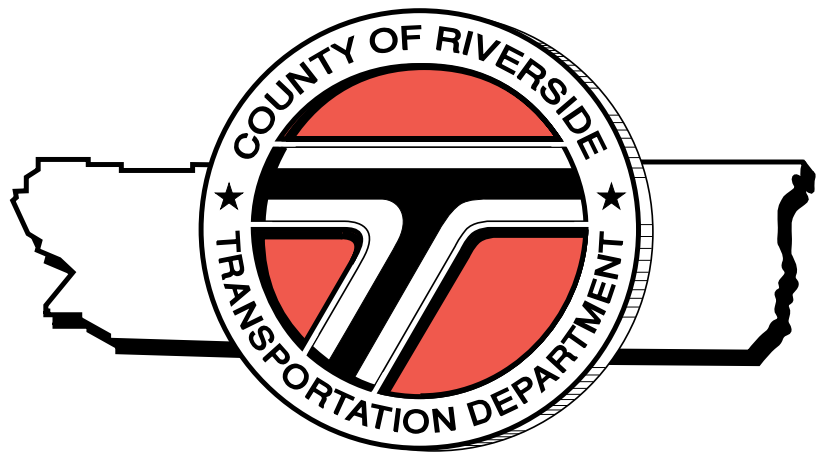


**Public Assistance for
Roadway Maintenance & Improvements
on Non County Roads**



For use in the
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

County Administrative Center
4080 Lemon Street
Riverside, CA 92501

December 24, 2002

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You have a road and you want it improved! What do you do???

You live on or near a road in need of repairs and/or improvements and you are not sure what you can do about it. The Riverside County Transportation Department has prepared this pamphlet to help you understand what you can do about it and what support services you can expect from the County. Specifically, this document will provide answers to some common questions, outline options available to property owners, and provide some basic guidance for proceeding with maintenance and/or improvements. The terms “maintenance” and “improvements” are defined as follows in this document. Maintenance is considered the repair or upkeep of an existing roadway facility such as grading a dirt road, patching a pothole, or resurfacing an existing paved road. Improvements are classified as betterments such as construction of a new road segment, paving a dirt road or adding additional lanes.

What type of road do I have?

First, let's discuss the types of roadways within the unincorporated County. It is critically important to understand the type of road you wish to improve. The options available for maintenance and/or improvements are dependent on the type of road.

There are three types, or classes of roads in the County at present: County highways/roads, Public roads and Private roads.

County highways/Roads are those roads, which have been made a part of the County's Maintained Road System by formal action of the Board. The County is obligated to maintain these roads, and is liable for failure to do so.

Other public roads are all other roads that are expressly or impliedly accepted for public use and over which the public has acquired the right to travel. The County has no duty to maintain other public roads, as defined, nor is it liable for failure to do so.

Other public roads are maintained by those people who live or own property adjacent to the road. These property owners can be held liable for deficient conditions. The public has the right to use these roads for general travel and the County seeks to preserve the right for the public to travel these roads. The County will intervene on behalf of the public to prevent the physical blockage of public travel and facilitate the resolution of disputes between abutting property owners, where the public access is affected.

Other public roads cannot be maintained by use of County road fund money (i.e. State Gas Tax), but may be maintained with special assessment revenue generated through a County Service Area.

The California Civil Code requires the cost of maintenance for both the private and other public roads to be shared equitably by the landowners benefiting from those roads. Lacking a formal agreement between landowners, the Code requires an equal share contribution from each landowner. This is enforced through civil action, in other words by neighbor suing neighbor. A copy of the applicable Civil Code is provided in [Appendix E • California Civil Code – Section 845](#).

Private roads are those used by the owner of the property and a limited number of others with easement rights therein. The County is without authority to maintain private roads at public expense. These roads may be associated with condominiums or planned residential development or may simply be a dirt road created by private use. The public does not have the right to travel on these roads without the permission of the underlying property owners. Emergency vehicles are allowed on these roads.

Private roads also include roads that have been dedicated to the public, but not accepted for public use. The County Board of Supervisors may accept the right-of-way for public use at a later date. If accepted by the Board, the road becomes a public road as described above.

