

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



**ITEM: 3.28**  
(ID # 24959)

**MEETING DATE:**  
Tuesday, July 09, 2024

**FROM :** TLMA-TRANSPORTATION

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:  
Adopt Resolution Number 2024-100 and Resolution Number 2024-101 to Initiate proceedings for the Annexation of Street Lighting Zone 164 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated, Mead Valley, District 1. [\$293 Ongoing Cost - L&LMD Number 89-1-C 100%] (Set for Public Hearing on August 27, 2024) (Clerk to Advertise)

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

1. Adopt Resolution Number 2024-100 a Resolution of the Board of Supervisors of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 164 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 and ordering preparation of the Engineer's Report regarding said annexation;

Continued on Page 2

**ACTION:Policy, Set for Hearing**

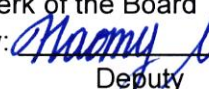
  
Dennis Acuna, Director of Transportation 6/26/2024

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on August 27, 2024, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: July 9, 2024  
xc: Trans. COBcf

Kimberly A. Rector  
Clerk of the Board  
By:   
Deputy

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

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

2. Adopt Resolution Number 2024-101, a Resolution of the Board of Supervisors of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 164 to Landscaping and Lighting Maintenance District Number 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 annexation of Street Lighting Zone 164, ordering an assessment ballot proceeding conducted by mail, and directing the 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; and
  
3. Set the public hearing on the annexation of Street Lighting Zone 164 for August 27, 2024, order a mailed assessment ballot proceeding; and direct notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution. (Clerk to Advertise)

<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	\$293	\$0	\$293
<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> 2025/26	

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

**BACKGROUND:**

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

L&LMD Number 89-1-C was formed in 1994, Resolution Number 94-389, and currently consists of 166 individual zones with different fee structures spread throughout Riverside County. The commercial owner of Parcel Map Number 38147 (PM38147) related to Plot Plan Number 210022 (PPT210022), as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD Number 89-1-C, creating Street Lighting Zone 164. The

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

boundaries of Street Lighting Zone 164 will encompass the entire PM38147 and will include the maintenance and servicing of streetlights.

Adoption of Resolution Number 2024-100 appoints the Director of the Transportation Department, or their designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 164 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated ("L&LMD Number 89-1-C").

Resolution Number 2024-101 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C. The annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C will fund the maintenance and servicing of a streetlight within public right-of-way located on Seaton Avenue in the Mead Valley area and includes two (2) parcels totalling 9.43 acres.

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 August 27, 2024 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 164 will receive a notice of the public hearing and mail-in assessment ballot, an impartial analysis, a copy of Resolution Number 2024-101, and an information sheet.

Assessment ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the assessment ballots, the assessment ballots submitted in favor of the annexation and levy of the assessment exceed the assessment ballots submitted in opposition of said annexation and levy, Street Lighting Zone 164 will be annexed to L&LMD Number 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 164 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding and public hearing to be held on August 27, 2024.

**Reference**

At the direction of the County of Riverside Board of Supervisors, L&LMD Number 89-1-C was formed in 1994 by Resolution Number 94-389 authorizing the annexation of new zones into L&LMD Number 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 25/26 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

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

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 owners within the proposed boundaries of Street Lighting Zone 164, which are represented by PM38147, as described in the attached Exhibit "A" (a two-page exhibit containing a description and diagram) are impacted by the cost of this annexation. By setting up an assessment for the maintenance of certain infrastructure required 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 25/26 for Street Lighting Zone 164 is \$293. This will result in an assessment for fiscal year 25/26 within Street Lighting Zone 164 of \$31 per acre. 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 2024.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

Location Map  
Exhibit A  
Resolution Number 2024-100  
Resolution Number 2024-101  
Engineer's Report



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

  
Jason Farin, Principal Management Analyst 7/2/2024

  
Aaron Gettis, Chief of Deputy County Counsel 6/27/2024

2 RESOLUTION NUMBER 2024-100

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
4 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 164 TO LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING  
7 PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

8 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
9 Riverside (hereinafter the "County") has been advised by the Riverside County Transportation  
10 Department (hereinafter "Department") that said Department has received an application from the  
11 owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter  
12 "Street Lighting Zone 164"), as shown and described in Exhibit "A", which is attached hereto and made  
13 a part hereof, to be annexed to Landscaping and Lighting Maintenance District Number  
14 89-1-Consolidated (hereinafter "L&LMD Number 89-1-C") of the County of Riverside, State of  
15 California, and the Board of Supervisors has determined that it is necessary and desirable to initiate  
16 proceedings for the annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C pursuant to the  
17 Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the  
18 Streets and Highways Code (hereinafter, respectively, the "Act" and the "Streets and Highways Code");  
19 and

20 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed  
22 assessment to be levied by L&LMD Number 89-1-C for Street Lighting Zone 164; and

23 WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
24 Ballot Proceeding" allowing for the proceeding to be held on August 27, 2024; and

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

FORM APPROVED COUNTY COUNSEL  
BY: *Stephanie K. Nelson*  
STEPHANIE K. NELSON  
DATE: 6/27/24

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Street Lighting Zone 164 to L&LMD Number 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
4 Board of Supervisors of the County of Riverside assembled in regular session on July 9, 2024 as  
5 follows:

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

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street Lighting  
9 Zone 164 to L&LMD Number 89-1-C and to initiate and conduct proceedings therefor pursuant to the  
10 Act for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 164 to  
11 pay the costs of the following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting  
15 Zone 164 that are proposed to be annexed to L&LMD Number 89-1-C shall include all of the property  
16 as shown and described in Exhibit "A".

