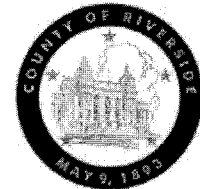


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.42  
(ID # 5124)

**MEETING DATE:**

Tuesday, December 12, 2017

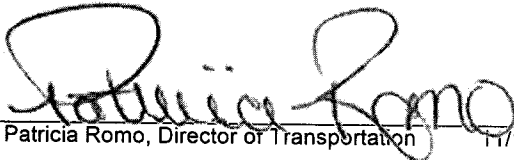
**FROM :** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:  
Initiate proceedings for the Annexation of Zone 199 (French Valley) to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, District 3 [\$9,094]; L&LMD No. 89 1 C – 100%; (Set for Public Hearing February 27, 2018) (Clerk to Advrtise)

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

1. Adopt Resolution No. 2017-182 a Resolution of the County of Riverside initiating proceedings for the annexation of Zone 199 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Zone 199; and
2. Adopt Resolution No. 2017-183, a Resolution of the County of Riverside declaring its intent to order the annexation of Zone 199 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 fossil filters and traffic signals; and
3. Set the time and place of the public hearing on the annexation of Zone 199, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution. (Clerk to Advrtise)

**ACTION:** Clerk to Advrtise, Set for Hearing

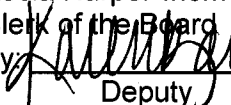
  
Patricia Romo, Director of Transportation 11/15/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, February 27, 2018 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Perez and Ashley  
Nays: None  
Absent: Washington  
Date: December 12, 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**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 9,094	\$ N/A	\$ 9,094
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> 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>	18/19

**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 Riverside County. The residential property owner of Tract Map No. 33423, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No. 89-1-C, creating Zone 199. The boundaries of Zone 199 will encompass the entire Tract Map No. 33423 and will include the maintenance and servicing of fossil filters and traffic signals.

Adoption of Resolution No. 2017-182 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 199 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2017-183 declares the Board of Supervisors' intention of ordering the annexation of Zone 199 to L&LMD No. 89-1-C. The annexation of Zone 199 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters and traffic signals within public right-of-way located easterly of Washington Street, southeasterly of Brookridge Land and westerly of Sally Street in the French Valley area and includes 132 single-family residential lots.

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 February 27, 2018 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 Zone 199 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2017-183, 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 199 will be annexed to L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Zone 199 have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on February 27, 2018.

**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 fossil filters and traffic signals within public right-of-way.

Only the residential property owners within the proposed boundaries of Zone 199, which are represented by Tract Map No. 33423, 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

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

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 Zone 199 is \$9,093.50. This will result in an assessment for fiscal year 2018-19 within Zone 199 of approximately \$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 (CPI-U), if any, as it stands as of March of each year over the base index for March of 2017.

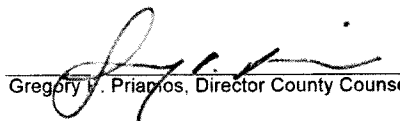
**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2017-182
- D. Resolution No. 2017-183
- E. Engineer's Report

  
Melissa Noone, Associate Management Analyst 12/5/2017

  
Gregory V. Priamos, Director County Counsel 11/28/2017

RESOLUTION NO. 2017-182

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 199 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 199"), 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 199 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 199; and

**WHEREAS**, the Applicants have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on February 27, 2018; 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]*  
DALE A. GARDNER  
DATE: 11/28/17

1 serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Zone 199 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 December 12, 2017 as follows:

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

7 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 199 to  
8 L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act for the purpose  
9 of levying an annual assessment on all parcels within Zone 199 to pay the costs of the following services:

10 (a) The maintenance and servicing of fossil filters within the public right-of-way  
11 including the removal of petroleum hydrocarbons and other pollutants from water  
12 runoff; and

13 (b) Providing electricity to and the maintenance and servicing of traffic signals within  
14 the public right-of-way including incidental costs and expenses.

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 199 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".

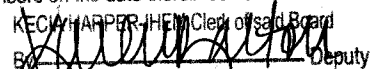
18 **Section 4. Report.** The Director of the Department, or his designee, is hereby  
19 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of Supervisors  
20 in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code and Section 4  
21 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, Perez and Ashley  
26 Nays: None  
Absent: Washington

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, JHEM Clerk of said Board  
By  Deputy

**EXHIBIT "A"**  
**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 199 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 476-090-002, 476-090-003, 476-090-004, 476-090-005, 476-090-006, 476-090-007, 476-090-008, 476-090-009, 476-090-010 & 476-090-011 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.

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

## ZONE 199

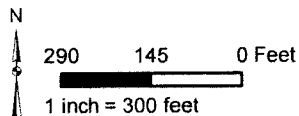
PORTION OF SECTION 28, T.6S., R.2W.