There are additional roadways within the County boundaries that are the responsibility of other governmental agencies. State and Federal Highways such as State Routes 79 and Interstate 10, are maintained by the State (Caltrans). Other roads are maintained by governmental agencies such as the United States Forest Service and the Bureau of Land Management. Many local and residential roads in the County are actually located within City limits and not in the unincorporated portion of the County. The maintenance of these roadways is the responsibility of the City they are located within if they are part of the City's street and highway system.

How do I determine the type of road?

If you are unsure of your road type, you can find out by calling the Transportation Department, sending e-mail over the Internet or by coming to the Transportation Department public counter located on the second floor of the County Administrative Center in downtown Riverside. The appropriate phone numbers, e-mail addresses and County Administrative Center Address are provided in [Appendix "A" • Contacts](#) located at the back of this document.

I have determined the road classification. Now what?

The maintenance and improvement options for each road classification are discussed below. Proceed to the section matching the classification of your road segment for additional instructions and assistance.

County Highways/Roads

Repair/Maintenance of County highways and traffic control devices (signs and signals) is the responsibility of the County Transportation Department. You can obtain repairs by simply calling the Transportation Department and requesting that a repair report be entered. Repair reports are logged and distributed to maintenance crews for repairs. Please be prepared to provide the following information regarding the needed repairs.

- Name of the road and general location of the repair
- Cross streets in the vicinity
- Your name, phone number and address
- Description of the needed repairs

Improvements/Betterments that are beyond normal maintenance or repairs, such as paving a dirt road or adding additional lanes, are accomplished as funding permits. Funding for County highway

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improvements is quite limited. The increasing size of the system is putting an even greater strain on the limited funds available. The inherent efficiency of regular maintenance by reducing the need for major reconstruction later has created a need to prioritize maintenance of existing facilities over the creation of new improvements. Therefore, it is the policy of the Transportation Department to allocate available funds to maintenance requirements first, then to other improvements and betterments as funds become available. Most new facilities are paid for as a result of development of adjacent and nearby properties.

Other Public Roads

As stated previously, County road funds cannot be used for the purpose of maintaining or improving other public roads that are not part of the County road system. Other funding options must be explored. Other options include:

- Privately financed maintenance or improvements.
- Assessment District financed improvements.
- County Service Area financed maintenance or improvements.

Note: a funding options matrix showing the pros and cons for a variety of options is provided in [Appendix B • Funding Options – Pros vs. Cons Matrix](#).

We are prepared to finance our own road improvements. How do we go about it?

The property owners in an area may desire to unite together and contact a private contractor to perform the necessary work or perform the work themselves. This is generally the cheapest and fastest solution, and provides the affected property owners the most flexibility in designing a solution that meets their needs.

A grading permit would have to be secured if more than 50 cubic yards of earthwork is involved and an encroachment permit would be required for the tie-in to the County maintained portion (or with Caltrans for the tie-in to a State Highway). The work performed may be as simple as running a grader over a dirt road or as complex as the complete construction of a new paved road. Typically, this type of an improvement will continue to be maintained by the abutting property owners.

It is, however, possible for property owners to construct improvements using private contractors and ultimately have the improvements accepted into the County Maintained Road System. To be eligible for acceptance, the additional requirements listed below must also be met:

- Roadway improvements must be built to at County standards
(Note: County Road Improvement Standards are available on the Internet at the following address: www.tma.co.riverside.ca.us/trans/ord461index.html Hard copies can also be obtained from the County for a fee to cover copying costs.)
- Engineering plans must be prepared by a registered civil engineer retained by the proponents and the plans must be approved by the Transportation Department.
- Construction must be inspected by the Transportation Department.
- Compliance with all State and Federal environmental regulations is required.
- The Board of Supervisors must approve the acceptance of the road into the County Road System.

This is the least expensive option to provide improvements that are ultimately maintained by the County. Once accepted into the County Maintained Road System, the County becomes liable and responsible for maintenance.

We do not have the necessary funds. How can the County structure a program so we can pay the costs over time?