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

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

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2  
3 RESOLUTION NO. 2024-100

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING  
5 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 164 TO LANDSCAPING  
6 AND LIGHTING MAINTENANCE DISTRICT NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF  
7 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING  
8 PREPERTION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

9  
10 ROLL CALL:

11  
12 Ayes: Jeffries, Washington, Spiegel, Perez, and Gutierrez

13 Nays: None

14 Absent: None

15  
16  
17 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
18 Supervisors on the date therein set forth.

19  
20 KIMBERLY A. RECTOR, Clerk of said Board

21  
22 By:  \_\_\_\_\_

23 Deputy



2 RESOLUTION NUMBER 2024-101

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 164 TO LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE  
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; 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 STREET LIGHTING ZONE 164 ; ORDERING AN  
10 ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT BALLOT PROCEEDING  
11 CONDUCTED BY MAIL; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE  
12 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIID OF THE  
13 CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
15 Riverside (hereinafter the "County") has adopted Resolution Number 2024-100 on July 9, 2024 initiating  
16 proceedings for the annexation of Street Lighting Zone 164 (hereinafter "Street Lighting Zone 164"), as  
17 described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping  
18 and Lighting Maintenance District Number 89-1-Consolidated of the County of Riverside, State of  
19 California, (hereinafter "L&LMD Number 89-1-C") pursuant to the Landscaping and Lighting Act of 1972  
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets  
21 and Highways Code (hereinafter the "Streets and Highways Code"), and ordering the preparation of a  
22 report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 164 and the  
23 assessments to be levied within Street Lighting Zone 164 each fiscal year beginning fiscal year 25/26  
24 for the maintenance and servicing of streetlights within the public right-of-way within said zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 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 Number 89-1-C for Street  
Lighting Zone 164; and

WHEREAS, the Board of Supervisors by Resolution Number 2024-100 directed the Director of  
the Transportation Department, or their designee (hereinafter the "Engineer"), to prepare and file the

FORM APPROVED COUNTY COUNSEL  
BY: *Stephanie K. Nelson* 6/27/24  
STEPHANIE K. NELSON DATE

1 Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et.  
2 seq. of the Streets and Highways Code and Section 4 of Article XIID; and

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

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
6 Ballot Proceeding" allowing for the proceeding to be held on August 27, 2024; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
8 pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
9 Section 22588 of the Streets and Highways Code, of the time and place of a public hearing on said  
10 Report, the annexation of Street Lighting Zone 164, and the assessments to be levied on parcels within  
11 Street Lighting Zone 164 beginning in fiscal year 25/26;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors in regular session assembled on July 9, 2024 as follows:

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the  
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 25/26 on all parcels within Street Lighting  
20 Zone 164 will be \$31 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Street Lighting Zone 164, as described and shown in Exhibit "A", to L&LMD Number 89-  
23 1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within  
24 Street Lighting Zone 164 commencing with the fiscal year 25/26 as set forth in the Report. The Report  
25 expressly states that there are no parcels or lots within Street Lighting Zone 164 that are owned by a  
26 federal, state or other local governmental agency that will benefit from the services to be financed by

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

4 **Section 3. Boundaries.** All the property within the boundaries of Street Lighting Zone 164  
5 is proposed to be annexed to L&LMD Number 89-1-C and shall include that property in the  
6 unincorporated area of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided** . The services authorized for Street  
8 Lighting Zone 164 of L&LMD Number 89-1-C are:

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

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C will be \$31 per acre  
13 for fiscal year 25/26. As stated in the Report, the total budget for Street Lighting Zone 164 for the fiscal  
14 year 25/26 is \$293; there are 2 parcels that are to be assessed that aggregate to 9.43 acres. Each  
15 succeeding fiscal year the special assessment may be subject to an annual adjustment that is the  
16 greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index  
17 for all Urban Consumers for electricity ("CPI-U") for the Riverside-San Bernardino-Ontario California  
18 Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the  
19 United States Department of Labor. The annual CPI-U adjustment will be based on the cumulative  
20 increase, if any, in the Index as it stands on March of each year over the base Index for March of 2024.  
21 Any increase larger than the greater of 2% or the CPI-U annual adjustment requires a majority approval  
22 of all the property owners in Street Lighting Zone 164. The Board of Supervisors will levy the  
23 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for  
24 the dissolution of Street Lighting Zone 164 of L&LMD Number 89-1-C. The annual assessment will fund  
25 the services described in Section 4 of this Resolution. For further particulars, reference is to be made to  
26 the Report on file in the Office of the Clerk of the Board of Supervisors.

1           **Section 6.    The Property to be Annexed.** The property to be annexed to L&LMD Number  
2 89-1-C is Street Lighting Zone 164. The boundaries of Street Lighting Zone 164 are located within the  
3 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Street Lighting  
7 Zone 164, and the annual assessment to be levied upon assessable lots and parcels within Street  
8 Lighting Zone 164 proposed to be annexed to L&LMD Number 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 164 shall be  
10 annexed to L&LMD Number 89-1-C and an annual assessment levied beginning with fiscal year 25/26  
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on August 27, 2024,  
12 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,  
13 1<sup>st</sup> Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
15 Zone 164 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
17 returned prior to the Public Hearing. The agency shall not impose an assessment if there is a majority  
18 protest. A majority protest exists if, upon the conclusion of the hearing, assessment ballots submitted in  
19 opposition to the assessment exceed the assessment ballots submitted in favor of the assessment. In  
20 tabulating the assessment ballots, the assessment ballots shall be weighted according to the  
21 proportional financial obligation of the affected property.

