

RESOLUTION NO. 2009-185

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF ZONE 142 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 142 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

WHEREAS, on March 17, 2009 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2009-086, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Zone 142 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:30 a.m. on May 5, 2009 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Zone 142 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2009-086, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Zone 142 as shown on the equalized tax roll; and

WHEREAS, at 9:30 a.m. on May 5, 2009, as set forth in Resolution No. 2009-086, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Zone 142 to L&LMD

FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner 5/19/09
DATE

1 No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots
2 that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 46 parcels out of a possible 46 parcels and that 46 parcels (100 percent of
5 the assessment ballots received) voted in favor of annexation of Zone 142 to L&LMD No. 89-1-C and
6 the levy of an annual assessment in said Zone 142 beginning fiscal year 2009-10; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 142 of
11 L&LMD No. 89-1-C beginning fiscal year 2009-10.

12 **NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on June 9, 2009 as follows:

14 **Section 1. Findings.** The Board of Supervisors finds:

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of and annual assessment of Zone 142 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in
23 favor of the annexation of Zone 142 to L&LMD No. 89-1-C and the levy of an
24 annual assessment beginning fiscal year 2009-10, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 142 to L&LMD No. 89-1-C;

- 1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 142 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and
- 4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 142 of L&LMD No. 89-1-C for the installation, maintenance and servicing
6 of landscaping, multi-purpose trail, fencing, fossil filter, and traffic signal
7 improvements in said Zone 142 during the fiscal year 2009-10 as contained in
8 the report of the Director of Transportation which is on file with the Clerk of the
9 Board of Supervisors (hereinafter the "Report") are based on benefits derived by
10 such lots and parcels from the availability of such landscaping, multi-purpose
11 trail, fencing, fossil filter, and traffic signal improvements, and are not based
12 upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Zone 142, as proposed to be annexed to L&LMD No.
14 89-1-C, includes all the property subject to Tract Map No. 33258 in the County of Riverside, State of
15 California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 142 of L&LMD
17 No. 89-1-C are:

- 18 (a) The maintenance and servicing of landscaping and multi-purpose trails within
19 the public right-of-way including the trimming, fertilizing, weeding and replanting
20 of trees, shrubs, grass, and other ornamental vegetation; and
- 21 (b) The maintenance and servicing of irrigation and electrical facilities associated
22 with the landscaping, and future bio-swales, including but not limited to
23 electricity for operation of the irrigation system and water for irrigation; and
- 24 (c) Providing graffiti abatement services to walls and structures with the public right-
25 of-way including incidental costs and expenses; and
26

1 (d) The maintenance and servicing of fossil filters within the public right-of-way
2 including the removal of petroleum hydrocarbons and other pollutants from
3 water runoff; and

4 (e) Providing electricity to and the maintenance and servicing of traffic signals within
5 the public right-of-way including incidental costs and expenses.

6 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
7 the assessment of estimated costs for the installation, maintenance and servicing of landscaping,
8 multi-purpose trail, fencing, fossil filter, and traffic signal improvements in Zone 142 of L&LMD No.
9 89-1-C for fiscal year 2009-10 as contained in the Report are confirmed.

10 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
11 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
12 installation, and maintenance or servicing of landscaping, multi-purpose trail, fencing, fossil filter, and
13 traffic signal improvements in Zone 142 of L&LMD No. 89-1-C during fiscal year 2009-10, as contained
14 in the Report, and such assessment is levied. This assessment will increase in the fiscal years in
15 which the landscaping, multi-purpose trail, fencing, bio-swales, fossil filter, and traffic signal
16 improvements for TR33258 and TR33258-1 are completed. The Clerk of the Board of Supervisors is
17 directed to file a certified copy of this resolution, together with the diagram and assessment contained
18 in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section
19 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or
20 parcel of land the amount assessed thereupon, as shown in said assessment.

21 **Section 6. Effective Date.** This Resolution shall take effect from and after its date
22 of adoption.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 142 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of 45 single-family residential lots and 1 commercial parcel as shown on Tract Map No. 33258 in the County of Riverside, State of California for fiscal year 2009-10.

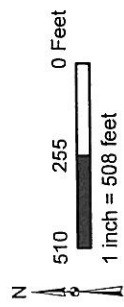
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

ZONE 142

PORTION OF SECTION 29, T.2S., R.6W.