The County has two ways in which it can assist the general public with the financing of roadway improvements. They are:

- Assessment Districts
- County Service Areas

Each of these funding sources is described in detail below.

Assessment Districts

What is an Assessment District?

An Assessment District (AD) is a financing mechanism permitted under the California Streets and Highways Code which enables the County to levy a special assessment on property to pay for local public improvements. AD's help each property owner to pay a fair share of the cost of such improvements over a period of years at reasonable interest rates, and insures that costs will be spread fairly to all benefiting properties. When property owners in an area cannot afford to pay cash to finance improvements, or when a small minority of property owners opposes the improvements, these procedures can be valuable.

What types of improvements may be financed?

AD's commonly provide improvements such as sidewalks, streets, curb and gutter, flood protection, and water and sewer facilities, which generally make property more useful and more valuable. AD's can also be used to acquire improvements already constructed such as sewage disposal systems, flood protection facilities or water wells.

How do you begin special assessment proceedings?

You should determine first whether a substantial number of your neighbors support the idea of such an improvement project. If so, you should complete the application form provided in [Appendix D • Assessment Districts - Common Questions, Application & Sample Petition](#) and submit it to the Transportation Department.

The County Transportation Department will assist you in evaluating the various forms of AD financing, reviewing the types of improvements to be constructed and recommending the area to be included within the proposed AD. We will prepare petition forms for your use and return them to you with appropriate information as you may require. A sample petition is also provided in [Appendix D](#) for informational purposes.

It is the responsibility of the property owners to circulate the petitions and obtain as many signatures as possible from the owners of the properties within the proposed AD. In order to successfully proceed, it is generally necessary to obtain the signatures of at least sixty percent (60%) by land area of those owning property to be benefited by the improvements. Please remember that petitions are evaluated by the County on the basis of land area and objections by owners of a significant portion of land can make it difficult, if not impossible, to form an AD.

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What happens after the petition is signed?

If a legal majority of the property owners favor the project, based upon the total land area in support, the petition will be presented to the County Board of Supervisors. If the Board is favorable to the formation of an AD, the County Director of Transportation will be instructed to prepare plans and specifications, estimate the cost of work, and prepare an assessment diagram showing that portion of total cost of the improvement to be borne by each property owner. This information is compiled into a document called an "Engineer's Report". The proponents that submit the application for Assessment District Petition will be required to provide a minimum deposit of \$15,000 to cover the costs of the Engineer's Report and holding of public meetings, hearings and elections. If the AD is successfully formed, these costs will be born by the district and the deposit will be refunded.

Impractical uses of Assessment Districts

AD financing can be very expensive when used on small roadway projects. As stated previously, the construction cost of the project will be financed over a period of years. This naturally increases the cost of the project since the financing itself involves special engineering reports, hearings, elections and legal work, including the printing and serving of the special assessment bonds sold to finance the project;

AD financing is also not practical when immediate construction of improvements is a goal. The AD procedure takes many months to complete. Because of highly technical legal procedures, at least a year and often more may be required to actually get the work under construction after a petition for an AD has been submitted and under certain circumstances objecting property owners can terminate the proceedings.

County Service Areas

What is a County Service Area?

A County Service Area (CSA) is a special taxing district empowered to provide specific services within a specified boundary. The tax rate is set by vote of the people within the boundaries of the service area. CSAs are administered by the County, with policy being set by the Board of Supervisors. In Road CSAs, such policy is set following recommendations from a local advisory committee.

What types of improvements may be financed?

A CSA may be established to provide such services as: street lighting; road improvements and maintenance; parks and recreation; water and sewer service; and many others.

If one of the authorized services is road improvement/maintenance, the local advisory committee, working with the County Executive Office, develops a long-range plan for road improvements. It is the policy of the Board of Supervisors that such plans have as their goal the improvement of roads to the County standard, so that they can ultimately be taken into the County Maintained Road System. In most cases, however, some portion of funds generated by the CSA are committed to ongoing maintenance (grading, patching, flood damage repair, etc.) of the existing roads while the long-range road improvement plan is being implemented.