TRACT MAP NO. 33423 M1

10 PARCELS

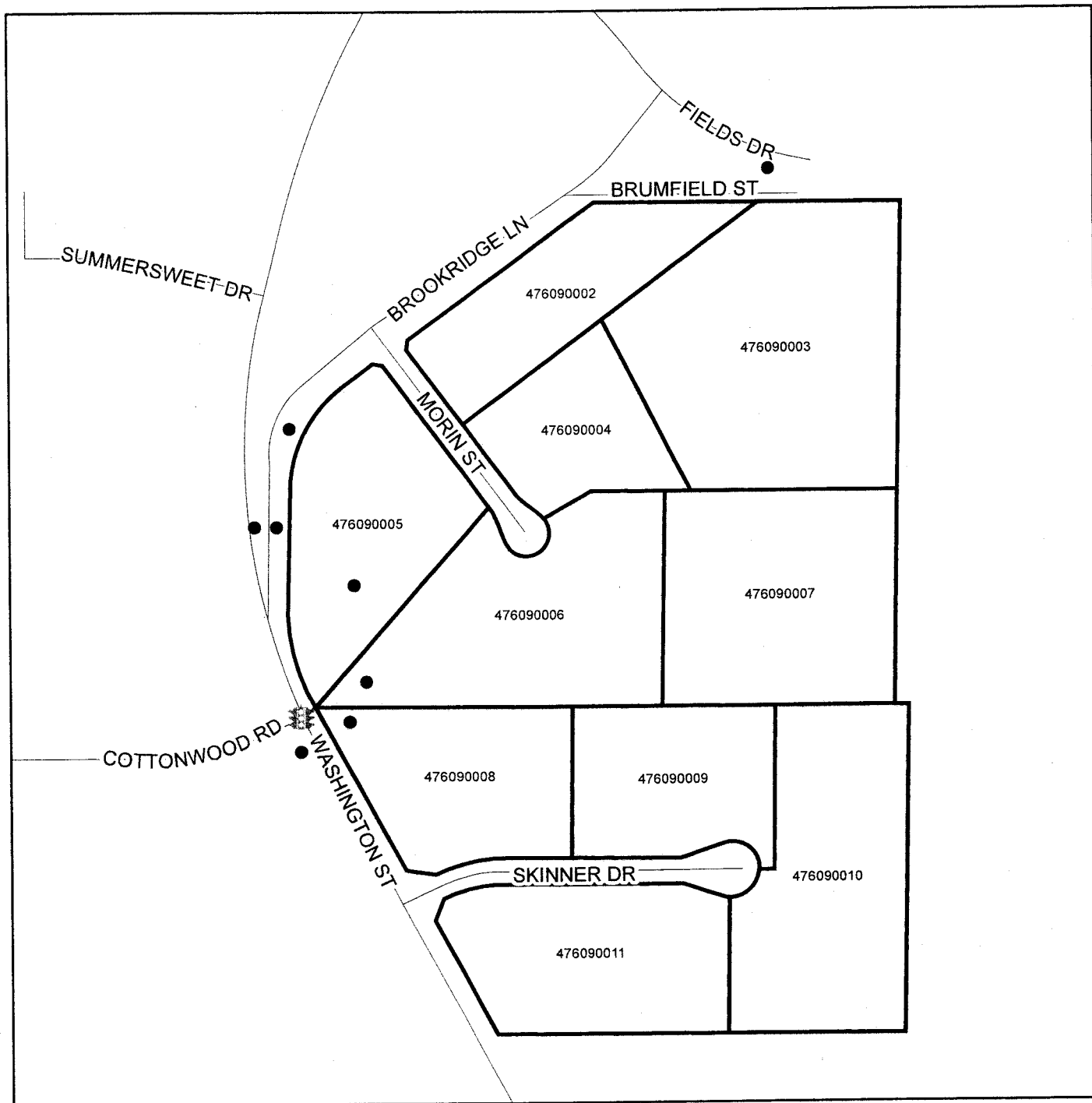


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### ASSESSMENT DIAGRAM

Printed by bhahn on 11/7/2017



ZONE 199 BOUNDARY



DENOTES FUTURE MAINTAINED TRAFFIC SIGNAL

DENOTES MAINTAINED FOSSIL FILTER



2 RESOLUTION NO. 2017-183

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 199 TO LANDSCAPING AND LIGHTING  
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE  
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE  
7 AND SERVICING OF FOSSIL FILTERS AND TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY  
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE  
9 PUBLIC HEARING ON THE THE ANNEXATION OF ZONE 199 ; ORDERING AN ASSESSMENT  
10 PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE  
11 PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT  
12 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE  
13 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. 2017-182 on December 12, 2017  
16 initiating proceedings for the annexation of Zone 199 (hereinafter "Zone 199"), 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"), which  
20 is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter  
21 the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report")  
22 regarding the proposed annexation of Zone 199 and the assessments to be levied within Zone 199 each  
23 fiscal year beginning fiscal year 2018-19 for the maintenance and servicing of fossil filters and traffic  
24 signals within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California  
26 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 199; and

WHEREAS, the Board of Supervisors by Resolution No. 2017-182 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 12/23/17 DATE

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 Applicants have executed a "Waiver and Consent Regarding Date of Assessment  
6 Ballot Election" allowing for the election to be held on February 27, 2018; 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 Zone 199, and the assessments to be levied on parcels within Zone 199 beginning in fiscal  
11 year 2018-19;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board  
13 of Supervisors in regular session assembled on December 12, 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 Zone 199 will be  
20 \$68.88 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 199, 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 199 commencing  
24 with the fiscal year 2018-19 as set forth in the Report. The Report expressly states that there are no  
25 parcels or lots within Zone 199 that are owned by a federal, state or other local governmental agency  
26 that will benefit from the services to be financed by the annual assessments. The annual assessments

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

4 **Section 3. Boundaries.** All the property within boundaries of Zone 199 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 199  
8 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the  
10 removal of petroleum hydrocarbons and other pollutants from water runoff; and  
11 (b) Providing electricity to and the maintenance and servicing of traffic signals within the  
12 public right-of-way including incidental costs and expenses.

13 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits  
14 from the annexation of Zone 199 to L&LMD No. 89-1-C will be \$68.88 per parcel for fiscal year 2018-19.  
15 As stated in the Report, the total budget for Zone 199 for the fiscal year 2018-19 is \$9,093.50; there are  
16 132 parcels that are to be assessed. Each succeeding fiscal year the special assessment may be subject  
17 to an annual adjustment that is the greater of two percent (2%) or the cumulative percentage increase, if  
18 any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-  
19 Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of  
20 Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based  
21 on the cumulative increase, if any, in the "Index" as it stands on March of each year over the base Index  
22 for March of 2017. Any increase larger than the greater of 2% or the CPI-U annual adjustment requires  
23 a majority approval of all the property owners in Zone 199. The Board of Supervisors will levy the  
24 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for  
25 the dissolution of Zone 199 of L&LMD No. 89-1-C. The annual assessment will fund the services

26

1 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report  
2 on file in the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-C  
4 is Zone 199. The boundaries of Zone 199 are located within the unincorporated area of the County and  
5 are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors and  
7 which has been presented to the Board of Supervisors, is hereby approved. Reference is made to the  
8 Report for a full and detailed description of the services, the boundaries of Zone 199, and the annual  
9 assessment to be levied upon assessable lots and parcels within Zone 199 proposed to be annexed to  
10 L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 199 shall be annexed to L&LMD  
12 No. 89-1-C and an annual assessment levied beginning with fiscal year 2018-19 shall be considered at  
13 a public hearing (hereinafter the "Public Hearing") to be held on February 27, 2018, at 9:30 a.m. at the  
14 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
15 California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 199 is to receive  
17 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
18 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
19 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority  
20 protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment  
21 exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be  
22 weighted according to the proportional financial obligation of the affected property.