22           **Section 10. Information.** Any property owner desiring additional information regarding Street  
23 Lighting Zone 164 of L&LMD Number 89-1-C, the Report, or the proposed assessment is to contact  
24 Ms. Michelle Cervantes, Administrative Services Officer, Transportation Department of the County of  
25 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at  
26 951-955-6591, or by e-mail at MICERVAN@rivco.org.




1           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
2 annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C shall be given consistent with  
3 Sections 22608 and 22588 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk  
4 of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this  
5 Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of  
6 the Public Hearing that is August 27, 2024. Publication of this Resolution is to be effected by the Clerk  
7 of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those  
8 notices, as prepared by County Counsel, assessment ballot and information sheets as required by  
9 Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of  
10 property within Street Lighting Zone 164 as shown on the last equalized assessment roll of the County.  
11 Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45)  
12 days prior to the Public Hearing on August 27, 2024.

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

15  
16  
17       ROLL CALL:  
18       Ayes:       Jeffries, Washington, Spiegel, Perez, and Gutierrez  
19       Nays:       None  
20       Absent:     None

21  
22       The foregoing is certified to be a true copy of a resolution duly adopted by said  
23 Board of Supervisors on the date therein set forth.

24       KIMBERLY A. RECTOR, Clerk of said Board

25       By:  \_\_\_\_\_  
26               Deputy

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 164 to be annexed into Landscaping and Lighting Maintenance District Number 89-1-Consolidated, of the County of Riverside, County of Riverside, are coterminous with the boundaries of APN 314-091-007 and APN 314-091-008 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 24/25.

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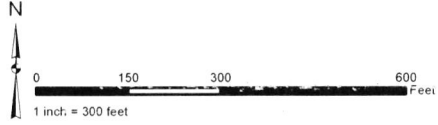
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

# STREET LIGHT ZONE 164

PORTIONS(S) OF SECTION 2, T.4S., R.4W..

PLOT PLAN TRANSMITTED NO. 210022 & PARCEL MAP NO. 38147

2 PARCELS



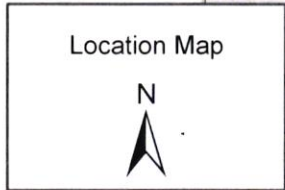
The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map. Printed by BHANN on 4/1/2023