How is the CSA budget and parcel charge determined?

Per Board of Supervisors policy, each Road CSA must have a Board-approved multi-year plan for road improvement. This is typically developed by the local advisory committee, in consultation with the County Executive Office. Historically, Road CSA's have operated on a pay-as-you-go basis, completing one or more road projects per year, with such work constrained by the amount of money that could be raised through a fixed assessment per property (parcel charge). The parcel charge is set by the Board of Supervisors following a recommendation from the local advisory committee. Until recently, property owners within the CSA typically did not vote on this special assessment.

In November, 1996, with the passage of Proposition 218, California voters changed the way that Road CSAs can raise money through parcel charges. In fact, these type of CSAs now must be operated very similarly to an Assessment District. Once the planned road improvements are selected, an Engineer's Report must be prepared identifying the cost(s) of the project, the properties which will benefit from the work, and the proportionate share in costs that each property must bear in CSA assessments. These proposed assessments must be voted on by the affected property owners in a "majority protest" procedure where the voting is weighted according to a property's share of the cost of the proposed improvements. In such a procedure, if the proposed assessments fail to receive more than 50 percent of the weighted ballots cast, the assessment is defeated.

Unlike assessments established through an AD, which establish a lien on property to secure bonding for road improvements (which are installed "up front"), CSA assessments are paid annually until enough money is collected to build the next priority project from the long-range improvement plan. In other words – "Pay as you Go". Although the annual CSA assessment can be renewed by the Board of Supervisors without property owner approval, sufficient disenchantment by property owners could trigger a petition drive to abolish the assessment. If five percent of the registered voters sign such a petition, a majority protest procedure, similar to that explained above, must be conducted.

How is a County Service Area created?

It is the policy of the Board of Supervisors that a CSA shall be formed only when it is important to the health and safety of residents, and when it is supported by a majority of the registered voters/property owners who have clearly demonstrated a desire and willingness to pay for an increased level of county service.

Typically, a group of interested residents discuss the idea of forming a CSA with the County Supervisor who represents their community. This discussion will entail identification of proposed boundaries, the anticipated road improvement program, and an estimate of cost and potential parcel charge to property owners. Usually, the interested residents will evidence support of their proposal by means of a petition signed by a large number of property owners. The County may then convene a review committee to provide a recommendation to the Board of Supervisors as to support, or not support, the proposal when it goes before the Local Agency Formation Commission (LAFCO).

LAFCO is a governmental authority which determines the appropriateness of creating, amending, or dissolving political jurisdictions such as cities and special districts. A CSA is a Board of Supervisors-governed special district. LAFCO will undertake a comprehensive review of the proposed CSA, will conduct public hearings, and will make a decision. If that decision is to create the CSA, then the Board of

Supervisors will act as the "conducting authority" to authorize the creation and establishment of a supporting parcel charge (assessment). An important part of this process will be the majority protest procedure discussed previously, where an assessment will need to be approved by property owners pursuant to the requirements of Proposition 218.

How much time and cost is involved?

When the above processes are completed and a new CSA is created, the assessment will take effect for the following budget year, beginning July 1, with the assessments being collected the following December and April. Thus, the time required from the conception of a CSA by concerned residents to actual establishment and beginning of road improvements can be greater than a year. In terms of cost, it is estimated that the combined LAFCO procedures, the Engineer's Report, and the majority protest election will require a outlay between \$5,000 and \$10,000 by interested residents to establish a small Road CSA.

Impractical uses of County Service Areas

Proposition 218 has changed Road CSAs from being a fairly simple, pay-as-you go way of upgrading public roads to a more complex and expensive process with built-in uncertainty. In addition to the cost and time required to form a CSA through the Local Agency Formation Commission (LAFCO), there are now the costs of an Engineer's Report and a majority protest procedure to bear. There is also the possibility that a long range, pay-as-you-go plan to upgrade a number of public roads may fall short of its goals once the majority of property owners has seen its roads improved.