TRACT MAP NO. 33258

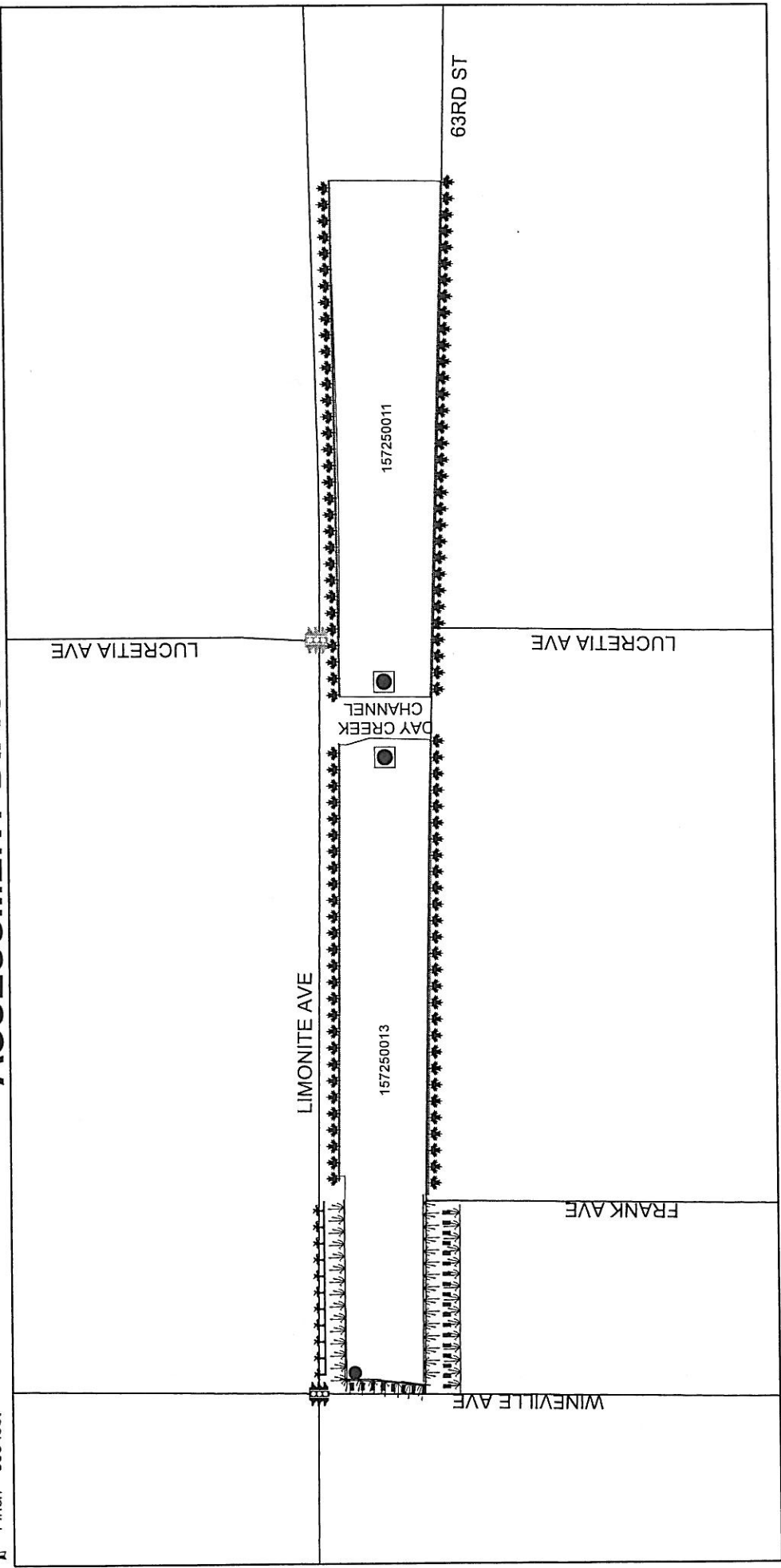
45 SINGLE-FAMILY RESIDENTIAL LOTS & 1 COMMERCIAL PARCEL



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ASSESSMENT DIAGRAM



- DENOTES LANDSCAPED AND MAINTAINED PARKWAY
 - DENOTES MAINTAINED MULTI-PURPOSE TRAIL AND FENCE
 - DENOTES LANDSCAPED AND MAINTAINED MEDIAN
 - DENOTES MAINTAINED FOSSIL FILTER
 - DENOTES MAINTAINED TRAFFIC SIGNAL
 - DENOTES FUTURE TR33258-1, & - 2 LANDSCAPED & MAINTAINED PARKWAY, BIO-SWALES, & GRAFFITE ABATEMENT
 - DENOTES FUTURE TR33258-1, & - 2 MAINTAINED FOSSIL FILTER
 - DENOTES FUTURE TR33258-2 MAINTAINED TRAFFIC SIGNAL
- NOTE:** TR33258-1 IS LOCATED BW FRANK AVE AND DAY CREEK CHANNEL
TR33258-2 IS LOCATED BW DAY CREEK CHANNEL AND TRACT BOUNDARY