## ASSESSMENT DIAGRAM



\* DENOTES MAINTAINED ROW STREETLIGHT

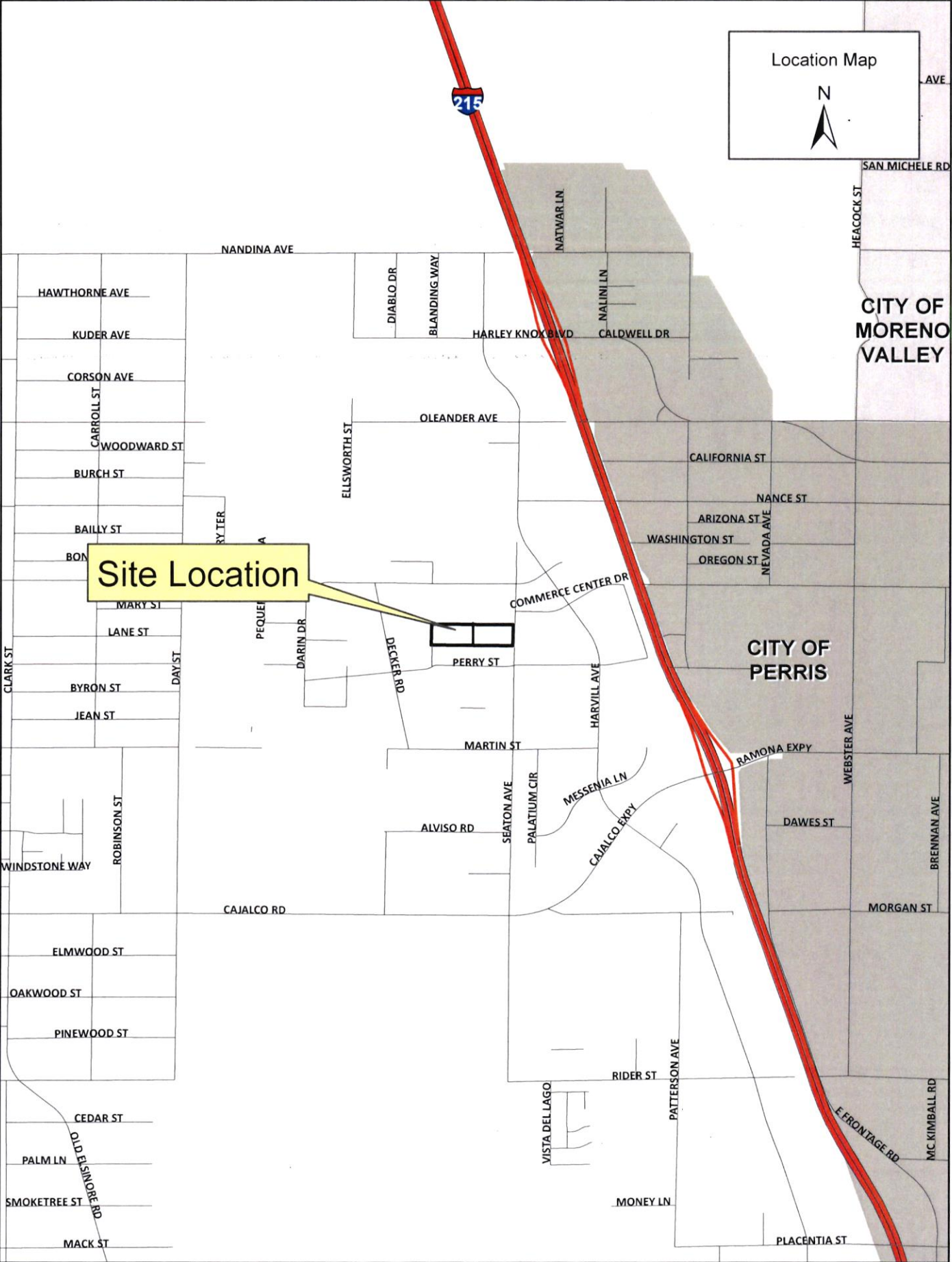
▭ DENOTES ZONE BOUNDARY



CITY OF MORENO VALLEY

CITY OF PERRIS

Site Location







## COUNTY OF RIVERSIDE - TRANSPORTATION AND LAND MANAGEMENT AGENCY

ENGINEER'S REPORT FOR  
LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED  
ANNEXATION OF STREET LIGHTING ZONE 164  
PM 38147

**May 2024**

PREPARED BY



**Harris & Associates**

41593 Winchester Rd, Suite 200  
Temecula, CA 92590  
[www.weareharris.com](http://www.weareharris.com)



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## ENGINEER'S CERTIFICATION

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

**PROJECT:** ANNEXATION OF PM 38147 TO  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO.  
89-1-CONSOLIDATED ("L&LMD NO. 89-1-C") AS STREET LIGHTING ZONE 164  
PM 38147

**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"), consisting of five parts.

This Report provides for the annexation of Parcel Map 38147 (PM 38147) to L&LMD No. 89-1-C as Street Lighting Zone 164 (STL Zone 164) and establishes the Maximum Assessment to be levied in the Fiscal Year commencing on July 1, 2025 and ending on June 30, 2026 (2025-2026) and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

**L&LMD NO. 89-1-C STL ZONE 164  
PM 38147**

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 STL Zone 164 have been assessed upon the parcels of land in STL Zone 164 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 STL Zone 164, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said STL Zone 164 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 STL Zone 164 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 17<sup>th</sup> day of May, 2024



Alison M. Bouley P.E., Assessment Engineer

R.C.E. No. C61383  
Engineer of Work  
County of Riverside  
State of California





## EXECUTIVE SUMMARY

### A. Introduction

Pursuant to the provisions of law, the costs and expenses of STL Zone 164 have been assessed upon the parcels of land in STL Zone 164 benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcel(s). For particulars as to the identification of said parcel(s), reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein. On this 11<sup>th</sup> of June, 2024, the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the Report providing for the annexation of PM 38147 to L&LMD No. 89-1-C as STL Zone 164 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. 2024-\_\_\_ for a special assessment district zone known and designated as:

STL ZONE 164  
PM 38147

The annexation of STL Zone 164 includes the parcel(s) of land within the commercial development known as PM 38147, also identified by the Assessor Parcel Number(s) valid as of the date of this Report:

314-091-007                      314-091-008

Harris & Associates submits this Report, consisting of (5) parts, for the annexation of said STL Zone 164 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2025-2026 and continuing in subsequent fiscal years.

### Part I

Plans and Specifications: This section contains a description of STL Zone 164's boundaries and the proposed improvements within said STL Zone 164 ("Plans" as described in Part I). STL Zone 164 shall consist of a benefit zone encompassing all of the properties within the commercial development known as PM 38147.

### Part II

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 STL Zone 164 is based on current property development Plans and estimated annual costs and expenses associated with all improvements to be accepted and maintained by STL Zone 164 at build-out.



### **Part III**

Cost Estimate: An estimate of the cost of streetlight maintenance, including incidental costs and expenses in connection therewith for Fiscal Year 2025-2026, 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 STL Zone 164. For details concerning the lines and dimensions of the applicable Assessor's Parcel Number(s), refer to the Riverside County Assessor's Map(s) 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 2025-2026.

## **B. Description of Street Lighting Assessment Zone**

The services to be provided by L&LMD No. 89-1-C STL Zone 164 include public street lighting, which provides a special benefit to the parcel(s) to be assessed. The annexation of PM 38147 to L&LMD No. 89-1-C as STL Zone 164 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. STL Zone 164's structure, proposed improvements, method of apportionment and assessments described in this Report are based on the Plans provided to Harris & Associates 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

### A. 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 in proportion to the special benefit provided to the parcels to be assessed:
  - 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.
- The street lighting improvements to be funded by L&LMD No. 89-1-C STL Zone 164 generally include the maintenance and servicing of:
  - Streetlights within the public right-of-way, which were required to be installed as a condition of approval necessary for development of properties within the Street Lighting Assessment Zone.

### B. Improvements and Services for L&LMD No. 89-1-C STL Zone 164

The services to be funded by L&LMD No. 89-1-C STL Zone 164 include the maintenance and servicing of 1 (one) public streetlight adjacent to the parcel(s) within the public rights-of-way known as:

- Seaton Avenue

The proposed improvements described in this Report are based on current development and improvement plans provided to Harris & Associates as of the date of this Report. Improvement plans include the (1) Parcel Map No. 38147 , recorded 12/18/2023, Recording # 2023-0374371; and (2) County of Riverside P.P.T. No. 210022 Seaton Ave & Perry Street Bldgs 1 & 2 Street Lighting Plan, IP220019 by Goodman & Associates, dated Sept 13, 2022, signed by County Oversight Engineer Registration # 76450 on 9/15/22 ("Plans").