For these reasons, communities with simple improvement projects or road maintenance needs should take a hard look at: (1) privately constructing their roads, to get the job done cheaply and quickly; (2) forming a homeowners' association or utilizing an existing one; or, for more complex projects (3) considering an Assessment District, where the road improvements are installed "up front" and the costs are shared proportionately by everyone over time, guaranteed by an assessment on each benefiting property, often paid with the property tax collection.

CSA Contact Information

CSAs are administered by the County Executive Office. Further information regarding CSAs may be obtained by contacting the CSA Administrator at the phone number and/or location provided in [Appendix B • Contacts](#).

Private Roads

As stated previously, the difference between a private road and a public road is that the public road has been dedicated and accepted for public use. The options available to improve private roads are essentially the same as those used for public roads. With some funding sources, such as CSAs, it will be necessary to first convert the road to a public road in order to be eligible. This involves the dedication process that is described in [Appendix C • Roadway Dedication Procedures](#). Once dedicated, the funding options described previously in the Public Roads section will apply.

Appendix A - Contacts

Assessment Districts

Juan Perez Phone: (951) 955-6740

Deputy Director of Transportation
Riverside County Transportation Department
4080 Lemon Street, 8th Floor
PO Box 1090
Riverside, CA 92502-1090
e-mail: jcperez@rctlma.org

Phone: (951) 955-1112

County Deputy Director of Finance
Riverside County Executive Office
4080 Lemon Street, 4th Floor
Riverside, CA 92501-3651

Repair Requests (County Highways/Roads)

Charlene Segrue Phone: (951) 955-6899

Secretary I
Riverside County Transportation Department
2950 Washington Street
Riverside, CA 92504
e-mail: csegrue@rctlma.org

Maintenance Crews

Paul Russell Phone: (951) 955-6899

Hwy Operations Superintendent
Riverside County Transportation Department
2950 Washington Street
Riverside, CA 92504
e-mail: prussell@rctlma.org

County Service Area

Phone: (951) 955-1110

CSA Administrator
Riverside County Executive Office
4080 Lemon Street, 4th Floor
Riverside, CA 92501-3651

Capital Improvement Project Funds

Roy Null Phone: (951) 955-2057

Senior Civil Engineer
Riverside County Transportation Department
4080 Lemon Street, 8th Floor
PO Box 1090
Riverside, CA 92502-1090
e-mail: rnull@rctlma.org

Right-of-way Dedications

Ed Hunt Phone: (951) 955-6708

Supervising Land Surveyor
Riverside County Transportation Department
4080 Lemon Street, 8th Floor
PO Box 1090
Riverside, CA 92502-1090
e-mail: edhunt@rctlma.org

Road Improvement Standards

Jim Knutson Phone: (951) 955-2081

Senior Civil Engineer
Riverside County Transportation Department
4080 Lemon Street, 2nd Floor
PO Box 1629
Riverside, CA 92502-1629
e-mail: jknutson@rctlma.org

Note: County Road Improvement Standards are available on the internet at the following address:

<http://www.rctlma.org/ordinances/ord461.pdf>

Hard copies can also be obtained from the County for a fee to cover copying charges.

Appendix B • Funding Options – Pros vs. Cons Matrix

Roadway Improvement Options Matrix

the pros and cons for the various privately initiated improvement options used in Riverside County

