

RESOLUTION NUMBER 3267

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO BENEFIT ZONE 53, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO BENEFIT ZONE 53, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF TRACTS 30662 AND 31564 TO BENEFIT ZONE 53, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Perris, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, as follows:

Section 1. Description of Work. That the public interest and convenience require and it is the intention of the City Council of the City of Perris to order the following work be done, to wit:

- A. Installation, construction, maintenance, and servicing of landscaping as authorized by Section 22525 of the Streets and Highways Code, State of California.
- B. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

Section 2. Location of Work. Development of these tracts includes five categories of improvements to be maintained. Reference is made to the Assessment Diagram included in the Engineer's Report that further identifies the location of these improvements.

The first category of improvements encompasses the irrigation system, landscaping, fencing/walls, and appurtenant facilities located within the medians and public parkways and are further identified as follows:

- Ethanac Road, along the north boundary of Tract 31564.
- Goetz Road, along the east boundary of Benefit Zone 53.
- Monument Boulevard, including medians, within Benefit Zone 53.
- Northeasterly side of Pinnacle Street within Benefit Zone 53.
- Vantage Drive between the south boundary of Tract 30662-2 and the north boundary of Tract 28986.
- Entrances on Ethanac Road and Goetz Road into Benefit Zone 53.

The second category of improvements to be maintained consists of the irrigation system, landscaping, fencing/walls, and appurtenant facilities located on irrigated slopes beyond the public parkways on the northeasterly side of Pinnacle Street. The irrigation system, landscaping, fencing/walls and appurtenant facilities located within the Neighborhood Park and Monument Area are the third category of improvements.

Non-irrigated areas are the fourth category of improvements to be maintained. The landscaping, fencing/walls and appurtenant facilities within these areas will be maintained, and are further identified as follows:

- Buffer areas that will serve as a fuel modification zone in times of fire, erosion control, natural drainage, and as a transition area between property lines and natural areas, bio-swales, debris basins and detention basins.
- Corridors (an approximate 30'-wide strip) that will be planted with drought resistant native grass mix and will serve as access ways, erosion control and drainage easements.
- South Natural Area between the buffer area and the south boundary line of Benefit Zone 53. It is anticipated that maintenance activities in the natural area will be limited to gathering debris and trash. However, pruning may be necessary to reduce fire hazards and the planting of drought-resistant native shrubs, ground cover, and grass mix may be necessary to facilitate drainage and prevent erosion.

Drainage facilities and appurtenances are the fifth category of improvements to be maintained. These areas are being maintained under LMD 1 and not Flood Control Maintenance District No. 1 due to the transition of the non-irrigated areas into these facilities and the similarity of landscaping and level of maintenance. It is also anticipated that these facilities, as follows, will be included in the same maintenance contracts with the non-irrigated areas.

- Two detention basins designed to hold storm water run-off and to mitigate potential flooding to less than significant levels.
- A bio-swale is located adjacent to each detention basin. The bio-swales are designed to eliminate pollutants in conformance with state and federal regulations and management practices.
- Three debris basins designed to facilitate proper drainage, prevent erosion and to further improve the quality of storm water run-off.
- Channels that facilitate the drainage from non-irrigated areas into the detention basins, bio-swales and debris basins.

Section 3. Description of Assessment District. That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and this City Council hereby makes the expense of said work chargeable upon a District, which said District is assessed to pay the costs and expenses thereof, and which District is described as follows:

All that certain territory of the City of Perris included within the exterior boundary lines shown upon that certain “Diagram of Annexation of Tracts 30662 and 31564 to Benefit Zone 53, Landscape Maintenance District Number 1” heretofore approved by the City Council of said City by Resolution No. 3266, indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the office of the City Clerk of said City.

Reference is hereby made to said map for a further, full, and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district.

Section 4. Report of Engineer. The City Council of said City by Resolution Number 3266 has preliminarily approved the report of the Engineer of Work, which report indicated the amount of the proposed assessment, the district boundaries, assessment zones, detailed description of improvements, and the method of assessment. The report, titled “Engineer’s Report for Annexation of Tracts 30662 and 31564 to Benefit Zone 53, Landscape Maintenance District Number 1”, is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

Section 5. Collection of Assessments. The assessment shall be collected at the same time and in the same manner as taxes for the County of Riverside are collected. The Engineer of Work shall file a report annually with the City Council of said City and said City Council will annually conduct a hearing upon said report at their regular meeting before August 10th, at which time assessments for the next Fiscal Year will be determined. That the annual assessment reflecting the reasonable cost of providing for the maintenance, servicing and operation of the public street landscaping and appurtenant facilities is \$470.56 per Benefit Unit (single family home), plus an inflation factor not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, 2) the Southern California Edison rate increase(s) effective in subsequent years, 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years, and 4) an amount necessary to maintain a 6-month tax roll reserve.

Section 6. Time and Place of Public Hearing. Notice is hereby given that September 28, 2004, at 6:00 p.m., in the City Council Chambers of the City Council of the City of Perris, California, 101 North "D" Street, in the City of Perris, State of California, is hereby fixed as the time and place for a hearing by this City Council on the question of the levying and collection of the proposed assessments. That any and all persons having any objections to the work or the extent of the annexation to the assessment district may appear and show cause why said work should not be done or carried out or why said annexation to the district should not be confirmed in accordance with this Resolution of Intention. City Council will consider all oral and written protests.

Section 7. Landscaping and Lighting Act of 1972. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

Section 8. Publication of Resolution of Intention. The City Clerk shall cause this Resolution of Intention to be published three times as required by Section 22626 and 22552 of the California Streets and Highways Code, with the first publication occurring no later than 45 days prior to the public hearing at which the City Council will consider levying the proposed special assessments. The published notice will encompass one-eighth of a newspaper page. The Perris City News is hereby designated as the newspaper in which the City Clerk shall publish this Resolution of Intention. Upon completion of giving notice, the City Clerk is further directed to file in her office a proof of publication setting forth compliance with the requirements for publishing.

Section 9. Mailing of Notice. The City Clerk shall also give notice by a first-class mailing to all owners of property subject to any new or increased assessments. The notice shall be mailed no later than 45 days prior to the public hearing at which the City Council will consider levying the new or increased assessments and shall be at least in 10 point type. The form of said notice shall conform in all respects with the requirements of subdivision (b) of

Section 54953 of the Government Code and pursuant to subdivision (c) of that section, each notice shall contain an assessment ballot whereon the property owner may indicate support or opposition to the proposed assessment.

Section 10. Designation of Contact Person. That this City Council does hereby designate Habib Motlagh, City Engineer of the City of Perris, (909) 943-6504, as the person to answer inquiries regarding the District and the proposed annexation thereto.

Section 11. Certification. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 27th day of July, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3267 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of July, 2004, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Busch
NOES:
ABSENT:
ABSTAIN: Landers, Motte

City Clerk, Margaret Rey