### **C. Location of Street Lighting Zone 164**

STL Zone 164 is located within the unincorporated area of the County of Riverside, State of California and is comprised of PM 38147. The area for STL Zone 164 is generally located east of Beck Street, south of Markham Street, west of Seaton Avenue, and north of Perry Street. At full development, STL Zone 164 is projected to include two (2) assessable commercial lots/units and zero (0) non-assessable lots/units. STL Zone 164 currently consists of the lot/unit, parcel and subdivisions of land located in the following development area:

- PM 38147 – Assessor Parcel Number(s) as of the date of this Report:

314-091-007

314-091-008





## 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.

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lots or parcels 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.”

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.

The proposed improvements, the associated costs, and assessments have been carefully reviewed and allocated based on the special benefit received by the parcels to be assessed as required by the 1972 Act and Article XIII D as described in the following section.

### Special Benefit

The street lighting improvements within STL Zone 164 provide direct and special benefit to the lots or parcels within STL Zone 164. Proper maintenance and servicing of the public street lighting system, and appurtenant facilities, confers particular and distinct benefits upon developable properties within the Zone by providing security, safety, community character, and vitality, as described below:

#### Security and Safety

- Mitigates property damage due to criminal activity



- Serves as a deterrent to graffiti and vandalism
- Alleviates the fear of crime, which increases the desirability of property
- Increased nighttime visibility for access of emergency vehicles
- Improved ingress to and egress from property
- Reduced vandalism and other criminal acts and damage to improvements or property

### **Community Character and Vitality**

- Promotes business and industry
- Provides a positive nighttime visual image

Therefore, the installation and maintenance of streetlights is for the express, special benefit of the parcel(s) within STL Zone 164.

STL Zone 164 does not include any government-owned parcels or easements, utility easements, or flood channel parcels.

- 

### **General Benefit**

The total benefit from the works of improvement is a combination of the special benefits to the parcels within STL Zone 164 and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the public street lighting, if any, associated with general benefits cannot not be assessed to the parcels in STL Zone 164, but would be paid from other Riverside County Transportation Department funds. Because the public streetlight improvements are located adjacent to properties and main entrance of the project within STL Zone 164, on a street with the classification of "local street", were required as a condition of approval for the development of the property and are maintained solely for the benefit of the properties within STL Zone 164, any benefit received by properties outside of STL Zone 164 is nominal. Therefore, the general benefit portion of the benefit received from the improvements for STL Zone 164 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, benefits received by each parcel within STL Zone 164 are proportional to the lot size. Therefore, the proportionate share of the costs and expenses for the maintenance and servicing of the streetlight are apportioned on a per acre basis for all benefiting parcels within STL Zone 164.

### **B. Maximum Assessment Methodology**

The following methodology for establishing the Maximum Annual Assessment 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 STL Zone 164 costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within STL Zone 164. For STL Zone 164, the initial Maximum Assessment for Fiscal Year 2025-2026 is as follows:

- The initial Maximum Assessment established within STL Zone 164 (PM 38147) shall be \$293.
- The initial Maximum Assessment per assessable acre established within STL Zone 164 (PM 38147) shall be \$31.

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 for Electricity ("CPI-U-E") for Riverside-San Bernardino-Ontario California Standard Metropolitan Statistical Area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor (BLS). The annual CPI-U-E 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 2025, starting in Fiscal Year 2026-2027.

The Maximum Assessment is adjusted annually and is calculated independent of STL Zone 164's annual budget and proposed annual assessment. The proposed annual assessment (rate per net assessable acre) 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 STL Zone 164 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on STL Zone 164 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 STL Zone 164. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for STL Zone 164.

### **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 STL Zone 164 over and above general benefit conferred upon the assessable real property within STL Zone 164 or to the

public at large. The benefits received by each parcel within STL Zone 164 would be in proportion to the lot size. Therefore, the proportionate share of the costs and expenses for the maintenance and servicing of the streetlights are apportioned on a per acre basis for all benefiting parcels within STL Zone 164. Any Exempt Property within STL Zone 164 is specifically excluded from the apportionment calculation and is exempt from assessment.

The Assessment Rate per Acre within STL Zone 164 is calculated by dividing the total Annual Balance to Levy by the total Net Assessable Acres. The Assessment Rate per Acre is multiplied times the Net Assessable Acres of each parcel that is not Exempt. Total STL Zone 164 acres less Exempt Property acres, if any, equals total Net Assessable Acres. The Annual Balance to Levy is the Total Annual Street Lighting Costs as seen in Part III – Cost Estimate.

The Assessment Rate per Acre is calculated as follows:

Total STL Zone 164 Acres	9.81
Less: Reduction for Right-of-Way	0.38
Net Assessable Acres	9.43

Annual Balance to Levy	\$293	= \$31	Assessment Rate per Acre
Total Net Assessable Acres	9.43		

The Assessment for each Assessable Parcel for FY 2025-2026 is calculated as follows:

$$\text{Assessment Rate per Acre} \times \text{Net Assessable Acreage of each parcel that is not Exempt} = \text{Annual Assessment for each Assessable Parcel}$$



## PART III – COST ESTIMATE

### L&LMD NO. 89-1-C STL ZONE 164 (PM 38147) FOR FISCAL YEAR 2025-2026

Cost Description	Total Costs for STL Zone 164 <sup>1,2</sup>	Cost per Net Acre for STL Zone 164 <sup>2,3</sup>
Annual Energy Charge of \$250.00 per Streetlight For 1 Streetlight – 22,000 Lumen 100 Watt 4K LED	\$255	\$27
Maintenance Total	\$255	\$27
Administrative and Contingency Costs	\$38	\$4
<b>Total Annual Street Lighting Costs</b>	<b>\$293</b>	<b>\$31</b>
<b>Initial Maximum Assessment for STL Zone 164<sup>4</sup></b>	<b>\$293</b>	<b>\$31</b>

<sup>1</sup> Projected base rates of services for Fiscal Year 2025-2026 were provided by the County of Riverside Transportation Department.