23 **Section 10. Information.** Any property owner desiring additional information regarding  
24 Zone 199 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Brigitte Hahn,  
25 Senior Engineering Technician, Transportation Department of the County of Riverside, 4080 Lemon  
26



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 199 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 476-090-002, 476-090-003, 476-090-004, 476-090-005, 476-090-006, 476-090-007, 476-090-008, 476-090-009, 476-090-010 & 476-090-011 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.

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

**ZONE 199**

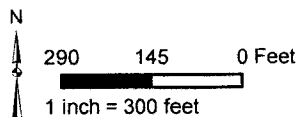
PORTION OF SECTION 28, T.6S., R.2W.

TRACT MAP NO. 33423 M1

10 PARCELS

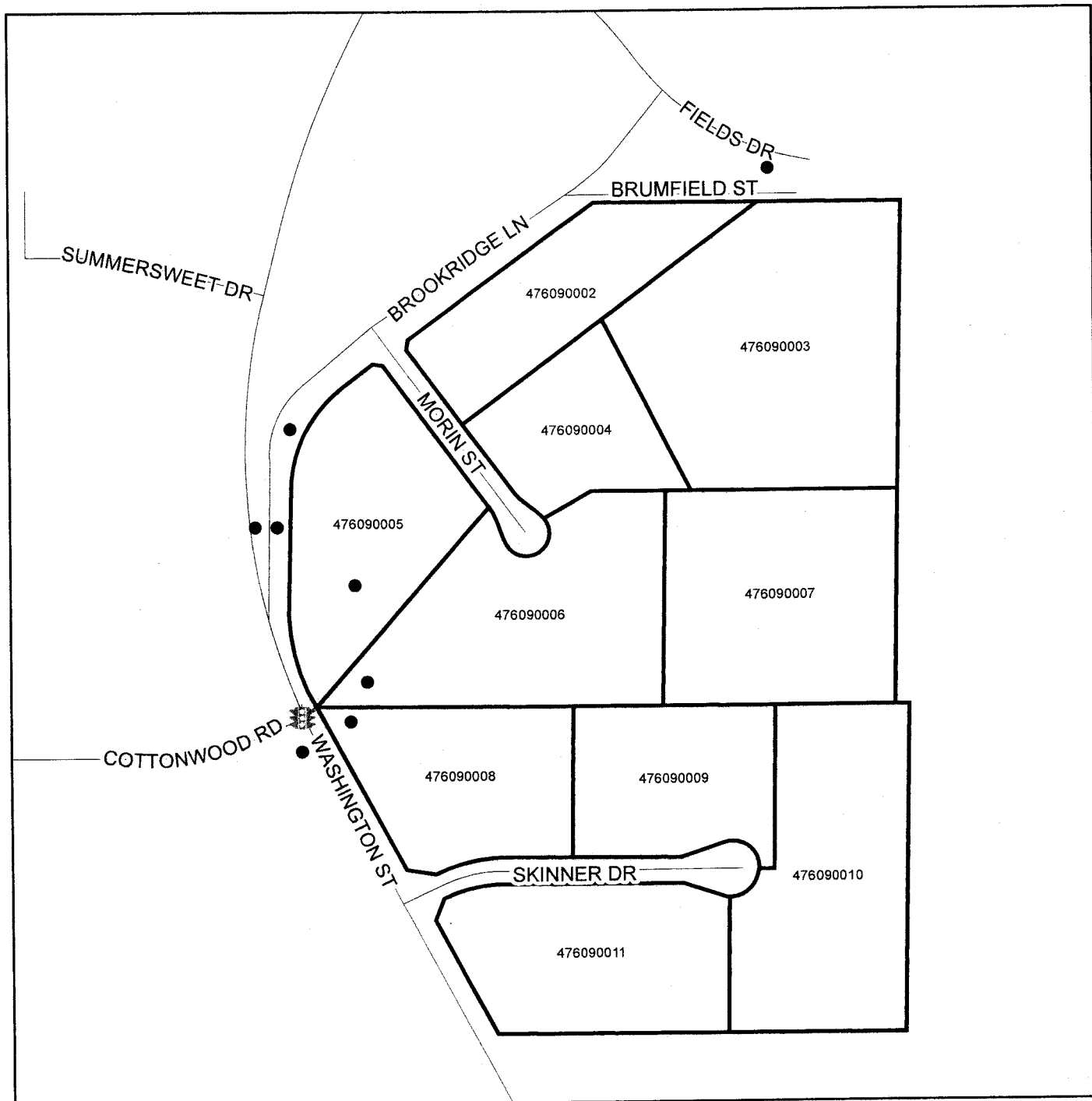


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**ASSESSMENT DIAGRAM**

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ZONE 199 BOUNDARY

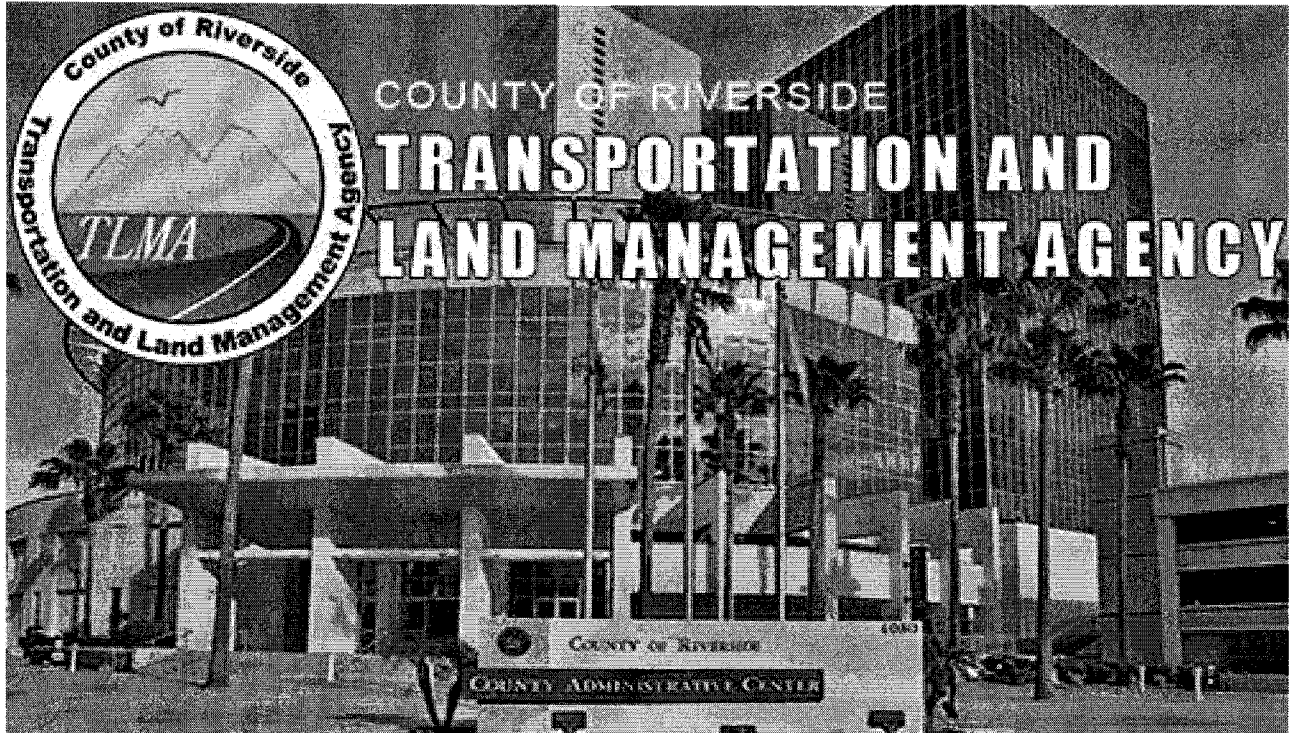


DENOTES FUTURE MAINTAINED TRAFFIC SIGNAL

DENOTES MAINTAINED FOSSIL FILTER

**PSOMAS**

COUNTY OF RIVERSIDE TRANSPORTATION  
DEPARTMENT



ENGINEER'S REPORT  
LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED  
ZONE 199  
TRACT 33423 & TRACT 33423-1

PREPARED BY  
*Psomas*  
1500 Iowa Avenue, Suite 210  
Riverside, CA 92507  
951.787.8421  
[www.psomas.com](http://www.psomas.com)

November 2017



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

**PROJECT: ANNEXATION OF TRACT 33423 AND TRACT 33423-1 TO  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO.  
89-1-CONSOLIDATED (“L&LMD NO. 89-1-C”) AS ZONE 199 (ZONE 199)**

**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 (“1972 Act”), said Act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIII D of the California Constitution, and direction from the Board of Supervisors of Riverside County, California, I submit herewith the following Engineer’s Report (“Report”).

This Report provides for the annexation of Tract 33423 and Tract 33423-1 to L&LMD No. 89-1-C as Zone 199 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2018 to June 30, 2019 (2018-2019) and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

**L&LMD NO. 89-1-C ZONE 199  
TRACT 33423 AND TRACT 33423-1**

I do hereby assess and apportion the total amount of the costs and expenses upon several parcels of land within said designated area liable therefor 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 1972 Act, do hereby submit the following:

Pursuant to the provisions of law, the costs and expenses of Zone 199 have been assessed upon the parcels of land in Zone 199 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 parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein.

As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing Zone 199, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone 199 as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on said Assessment Diagram/Boundary Map 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 Assessor Parcel Map for a description of the lots or parcels.

As of the date of this Report, there are no parcels or lots within Zone 199 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 29<sup>th</sup> day of November, 2017

**P S O M A S**



A handwritten signature in black ink, appearing to read "S B Frieson", written over a horizontal line.

STEVEN B. FRIESON  
PROFESSIONAL CIVIL ENGINEER 42110  
ENGINEER OF WORK  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

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# EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

### A. INTRODUCTION

Pursuant to the provisions of law, the costs and expenses of the Zone 199 have been assessed upon the parcels of land in the Zone 199 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 parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein. On this 12th day of December, 2017 the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the Report providing for the annexation of Tract 33423 and Tract 33423-1 to L&LMD No. 89-1-C as Zone 199 did, pursuant to the provisions of the 1972 Act, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2017-182 for a special assessment district zone known and designated as:

**L&LMD NO. 89-1-C ZONE 199  
TRACT 33423 AND TRACT 33423-1**

The annexation of Zone 199 includes a portion of the parcels of land within the residential subdivision known as Tract 33423 and Tract 33423-1, also identified by the Assessor Parcel Number(s) valid as of the date of this Report:

476090002-8  
476090003-9  
476090004-0  
476090005-1  
476090006-2  
476090007-3  
476090008-4  
476090009-5  
476090010-5  
476090011-6

As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing the Zone 199, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone 199 as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on the Assessment Diagram/Boundary Map and in the Assessment Roll contained herein. Psomas submits this Report, consisting of (5) parts, for the annexation of said Zone 199 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2018-2019 and all subsequent fiscal years.