| Improvement Standard | Funding Mechanism | Permit Requirements | Maintenance/Liability Responsibility | Pros | Cons |
|--------------------------------------|---------------------|---------------------|--------------------------------------|--|---|
| Maintained by property owners | | | | | |
| Dirt Road | Private | None * | Adjoining Property Owner | 1. Least cost option. | 1. Lowest quality road. 2. Erosion, ruts and dust problems. 3. Emergency response difficulties? |
| Chip Seal | Private | None * | Adjoining Property Owner | 1. Lowest cost pavement option. 2. Minimal improvement to reduce erosion, ruts, and dust. 3. Immediate benefit from improvement. 4. Improved emergency response. 5. Some increase in property value? | 1. May be unaffordable to some. 2. Temporary road improvement. 3. Could be easily damaged by storm runoff, wear and tear. 4. Maintenance and liability rests with adjoining property owners. |
| A/C on Native | Private | None * | Adjoining Property Owner | 1. Moderate cost pavement option. 2. Adequate driving surface. 3. Immediate benefit from improvements 4. Adequate for emergency response. 5. Probable increase in property value. | 1. May be unaffordable to some. 2. May lack adequate drainage facilities 3. Could be damaged by storm runoff. 4. Maintenance and liability rests with adjoining property owners. |
| Maintained by CSA | | | | | |
| Dirt Road | CSA | None * | County through CSA | 1. A low cost option. | 1. Higher cost version of private grading. 2. Same as Nos. 1, 2, & 3 for dirt road above |
| A/C on Native | CSA Pay-as-you-go | E, I | County through CSA | 1. Moderate cost pavement option. 2. Adequate driving surface. 3. Immediate benefit from improvements. 4. Adequate for emergency response. 5. Probable increase in property value. 6. Maintenance and liability rests with CSA. | 1. May be unaffordable to some. 2. May lack adequate drainage facilities 3. Could be damaged by storm runoff. 4. Several years required to complete all paving projects. 5. Potential controversy over priorities for annual road construction. 6. Proposition 218 eliminates guarantee that all assessed property owners will receive their desired improvements. |
| Maintained by County | | | | | |
| County Standard | Private | E, I | County through Gas Tax | 1. Cheapest and quickest way to bring road to County standard & into Maintained System. 2. Immediate benefit from improvement. 3. Adequate for emergency response. 4. Probable increase in property value. 5. Maintenance and liability rests with County. | 1. May be unaffordable to some. 2. Some benefiting properties may elect to not participate. |
| | CSA Pay-as-you-go | E, I | County through Gas Tax | 1. Brings paved roads into Maintained System one -at-a-time as funds are available. 2. Immediate benefit from improvements. 3. Adequate for emergency response. 4. Probable increase in property value. 5. Maintenance and liability rests with County. | 1. May be unaffordable to some. 2. Several years required to complete all paving projects. 3. Potential controversy over priorities for annual road construction. 4. No guarantee that all taxpayers will get paved road in front of their property (due to Prop. 218). |
| | Assessment District | E, I | County through Gas Tax | 1. Up front funds are generated by County and property owners reimburse cost through a yearly payment plan. 2. Immediate benefit from improvements. 3. Adequate for emergency response. 4. Probable increase in property value. 5. Maintenance and liability rests with County. 6. Provides a payment plan. | 1. Most expensive way to bring roads to standard & into Maintained System. 2. Improvements are delayed until AD is implemented. 3. Unaffordable to many property owners. |

E = Environmental I = Inspection

* No permit is necessary if grading is less than 50 cubic yards and grading does not encroach into County or any other agencies right-of-way. Otherwise, grading or encroachment permits will be required. Also, roads constructed as a part of a tract map are subject to review, inspection and approval by the County.

Appendix C • Roadway Dedication Procedures

Procedure for processing grants of easements and declarations of dedication required by the transportation department and/or flood control as conditions of approval for:

TRACTS, PARCEL MAPS, PLOT PLANS AND OTHER CONDITIONED CASES

All documents will be prepared, processed, and recorded by the transportation department, survey division, right-of-way section.

Legal Descriptions and Plats for easements required for Flood Control must be approved by Flood Control prior to processing by the Right-of-way Section.

Legal Descriptions and Plats for slope or drainage easements required to accommodate street signs, must be approved by the "Transportation Planning and Development Review Division" prior to processing by the Right-of-way Section.

The following items are to be submitted by the engineer or applicant to the Right-of-way Section.

NOTE: All items submitted must include the case or map number. Any documents or attachments for recording must be 8"x11" in size, this includes jurats.

1. Legal description for the area to be dedicated or conveyed.
2. Plat no larger than 8 1/2"x11" in size with the easement indicated by a distinctive border or crosshatching.
3. Legal description and plat must be "WET SIGNED" and "SEALED" by a qualified engineer/surveyor.
4. A current (within 1 month) Title Report or Lot Book report.
5. A copy of the Grant Deed.