<sup>2</sup> Total costs and cost per net acre rounded to whole dollars.

<sup>3</sup> Based on 9.43 Net Assessable Acres which is subject to change based on future parcel configuration.

<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-E Index published by the BLS.



## PART IV – ASSESSMENT DIAGRAM/BOUNDARY MAP

### Part IV – Assessment Diagram/Boundary Map

#### Fiscal Year 2025-2026 L&LMD NO. 89-1-C STL ZONE 164

The Assessment Diagram/Boundary Map for STL Zone 164 by this reference is incorporated and made a part of this Report. Only the parcels identified within STL Zone 164 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 provided by the Riverside County Transportation Department.

The STL Zone 164 Assessment Diagram/Boundary Map identifying the boundaries of parcels within PM 38147 in L&LMD No. 89-1-C STL Zone 164 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.

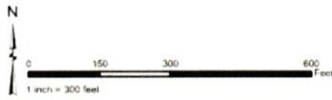


LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

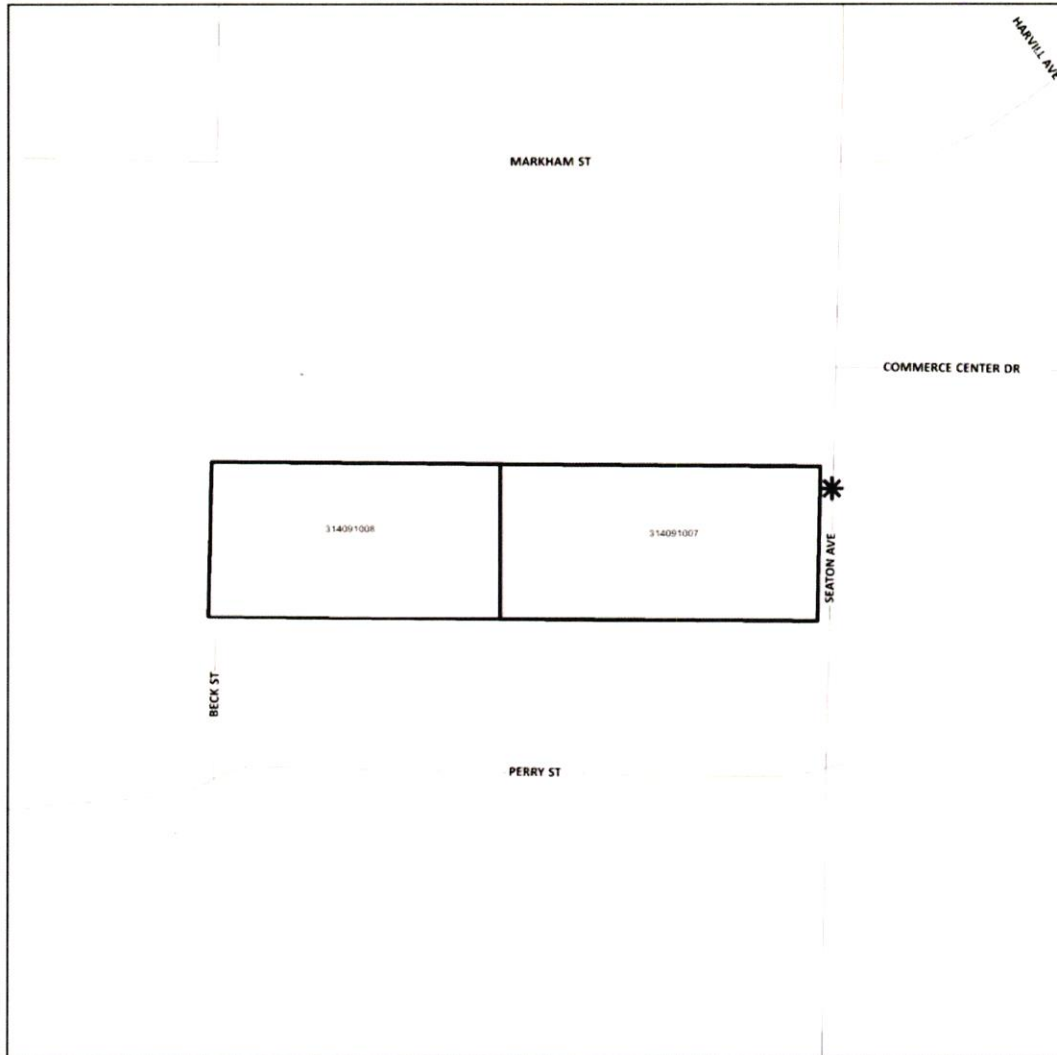
**STREET LIGHT ZONE 164**  
PORTIONS(S) OF SECTION 2, T.4S., R4W..  
PLOT PLAN TRANSMITTED NO. 210022 & PARCEL MAP NO. 38147  
2 PARCELS