### PART I

Plans and Specifications: This section contains a description of Zone 199's boundaries and the proposed improvements within said Zone 199. Zone 199 shall consist of a benefit zone encompassing all of the

## EXECUTIVE SUMMARY

properties within the residential development known as Tract 33423 and Tract 33423-1. 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 (1) Unsigned Tract Map No. 33423 dated April 2014, IP No. 140055 by MDS Consulting and (2) Unsigned Tract Map No. 33423-1 dated June 2014, IP No. 140056, by MDS Consulting ("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 199 is based on current property development Plans and estimated annual costs and expenses associated with all improvements to be accepted and maintained by Zone 199 at build-out. The initial Maximum Assessment shall be adjusted by the greater of two percent (2%) or the cumulative percentage increase 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 in March of each year over the base Index of 2018. The initial Maximum Assessment established within Zone 199 shall be \$9,093.50. Pursuant to the Plans of Zone 199, which is composed of 132 assessable parcels, and 3 non-assessable parcels, the initial Maximum Assessment shall be \$68.88 per parcel, subject to the inflationary factor.

### PART III

The Cost Estimate: An estimate of the cost of fossil filter and traffic signal maintenance, including incidental costs and expenses in connection therewith for fiscal year 2018-2019, 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 199. For details concerning the lines and dimensions of the applicable Assessor's Parcel Numbers, refer to the Riverside County Assessor's Maps as of the date of this Report.

### PART V

Assessment Roll: Separate numbers given the subdivisions and parcels of land/lots and the initial Maximum Assessment per parcel or lot to be applied on the tax roll for Fiscal Year 2018-2019.

## EXECUTIVE SUMMARY

### B. DESCRIPTION OF ASSESSMENT ZONE

The services to be provided by L&LMD No. 89-1-C Zone 199 includes fossil filter and traffic signal maintenance. The annexation of Tract 33423 and Tract 33423-1 to L&LMD No. 89-1-C as Zone 199 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. Zone 199's structure, proposed improvements, method of apportionment and assessments described in this Report are based on the Plans provided to Psomas as of the date of this Report, including all estimated direct expenditures, incidental expenses, and reserves associated with the energizing, maintenance and servicing of the proposed improvements.

# PART I – PLANS AND SPECIFICATIONS

## PART I - PLANS AND SPECIFICATIONS

### A. LOCATION OF THE ASSESSMENT ZONE

Zone 199 is located within the in the unincorporated area of the County of Riverside, State of California and is comprised of Tract 33423 and Tract 33423-1. The area for Zone 199 is generally located north and east of Washington Street and south of Brookridge Lane. At full development, Zone 199 is projected to include 132 assessable residential lots/units and 3 non-assessable lots/units. Zone 199 consists of all the lots/units, parcels and subdivision of land located in the following development areas:

- Tract 33423 and Tract 33423-1 – Assessor Parcel Number(s) as of the date of this Report:

476090002-8  
476090003-9  
476090004-0  
476090005-1  
476090006-2  
476090007-3  
476090008-4  
476090009-5  
476090010-5  
476090011-6

### B. DESCRIPTION OF IMPROVEMENTS AND SERVICES FOR L&LMD NO. 89-1-C

The following services were authorized pursuant to the 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 and/or servicing of any of the foregoing.

## PART I – PLANS AND SPECIFICATIONS

### C. IMPROVEMENTS AND SERVICES FOR L&LMD NO. 89-1-C ZONE 199

The services to be funded by L&LMD No. 89-1-C Zone 199 include maintenance and servicing of fossil filters in and immediately adjacent to the residential subdivision designated as Tract 33423 and Tract 33423-1. The services to be funded by L&LMD No. 89-1-C Zone 199 also includes maintenance and servicing of a traffic signal required as a condition of approval for as Tract 33423 and Tract 33423-1 on public rights-of-way intersection known as:

- Cottonwood Road & Washington Street



## PART II – METHOD OF APPORTIONMENT

### 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.

Fossil filter and traffic signal maintenance are the responsibility of Zone 199.

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 (including traffic signals), 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 by assessed value.

Section 22573 of the 1972 Act gives the following instructions for apportioning assessments to the parcels within the district: "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 Zone 199 to fairly apportion the costs based on the estimated benefit to each parcel.

In addition, Article XIII D of the California Constitution ("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 fossil filter and traffic signal improvements within and immediately adjacent to Zone 199 provide direct and special benefit to the lots or parcels within Zone 199. 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 Zone, 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 install fossil filters and traffic signals and to guarantee the maintenance of

## PART II – METHOD OF APPORTIONMENT

the fossil filters and traffic signals and appurtenant facilities serving the lots or parcels. Therefore, each and every lot or parcel within the proposed Zone 199 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 Zone 199 because of the nature of the improvements.

The proper maintenance of the fossil filters specially benefits parcels within the Zone by improved water quality control.

The proper maintenance of traffic signals specially benefit parcels within the Zone by improving the control and restriction of traffic into and out of the development by defining a specific path, and providing an enhanced quality of life and sense of well-being for properties thereby increasing traffic safety within the Zone. Traffic signals provide safety for pedestrians and motorists living and/or owning property in the Zone during both daytime and nighttime hours.

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 Zone. Traffic signals are installed on and are for street purposes and are maintained and serviced to allow the street to perform to the standards it was designed

Finally, the proper maintenance of fossil filters and traffic signals and their appurtenant structures, provides an enhanced quality of life and sense of well-being for properties within the Zone.

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

Based on the benefits described above, public fossil filters and traffic signals are an integral part of the quality of life within the Zone 199. This quality of life is a special benefit to owners of those parcels with a residential land use within the Zone 199 and do not include government-owned easements, utility easements, and flood channel parcels. Government-owned easements, utility easements 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 street lights and are not assessed.

### **Special Benefits of Landscaping and Lighting Maintenance District No. 89-1-C Zone 199 Authorized Improvements and Services:**

The special benefits of fossil filters are the provision of improved water quality control, safety, improvements and goods, specifically:

## PART II – METHOD OF APPORTIONMENT

- Enhanced water quality control.

The special benefits of traffic signals are the provision of traffic control and restriction, convenience, safety, security of property, improvements and goods, specifically:

- Increased daytime and nighttime safety on roads and streets.
- Improved ability of pedestrians and motorists to drive and walk safely.
- Improved ingress and egress to development.
- Improved traffic circulation and reduced nighttime accidents and property loss.

