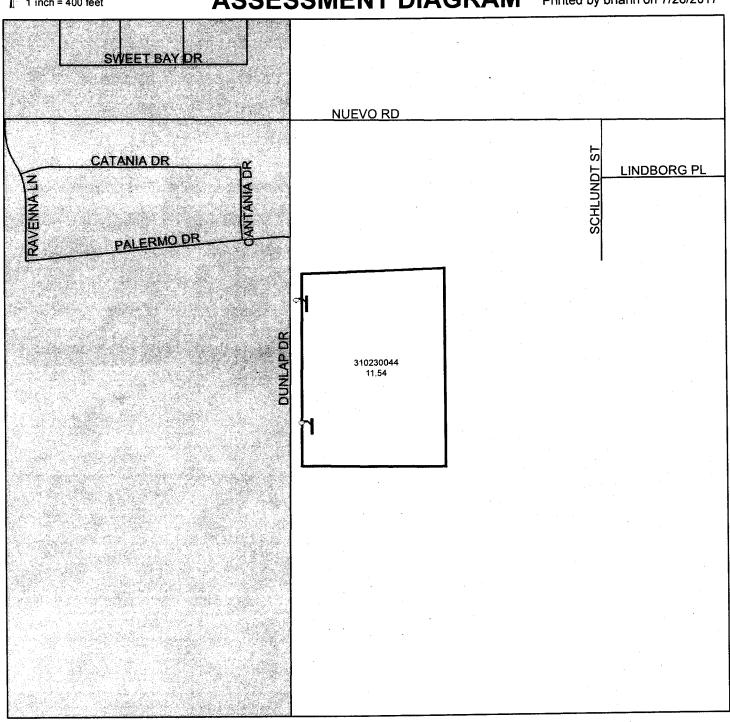
PORTION OF SECTION 27, T.4S., R.3W.
PLOT PLAN NO. 26048
1 PARCEL



## **ASSESSMENT DIAGRAM**

The County of Riverside assumes no vertanity or legal responsibility for the information contained on this map. Data and information represented on this map is subject to update, modifications and may not be complete or appropriate for all purposes. County 618 and other sources should be quested for the most curred information.

Printed by bhahn on 7/28/2017



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DENOTES MAINTAINED STREETLIGHT

STL ZONE 119 BOUNDARY