NOTE: All holders of record title interest, WHICH MAY INCLUDE PERSONS OTHER THAN THE PROPERTY OWNER, will be required to sign grants of easement and declarations of dedication. Documents executed in conjunction with a Tract or Parcel Map will require the same signatures as the map.

IN ADDITION: A copy of the statement of partnership, articles of incorporation, or corporate resolution indicating those officers/individuals authorized to sign legal documentation on their behalf may be required for documents executed by Banks, Corporations, Partnerships, etc.

The right-of-way section will prepare an easement document for signatures and notify the engineer and/or applicant.

It is the responsibility of the engineer and/or applicant to have the document executed, notarized (including jurat), and returned to the Right-of-way Section for acceptance by the Board of Supervisors and recordation.

For assistance or further information, contact the Right-of-way Section at (909) 955-6700.

Common Questions about Assessment Districts

What is a special assessment?

A special assessment is a tax that is levied on real property to pay for benefits which that property has received from public facility improvements constructed through AD proceedings. Only a special benefit conferred on a particular property will justify an assessment, not merely general benefits, which are enjoyed by the public as a whole. A special assessment creates a lien on benefited property that permits the County to sell improvement bonds to raise the money necessary to design and construct the public improvements plus the costs of preparing and underwriting the bonds and forming and administering the district. Special assessments can generally be paid by the property owner in cash when the assessment becomes a lien on his property, or the property owner may choose to pay it in installments over a period of years with interest in conjunction with the property tax payment for the property.

What is a special assessment bond?

The special assessment bond is the document issued and sold by the county to raise money to finance construction of the improvement. These bonds represent the unpaid amount of the special assessment and it represents the unpaid lien levied against the property. These bonds are what permit the property owner to pay his lien over a period of years.

If I sign the petition am I agreeing to formation of a district?

If the required number of signatures are obtained, the County will continue with the district formation proceedings using funds deposited by the district sponsors. Property owners that sign a petition but later decided against the district formation can elect to vote against the district by formally providing their position at or before the public hearing. Also, assessment districts must go through a separate election to satisfy new requirements resulting from proposition 218. If a district fails to obtain the required support through the assessment district proceedings or through the proposition 218 election, the district will not be formed. If adequate support is obtained, then the district will be formed, the improvements will be constructed and you will be subject to the following:

Your property will become part of the AD and will be financially liable for its share of the costs of the improvements. This will allow that cost of the construction work assessable against your property to be paid on an installment basis over a period of years (usually ten (10) or more);

A special assessment lien will be filed against your property. This lien represents the cost of your share of the construction work. If this assessment lien is not paid off, foreclosure is possible;

The construction and district formation cost of the project will be financed over a period of years. This naturally increases the cost of the project since the financing itself involves special engineering and legal work, including the printing and serving of the special assessment bonds sold to finance the project;

The AD procedure could take many months to complete. Because of highly technical legal procedures, at least a year and usually more may be required to actually get the work under construction after the application is submitted and under certain circumstances objecting property owners can terminate the proceedings.

Will there be a public hearing?

Yes, depending upon the type of AD procedures there will be at least one public hearing before the Board of Supervisors. You will receive notice of this public hearing and an estimate of the special assessment to be imposed against your property. At this hearing you will have an opportunity to ask questions and voice any objections or protests you have. Under certain circumstances, a significant protest by property owners may lead the Board of Supervisors to terminate the project.

Will a special assessment be levied against my property after the work is completed?

Yes. However, you may pay your assessment off in cash within 30 days after confirmation. Those owners who do not elect to pay within this period automatically approve the issuance of a lien bond upon their property which may be paid off within the term of the bond (usually ten years) including specified interest (approximately 10%) on the unpaid balance. Payment of this lien is made annually. Statements may be sent out by the county treasurer separate from the regular property tax bill, or in some instances will appear on your tax bill

Should he so elect, the property owner can pay off the entire remaining balance of his assessment at any time, but must pay the interest due to the next interest due day, as indicated by the interest coupon for the period covering such payment (maximum six months) and 5% of the unmatured principal of the bond. Such payments are made directly to the County Treasurer. The assessments are against the property. You cannot be held liable for unpaid or delinquent assessments elsewhere in the AD.