### GENERAL BENEFIT

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the Zone 199 and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the fossil filters and traffic signals, if any, associated with general benefits will not be assessed to the parcels in the Zone 199, but will be paid from other Riverside County Transportation Department funds. Because the fossil filter and traffic signal improvements within are located within and immediately adjacent to properties within Zone 199 and the proportional assigned costs of maintenance are solely for the benefit of the properties within the Zone 199, any benefit received by properties outside of the Zone 199 is nominal. Therefore, the general benefit portion of the benefit received from the improvements for the Zone 199 is zero.

### SUMMARY

In summary, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property. Additionally, because the benefiting properties consist of a uniform land use (residential), it is determined that each of the residential parcels within the Zone 199 benefit equally from the improvements. Therefore, the proportionate share of the costs and expenses for the provision of fossil filters and traffic signals, as well as costs and expenses for the maintenance of fossil filters and traffic signals are apportioned equally on a per parcel basis.

### B. MAXIMUM ASSESSMENT METHODOLOGY

The following methodology was adopted by Riverside County Board of Supervisors in the annual 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 Zone 199 costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within Zone 199. For Zone 199, the initial Maximum Assessments for Fiscal Year 2018-2019 are as follows:

## PART II – METHOD OF APPORTIONMENT

- The initial Maximum Assessment established within Zone 199 (Tract 33423 and Tract 33423-1) shall be \$9,093.50.
- Pursuant to the Plans, each parcel's initial Maximum Assessment shall be \$68.88.

The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2019-2020. The initial Maximum Assessment shall 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 199'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 199 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on Zone 199 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 California Constitution Article XIII D 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 199. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone 199.

### 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 199 over and above general benefit conferred upon the assessable real property within Zone 199 or to the public at large. The Assessment for each assessable parcel within Zone 199 is calculated by dividing the total Annual Balance to Levy by the total number of assessable subdivided parcels within Zone 199 to determine the Annual Assessment per assessable parcel.

$$\text{Annual Balance to Levy} / \text{Total number of assessable parcels} = \text{Annual Assessment per assessable parcel.}$$

The Annual Balance to Levy is the Total Costs of Subzone which is equal to the Total Fossil Filter Costs added to the Total Traffic Signal Costs as seen in Part III – Cost Estimate.

## PART III – COST ESTIMATE

### Part III – COST ESTIMATE

#### L&LMD NO. 89-1-C ZONE 199 (TRACT 33423 AND TRACT 33423-1) FOR FISCAL YEAR 2018-2019

Cost Description <sup>1</sup>	Total Costs for Zone 199	Cost per Parcel/Lot <sup>2</sup> for Zone 199
Fossil Filters (105) Fossil Filters	\$5,906.25	\$44.74
Traffic Signal at the intersection of Washington Street and Cottonwood Road - 10% of \$5,500/TS	\$550.00	\$4.17
Subtotal - Annual Maintenance	\$6,456.25	\$48.91
Field Inspection	\$787.50	\$5.96
Repair and Maintenance	\$1,181.25	\$8.95
Administrative Costs	\$446.42	\$3.38
Contingency	\$222.08	\$1.68
<b>Total Annual Fossil Filter and Traffic Signal Costs</b>	<b>\$9,093.50</b>	<b>\$68.88</b>
<b>Initial Maximum Assessment per Assessable Lot/Unit or Parcel<sup>3</sup></b>		<b>\$68.88</b>

<sup>1</sup> Base rates of services for Fiscal Year 2018-2019 were provided by the County of Riverside Transportation Department.

<sup>2</sup> Based on projected 132 assessable parcels/lots.

<sup>3</sup> The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U for All Items Index published by the BLS.

## PART IV – ASSESSMENT DIAGRAM/BOUNDARY MAP

### Part IV – Assessment Diagram/Boundary Map

FISCAL YEAR 2018-2019 L&LMD NO. 89-1-C ZONE 199

The Assessment Diagram/Boundary Map for Zone 199 by this reference is incorporated and made a part of this Report. Only the parcels identified within the Zone 199 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 according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

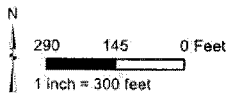
Information identified on this Assessment Diagram/Boundary Map was received from Riverside County Transportation Department.

The Zone 199 Assessment Diagram/Boundary Map identifying the boundaries of parcels within Tract 33423 and Tract 33423-1 in L&LMD No. 89-1-C Zone 199 is included in this Report for reference on the following page. 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 IV – ASSESSMENT DIAGRAM/BOUNDARY MAP

## LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED ZONE 199

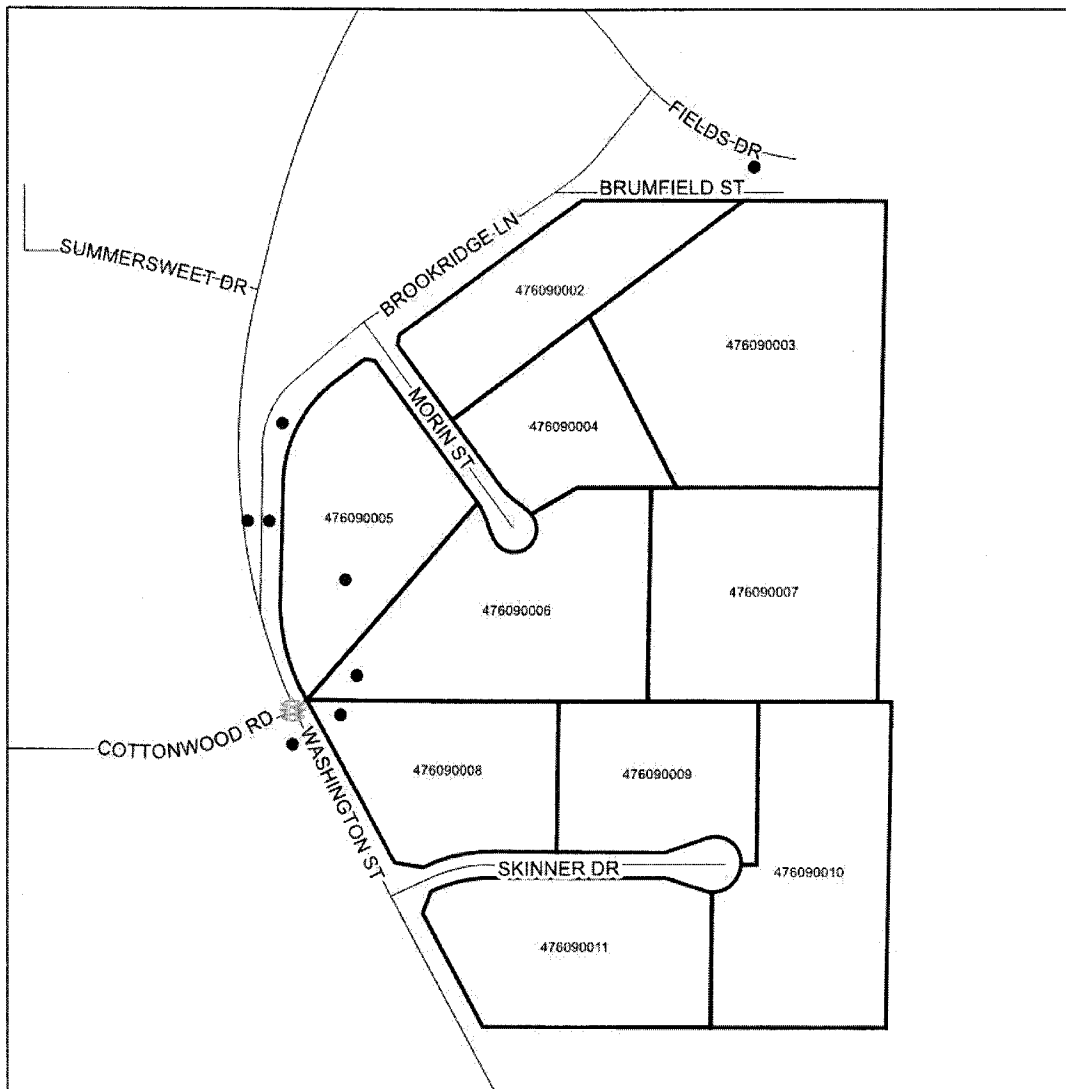
PORTION OF SECTION 28, T.6S., R.2W.  
TRACT MAP NO. 33423 & 33423-1  
10 PARCELS



The County of Riverside assumes no liability or responsibility for the information contained on this map. Data and information represented on this map is subject to change, modification and may not be complete or appropriate for all purposes. County GIS and other agencies should be consulted for the most current information. Do not rely on these data files.

