

RESOLUTION NO. 2012-085

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 164 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 INFILTRATION SWALES; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 164; 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. 2012-084 on May 1, 2012 initiating proceedings for the annexation of Zone 164 (hereinafter "Zone 164"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 164 and the assessments to be levied within Zone 164 each fiscal year beginning fiscal year 2012-13 for the maintenance and servicing of infiltration swales 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 164; and

WHEREAS, the Board of Supervisors by Resolution No. 2012-084 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

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
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 Election" allowing for the election to be held on June 19, 2012; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
10 Report, the annexation of Zone 164, and the assessments to be levied on parcels within Zone 164
11 beginning in fiscal year 2012-13;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on May 1, 2012 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 2012-13 on all parcels within Zone 164 will be
20 \$92.94 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 164, 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 164
24 commencing with the fiscal year 2012-13 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 164 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

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

4 **Section 3. Boundaries.** All the property within boundaries of Zone 164 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 associated with the
8 maintenance and servicing of infiltration swales authorized for Zone 164 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of infiltration swales within the public right-of-way
10 including the trimming, fertilizing, weeding and replanting of grass, and other ornamental
11 vegetation; and
12 (b) The maintenance and servicing of irrigation and electrical facilities associated with the
13 infiltration swales, including but not limited to electricity for operation of the irrigation
14 system and water for irrigation.

15 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
16 benefits from the annexation of Zone 164 to L&LMD No. 89-1-C will be \$92.94 per acre for fiscal year
17 2012-13. As stated in the Report, the total budget for Zone 164 for the fiscal year 2012-13 is \$1,896;
18 there is 1 parcel that is to be assessed that aggregates to 20.4 acres. Each succeeding fiscal year the
19 special assessment may be subject to an annual adjustment that is the greater of two percent (2%) or
20 the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers
21 ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical
22 area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor.
23 The annual CPI-U adjustment will be based on the cumulative increase, if any, in the "Index" as it
24 stands on March of each year over the base Index for March of 2012. Any increase larger than the
25 greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in
26 Zone 164. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the

1 Board of Supervisors undertakes proceedings for the dissolution of Zone 164 of L&LMD No. 89-1-C.
2 The annual assessment will fund the services described in Section 4 of this Resolution. For further
3 particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of
4 Supervisors.

5 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
6 89-1-C is Zone 164. The boundaries of Zone 164 are located within the unincorporated area of the
7 County and are described and shown in the Report and Exhibit "A".

8 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
9 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
10 the Report for a full and detailed description of the services, the boundaries of Zone 164, and the
11 annual assessment to be levied upon assessable lots and parcels within Zone 164 proposed to be
12 annexed to L&LMD No. 89-1-C.

13 **Section 8. Public Hearing.** The question of whether Zone 164 shall be annexed to L&LMD
14 No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at
15 a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the
16 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside,
17 California.

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

25 **Section 10. Information.** Any property owner desiring additional information regarding
26 Zone 164 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan

1 Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080
2 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at
3 jpickeri@rctlma.org.

4 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
5 annexation of Zone 164 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
6 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
7 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
8 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19,
9 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice
10 shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County
11 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and
12 Section 4000 of the California Elections Code to all owners of record of property within Zone 164 as
13 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and
14 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19,
15 2012.

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

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 164 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 942-250-053 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13.

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

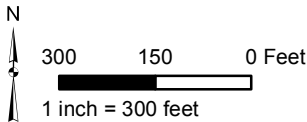
ZONE 164

PORTION OF SECTIONS 23 & 26, T.7S., R.2W.
PLOT PLAN NO. 21570

1 PARCEL

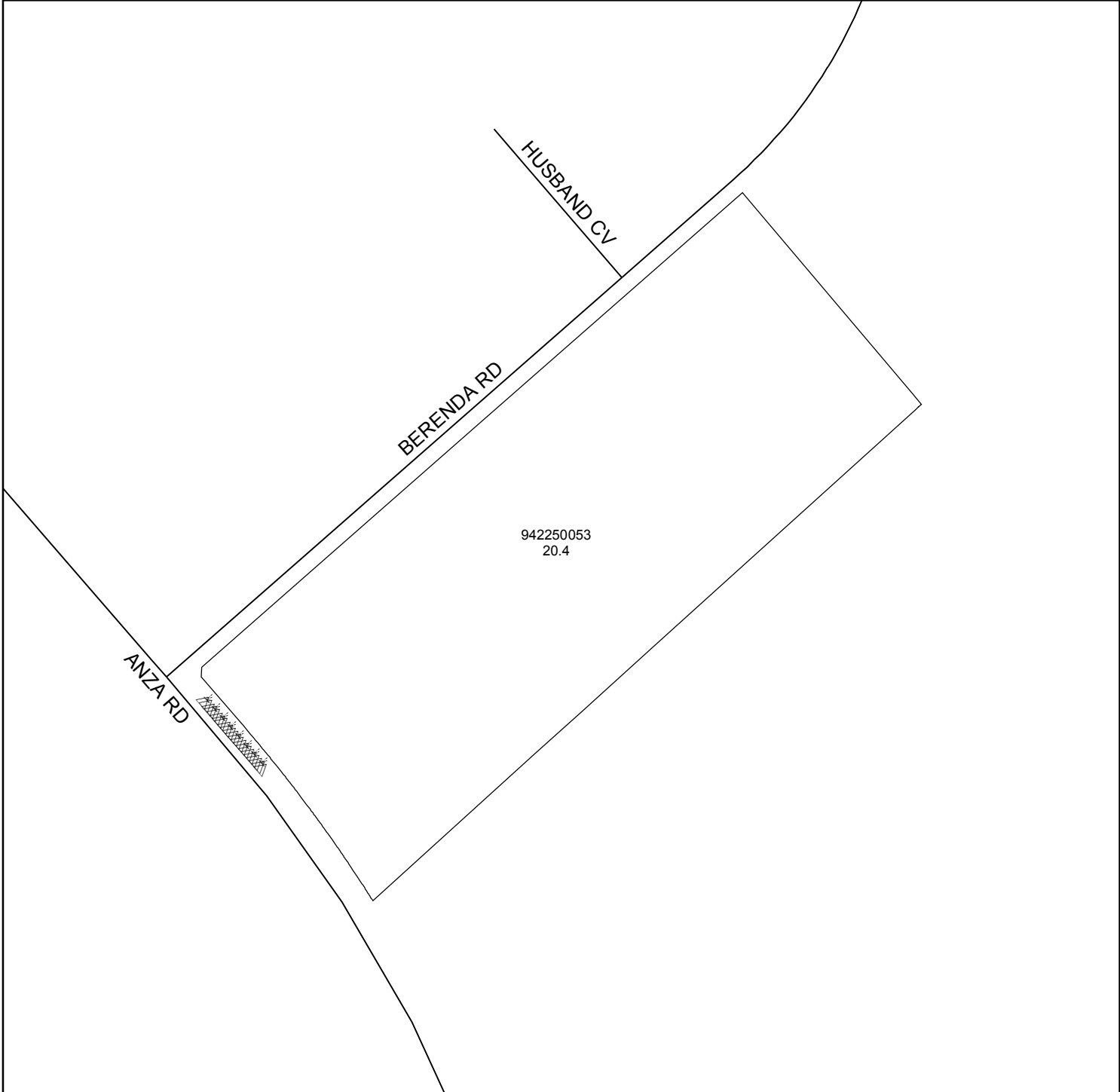


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ASSESSMENT DIAGRAM

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DENOTES MAINTAINED INFILTRATION SWALE