Application for Assessment District Petition

George A. Johnson
Director of Transportation
4080 Lemon Street, 8th Floor
PO Box 1090
Riverside, CA 92502-1090

The undersigned, being property owners as shown, request the preparation of a petition for a public works improvement under assessment district proceedings in accordance with the provisions of the Streets and Highways Code (Improvement Act of 1911 or Act of 1913). Petition details as follows:

Type of Improvement:

Area to be included in District: (Streets and Limits or Boundary Street)

Sponsored By:

| | | | |
|---------|-----|-------|-------|
| Name | Lot | Block | Tract |
| Address | | | Phone |

Co-Sponsor

| | | | |
|---------|-----|-------|-------|
| Name | Lot | Block | Tract |
| Address | | | Phone |

Petition Forms will be mailed to Sponsor for Completion.

Sample Petition Document

PETITION

The Honorable Board of Supervisors

County of Riverside
County Administrative Center
4080 Lemon Street
Riverside, CA 92502

Date: December 15, 2001

Petition Number: _____

Board Members:

We, the undersigned property owners of property, being owners of property fronting on Main Street in the County of Riverside, State of California, do hereby respectfully petition your honorable Board to initiate proceedings under Division 12, "The Municipal Improvement Act of 1913", Streets and Highways Code to have the following improvement work done in the County of Riverside, State of California, by special assessment proceedings, Streets and Highways Code Section 10,000 to 10,616 Inclusive, and to waive the investigation proceedings required under the "Special Assessment Investigation, Limitation and Majority Protest Act" of 1931, Section 2800 to 3012 inclusive.

The acquisition, construction and installation of a public works improvement, to wit: Grade, base and pave roadway, relocate utilities, acquire right-of-way matchup to existing driveways and perform other activities as necessary to complete the desired transportation improvement all in the County of Riverside, State of California.

| Parcel Description | Legal Owner and Address | Estimated Assessment | Signature |
|--------------------|--|----------------------|-----------|
| 100-100-100-1 | John Doe 1234 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-2 | Jane Doe 1235 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-3 | John Smith 1111 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-4 | John Johnson 1234 1st Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-5 | John Staley 1234 2nd Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-6 | John Doe 1234 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-7 | John Doe 1234 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-8 | John Doe 1234 Main Street Riverside, CA 92501 | \$ X,000.00 | |
| 100-100-100-9 | John Doe 1234 Main Street Riverside, CA 92501 | \$ X,000.00 | |

§845 Private Easement Maintenance by Owner of Easement or Land Easement Attached to – Apportionment of Cost – Actions

(a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. If any owner who is a party to the agreement refuses to perform or fails after demand in writing to pay the owner's proportion of the cost, an action for specific performance or contribution may be brought against that owner in a court of competent jurisdiction by the other owners, either jointly or severally.

(c) In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Any owner of the easement, or any owner of land to which the easement is attached, may apply to any court where the right-of-way is located and that has jurisdiction over the amount in controversy for the appointment of an impartial arbitrator to apportion the cost. The application may be made before, during, or after performance of the maintenance work. If the arbitration award is not accepted by all of the owners, the court may enter a judgment determining the proportionate liability of each owner. The judgment may be enforced as a money judgment by any party against any other party to the action.

(d) In the event that snow removal is not required under subdivision (a) or under any independent contractual or statutory duty, an agreement entered into pursuant to subdivision (b) to maintain the easement in repair shall be construed to include snow removal within the maintenance obligations of the agreement if all of the following exist:

- (1) Snow removal is not expressly precluded by the terms of the agreement.
- (2) Snow removal is necessary to provide access to the properties served by the easement.
- (3) Snow removal is approved in advance by the property owners or their elected representatives in the same manner as provided by the agreement for repairs to the easement.

(e) The provisions of this section do not apply to rights-of-way held or used by railroad common carriers subject to the jurisdiction of the Public Utilities Commission.

(1939 ch. 755, 1985 ch. 985, 1993 ch. 196)