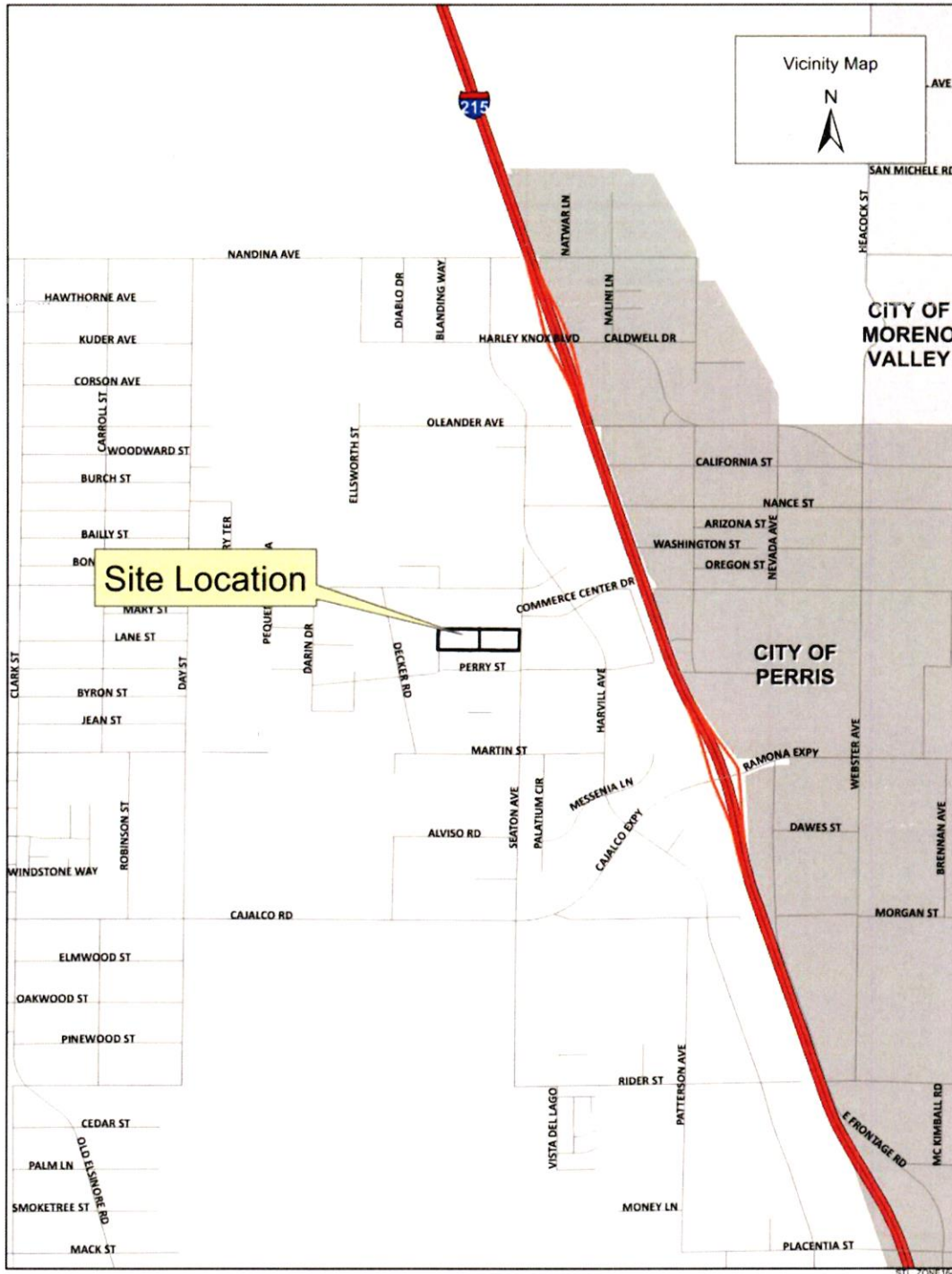
The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map. Printed by BH&H on 4/1/2024



**ASSESSMENT DIAGRAM**



- \* DENOTES MAINTAINED ROW STREETLIGHT
- DENOTES ZONE BOUNDARY





## PART V – ASSESSMENT ROLL

Parcel identification for each lot/unit or parcel within STL Zone 164 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. STL Zone 164 includes the following APN(s) as of the date of this Report:

314-091-007                      314-091-008

The initial Maximum Assessment for STL Zone 164 is as follows:

**L&LMD NO. 89-1-C STL ZONE 164  
 (PM 38147)  
 PROPOSED FISCAL YEAR 2025-2026 MAXIMUM ASSESSMENT<sup>1</sup>**

<b>PM/PP</b>	<b>Assessor Parcel Number/ Lot No.</b>	<b>Net Assessable Acres</b>	<b>Maximum Assessment</b>
PM 38147	314-091-007	4.67	\$145
PM 38147	314-091-008	4.76	\$148
<b>Total</b>		<b>9.43</b>	<b>\$293</b>

<sup>1</sup> The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U-E Index published by the BLS.

## WAIVER AND CONSENT

### Waiver and Consent Regarding Date of Assessment Ballot Proceeding

There is one entity which owns all of the property within the proposed boundaries of STL Zone 164. Said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding and public hearing to be held on July 30, 2024. A copy of said waiver is filed herewith and made a part hereof as seen on the following page.

**LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NUMBER 89-1-CONSOLIDATED  
OF THE COUNTY OF RIVERSIDE COUNTY OF RIVERSIDE, CALIFORNIA**

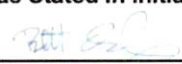
**WAIVER AND CONSENT REGARDING DATE OF  
ASSESSMENT BALLOT PROCEEDING**

The undersigned, an authorized representative of NLF/DP Seaton LLC (the "Owner") owns property within the unincorporated area of the County of Riverside represented by the following Assessor's Parcel Numbers for fiscal year 24/25 (the "Property"): APN(s) 314-091-007 and 314-091-008

The Owner has made application that the Property be annexed as Street Lighting Zone 164 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated of the County ("L&LMD Number 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 proceeding required for annexation and the levy of an annual assessment must be held on an established mailed ballot proceeding date pursuant to Section 1500 of the Election Code; and
2. The Owner consents to the mailed assessment ballot proceeding with respect to the levy of an annual assessment on the Property being held on August 27, 2024

**OWNER:** NLF/DP Seaton LLC  
(Name of Company  
as Stated in Initial Paragraph)

By:   
Signature

Name: Brett Dedeaux  
Print

Title: Authorized Signatory

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neller@scng.com

County of Riverside - Clerk of the Board  
PO Box 1147  
Riverside, California 92502

<i>Account Number:</i>	5209148
<i>Ad Order Number:</i>	0011680931
<i>Customer's Reference/PO Number:</i>	
<i>Publication:</i>	The Press-Enterprise
<i>Publication Dates:</i>	08/16/2024
<i>Total Amount:</i>	\$1498.22
<i>Payment Amount:</i>	\$0.00
<i>Amount Due:</i>	\$1498.22
<i>Notice ID:</i>	IJJHnj2JsOvnP4ghsy2z
<i>Invoice Text:</i>	<p>NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY 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 Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, August 27, 2024 at 9:30 a.m., or as soon as possible thereafter, to consider the following: RESOLUTION NUMBER 2024-101 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF Street Lighting Zone 164 to LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NUMBER 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 164 ; ordering an assessment proceeding; ORDERING An assessment BALLOT proceeding conducted by mail; 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 Number 2024-100 on July 9, 2024 initiating proceedings for the annexation of Street Lighting Zone 164 (hereinafter "Street Lighting Zone 164"), as</p>



County of Riverside - Clerk of the Board  
PO Box 1147  
Riverside, California 92502

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011680931

FILE NO. 0011680931

### PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of 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:

08/16/2024

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

Date: August 16, 2024.

At: Riverside, California



Signature

### NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

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 Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, August 27, 2024 at 9:30 a.m.**, or as soon as possible thereafter, to consider the following:

#### RESOLUTION NUMBER 2024-101

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF Street Lighting Zone 164 to LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NUMBER 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 164 ; ordering an assessment proceeding; ORDERING An assessment BALLOT proceeding conducted by mail; 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 Number 2024-100 on July 9, 2024 initiating proceedings for the annexation of Street Lighting Zone 164 (hereinafter "Street Lighting Zone 164"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District Number 89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD Number 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 "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 164 and the assessments to be levied within Street Lighting Zone 164 each fiscal year beginning fiscal year 25/26 for the maintenance and servicing of streetlights within the public right-of-way within said zone; and

**WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the California Constitution (hereinafter "Article XIID"), the Act, and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD Number 89-1-C for Street Lighting Zone 164; and

**WHEREAS**, the Board of Supervisors by Resolution Number 2024-100 directed the Director of the Transportation Department, or their 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 Streets 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

The Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding to be held on August 27, 2024; and

**WHEREAS**, It is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22588 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Street Lighting Zone 164, and the assessments to be levied on parcels within Street Lighting Zone 164 beginning in fiscal year 25/26;

**NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors in regular session assembled on July 9, 2024 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 25/26 on all parcels within Street Lighting Zone 164 will be \$31 per acre.

**Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 164, as described and shown in Exhibit "A", to L&LMD Number 89-1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within Street Lighting Zone 164 commencing with the fiscal year 25/26 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 164 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 the boundaries of Street Lighting Zone 164 is proposed to be annexed to L&LMD Number 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 Street Lighting Zone 164 of L&LMD Number 89-1-C are:

(a) Providing electricity to and the maintenance and servicing of 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 Street Lighting Zone 164 to L&LMD Number 89-1-C will be \$31 per acre for fiscal year 25/26. As stated in the Report, the total budget for Street Lighting Zone 164 for the fiscal year 25/26 is \$293; there are 2 parcels that are to be assessed that aggregate to 9.43 acres. 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 Riverside-San Bernardino-Ontario 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 . 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 164. 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 164 of L&LMD Number 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 Number 89-1-C is Street Lighting Zone 164. The boundaries of Street Lighting Zone 164 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 164, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 164 proposed to be annexed to L&LMD Number 89-1-C.

**Section 8. Public Hearing.** The question of whether Street Lighting Zone 164 shall be annexed to L&LMD Number 89-1-C and an annual assessment levied beginning with fiscal year 25/26 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on August 27, 2024, at 9:30 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 Street Lighting Zone 164 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, assessment ballots submitted in opposition to the assessment exceed the assessment ballots submitted in favor of the assessment. In tabulating the assessment ballots, the assessment ballots shall be weighted according to the proportional financial obligation of the affected property.

**Section 10. Information.** Any property owner desiring additional information regarding Street Lighting Zone 164 of L&LMD Number 89-1-C, the Report, or the proposed assessment is to contact Ms. Michelle Cervantes, Administrative Services Officer, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6591, or by e-mail at MICERVAN@rivco.org.

**Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the annexation of Street Lighting Zone 164 to L&LMD Number 89-1-C shall be given consistent with Sections 22608 and 22588 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 August 27, 2024. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of property within Street Lighting Zone 164 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 August 27, 2024.

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rlvco.org](mailto:cob@rlvco.org)

Dated: July 11, 2024

Kimberly A. Rector, Clerk of the Board

By: Cindy Fernandez, Clerk of the Board Assistant

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