### ASSESSMENT DIAGRAM

Printed by bhahn on 11/7/2017



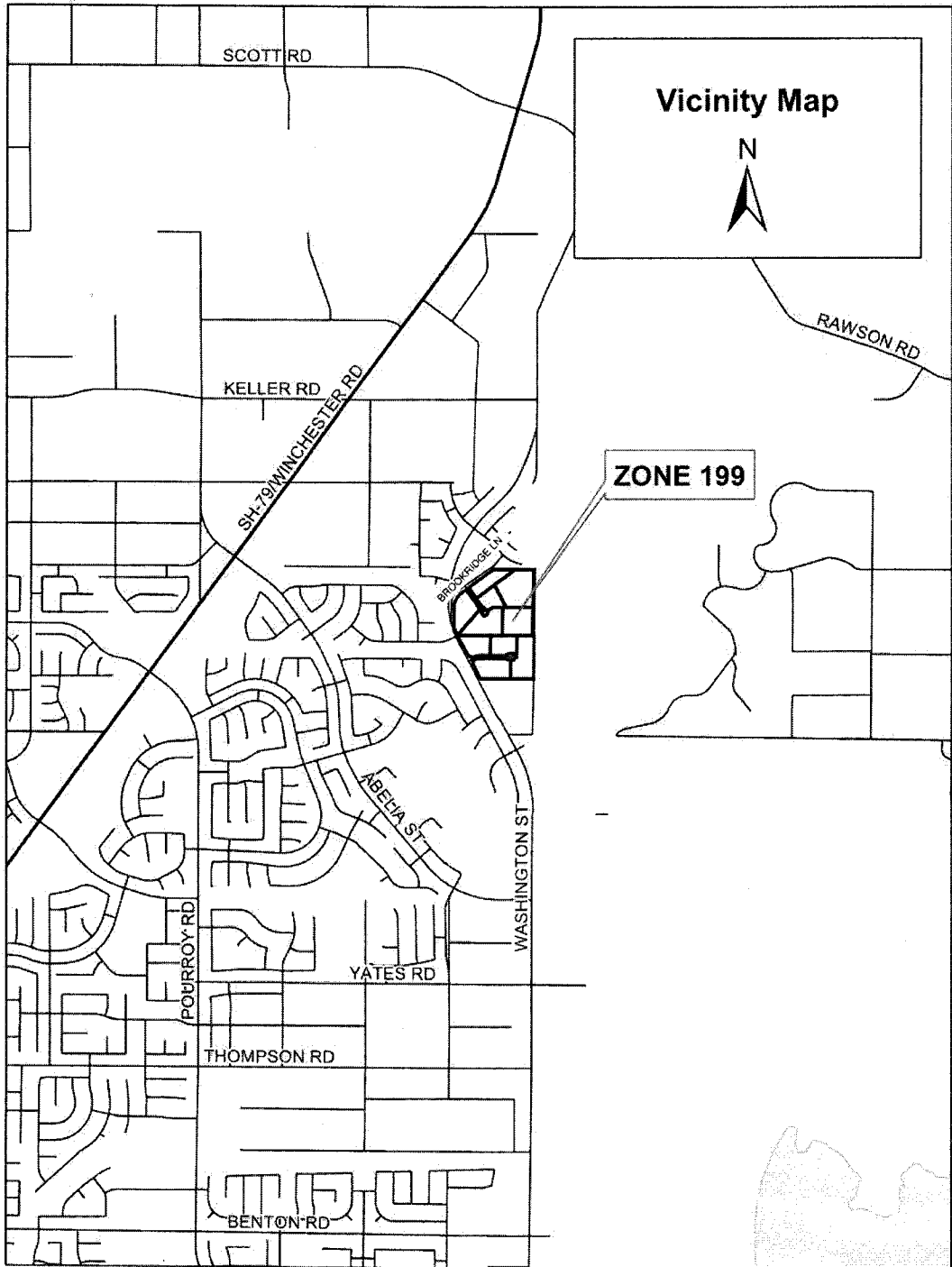
ZONE 199 BOUNDARY



DENOTES FUTURE MAINTAINED TRAFFIC SIGNAL

DENOTES MAINTAINED FOSSIL FILTER

# PART IV – ASSESSMENT DIAGRAM/BOUNDARY MAP





# PART V – ASSESSMENT ROLL

## Part V – Assessment Roll

Parcel identification for each lot/unit or parcel within Zone 199 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 199 includes the following Assessor Parcel Number(s) as of the date of this Report:

476090002-8  
476090003-9  
476090004-0  
476090005-1  
476090006-2  
476090007-3  
476090008-4  
476090009-5  
476090010-5  
476090011-6

The initial Maximum Assessment shall be \$9,093.50 When subdivided, the initial Maximum Assessment per parcel/lot for Zone 199 is as follows

**L&LMD NO. 89-1-C ZONE 199  
(TRACT 33423 AND TRACT 33423-1)  
PROPOSED FISCAL YEAR 2018-2019 MAXIMUM ASSESSMENT<sup>4</sup>**

Parcel/ Lot No.	Proposed Maximum Assessment
1 - 132	\$68.88
133-135	\$0.00

<sup>4</sup> The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U for All Items Index published by the BLS.

## WAIVER AND CONSENT

### 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 199 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 February 27th, 2018; a copy of said waiver is filed herewith and made a part hereof as seen on the following page.

# WAIVER AND CONSENT

## 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 Washington Road 1 Inv, LLC (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 2018-19 (the "Property"): APN(s) 476-090-002, 476-090-003, 476-090-004, 476-090-005, 476-090-006, 476-090-007, 476-090-008, 476-090-009, 476-090-010 & 476-090-011.

The Owner has made application that the Property be annexed as Zone 199 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 February 27, 2018

OWNER: Washington Road 1 Inv, LLC  
(Name of Company  
as Stated in Initial Paragraph)

By: [Signature]  
Signature

Name: Scott Hansen  
Print

Title: Authorized Signer



CALL (951) 368-9222  
EMAIL legalis@pe.com

# THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
2/14/18	0011078447		PE Riverside	3 x 313 Li	1,220.70

Invoice text: Res. 2017-183 Zone 199

RECEIVED RIVERSIDE COUNTY  
 CLERK BOARD OF SUPERVISORS  
 2018 FEB 20 AM 10:23

*Transp.  
3.42 of 12/12/17*

Placed by: Cecilia Gil

## Legal Advertising Memo Invoice

BALANCE DUE
1,220.70

SALESCONTACT INFORMATION		ADVERTISER INFORMATION			
NAME	PHONE	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
Nick Eller	951-368-9229	02/14/2018	5209148	5209148	BOARD OF SUPERVISORS

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE



**THE PRESS-ENTERPRISE**  
Legal Advertising Memo Invoice

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
02/14/2018	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
1,220.70	0011078447	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
'PO BOX 1147'  
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPERS PARTNERSHIP  
Riverside Press-Enterprise  
PO BOX 54880  
LOS ANGELES CA 90054-0880

# THE PRESS-ENTERPRISE

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Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

**PROOF OF PUBLICATION  
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Res. 2017-183 Zone 199 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**02/14/2018**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: February 14, 2018  
At: Riverside, California

  
Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011078447-01

P.O. Number:

Ad Copy:

## 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 1st Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on **Tuesday, February 27, 2018 at 9:00 a.m.** to consider the following:

### RESOLUTION NO. 2017-183

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 199 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-C CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF FOSSIL FILTERS AND TRAFFIC SIGNALS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 199; 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. 2017-182 on December 12, 2017 initiating proceedings for the annexation of Zone 199 (hereinafter "Zone 199"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89-1-C 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 199 and the assessments to be levied within Zone 199 each fiscal year beginning fiscal year 2018-19 for the maintenance and servicing of fossil filters and traffic signals 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 199; and

**WHEREAS**, the Board of Supervisors by Resolution No. 2017-182 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 Applicants have executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on February 27, 2018; 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 199, and the assessments to be levied on parcels within Zone 199 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 December 12, 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 XIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2018-19 on all parcels within Zone 199 will be \$68.88 per parcel.

**Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the annexation of Zone 199, 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 199 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 Zone 199 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 199 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 199 of L&LMD No. 89-1-C are:

- (a) The maintenance and servicing of fossil filters within the public right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff; and
- (b) Providing electricity to and the maintenance and servicing of traffic signals within the public right-of-way including incidental costs and expenses.

**Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits from the annexation of Zone 199 to L&LMD No. 89-1-C will be \$68.88 per parcel for fiscal year 2018-19. As stated in the Report, the total budget for Zone 199 for the fiscal year 2018-19 is \$9,093.50; there are 132 parcels that are 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 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 Zone 199. 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 199 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 199. The boundaries of Zone 199 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 199, and the annual assessment to be levied upon assessable lots and parcels within Zone 199 proposed to be annexed to L&LMD No. 89-1-C.

**Section 8. Public Hearing.** The question of whether Zone 199 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 February 27, 2018, at 9:00 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside, California.

**Section 9. Majority Protest.** Each owner of record of property within Zone 199 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 199 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@rcflma.org.

**Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the annexation of Zone 199 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 February 27, 2018. 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 199 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 February 27, 2018.

**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 199 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 476-090-007, 476-090-006, 476-090-002, 476-090-003, 476-090-011, 476-090-008, 476-090-005, 476-090-010, 476-090-009, 476-090-009, and 476-090-004 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.