

RESOLUTION NO. 5121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DECLARING ITS INTENTION TO FORM AN ASSESSMENT DISTRICT FOR THE MAINTENANCE OF WATERWAYS, PARKING AND LANDSCAPING IN THE WATERWAY MAINTENANCE ASSESSMENT DISTRICT IN THE CITY OF OXNARD.

WHEREAS, there have been, or there will be, dedicated as public waterways, parking and landscape areas those certain channels and landscape areas in Tract Nos. 1904 and 2026-1 in the City of Oxnard, and

WHEREAS, the maintenance of said channels, parking and landscape areas primarily will be for the benefit of the properties abutting upon said channels and landscape areas and the costs thereof should be borne by said properties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES RESOLVE AS FOLLOWS:

1. That the public interest and convenience require and it is the intention of the City Council of the City of Oxnard to order the formation of a district for the following purposes:

Maintenance and operation, including the cost of necessary repairs, replacements, care, supervision, cleaning, dredging and all other items necessary or proper for the maintenance and operation of the waterways dedicated or to be dedicated in Tracts 1904 and 2026-1 in the City of Oxnard, County of Ventura, State of California, and within the district hereinafter described.

Maintenance and operation, including the cost of necessary repairs, replacement, care, supervision, cleaning, dredging and all other items and acts necessary for the proper maintenance of the West Channel of the Channel Islands Marina from the southerly right of way line of Channel Islands Boulevard to the present full channel of the Channel Islands Marina, a distance of approximately 1800 feet, until such time as Ventura County shall commence construction of Phase II of Channel Islands Harbor Development, at which time the County shall become responsible for maintenance, repair and reconstruction of said channel. Said channel shall be maintained with a width of 300 feet at the top, a width of 200 feet at the bottom and a depth of not less than minus ten (-10) feet mean lower low water (MLLW).

Maintenance and operation, including the cost of necessary repairs, replacement, care, supervision, cleaning, dredging and all other items and acts necessary for the proper maintenance of the following:

- (1) The Edison Canal from the north line of the right of way of Channel Islands Boulevard to the north line of Tract No. 2026-1 with concrete bulkheads to enlarge the capacity and to preserve the reliability of the canal to handle 3000 cubic feet of water per second.
- (2) A debris guard and barrier across the Edison Canal at the intersection of the canal with the southerly right of way line of West Fifth Street in Oxnard.
- (3) A barrier at the northerly end of the canal in Tract 2026-1 to prohibit access to the upstream side of the Edison Canal easement.

If persistent water degradation occurs within the Channel Islands Marina south of Channel Islands Boulevard the cause of which is attributable to conditions in the Waterway Maintenance District described herein, such conditions shall be eliminated by the Waterway Maintenance District at the expense of the properties therein.

Maintenance, reconstruction and repair of the waterways within the Waterway Maintenance District resulting from discharge into the waterways of storm water from the Oxnard West Drain.

Maintenance and operation of the landscape areas within the dedicated cul-de-sacs and within the landscape strip separating Victoria Service Road from Victoria Boulevard within Tract 1904, by caring for, cleaning, repairing, placing and replacing of shrubs, lawns, trees, flowers and water services and meters.

Maintenance and operation of the landscape areas and parking areas within Parcels 1A through 15A and within the landscape strip separating Harbor Boulevard Service Road from Harbor Boulevard within Tract 2026-1, by caring for, cleaning, repairing, placing and replacing of shrubs, lawns, trees, flowers, and water services and meters.

Maintenance and operation of the landscape areas on the north side of the embankments for the high level bridge on Channel Islands Boulevard by caring for, cleaning, repairing, placing and replacing of shrubs, lawns, flowers, trees and water services and meters.

That said proposed maintenance and operation in the opinion of the City Council of the City of Oxnard will be to the benefit of the property lying within the hereinafter described boundaries of the proposed assessment district, and the City Council proposes that the cost of such maintenance and operation shall be assessed upon said lands within said district, the boundaries of which are particularly described as follows:

Note: The basis of bearings for this description is centerline of Harbor Boulevard North $24^{\circ} 46' 56''$ West, recorded per Tract 1567-1 M.R. 41-84.

The lots 44 and 53 and those portions of lots 45, 46, 47, 50, 51, 52 and 67 of the Patterson Ranch Subdivision as recorded in Book 8, page 1 of Miscellaneous Records (Maps) in the County of Ventura, State of California, described as follows:

Commencing at northeasterly corner of Tract 1904-1 as recorded in Book 49 M.R. 64, said corner being a point of intersection of centerline of Victoria Avenue (former West Road) with the centerline of West Hemlock Street, which is the true point of beginning; thence, along said centerline of Victoria Avenue.

- 1st - South $0^{\circ} 05' 19''$ West 2,013.07 feet to the point of intersection with the existing centerline of Channel Islands Boulevard (former Oxnard Road); thence, along said centerline of Channel Islands Boulevard.
- 2nd - North $89^{\circ} 59' 21''$ West 2,120.00 feet; thence leaving said centerline,
- 3rd - North $0^{\circ} 00' 39''$ East 50.00 feet; thence at the right angle,
- 4th - North $89^{\circ} 59' 21''$ West 286.66 feet to the beginning of a tangent curve concave northeasterly and having a radius of 520.00 feet; thence,
- 5th - Along said curve northwesterly through the central angle of $62^{\circ} 12' 25''$ a distance of 591.80 feet; thence, on a tangent to said curve and along easterly property line of Harbor Boulevard being 80.00 feet wide,
- 6th - North $24^{\circ} 46' 56''$ West 291.70 feet; thence leaving said property line at the right angle,
- 7th - North $65^{\circ} 13' 04''$ East 82.83 feet to the point of the non-tangent curve concave northeasterly and having a radius of 15.00 feet; the radial to said point bears North $45^{\circ} 44' 32''$ East; thence,
- 8th - Along said curve southeasterly and northeasterly through the central angle of $70^{\circ} 31' 28''$ the distance of 18.46 feet; thence,
- 9th - On the tangent to said curve North $65^{\circ} 13' 04''$ East 91.38 feet to the beginning of a tangent curve concave southeasterly and having a radius of 380.00 feet; thence,
- 10th - Along said curve northeasterly and easterly through a central angle of $24^{\circ} 47' 35''$ a distance of 164.43 feet; thence, on the tangent to said curve,
- 11th - South $89^{\circ} 59' 21''$ East 2.24 feet to the beginning of a tangent curve concave northwesterly and having a radius of 15.00 feet; thence,
- 12th - Along said curve northeasterly and northerly through a central angle of $90^{\circ} 00' 00''$ a distance of 23.56 feet; thence, on the tangent to said curve,
- 13th - North $0^{\circ} 00' 39''$ East 214.18 feet to the beginning of a tangent curve concave southwesterly and having a radius of 32.00 feet; thence,

- 14th - Along said curve northerly and northwesterly through the central angle of $112^{\circ} 48' 03''$ a distance of 63.00 feet; thence on the tangent to said curve,
- 15th - South $67^{\circ} 12' 36''$ West 1.70 feet; thence at the right angle,
- 16th - North $22^{\circ} 47' 24''$ West 44.00 feet; thence at the right angle,
- 17th - North $67^{\circ} 12' 36''$ East 96.56 feet; thence,
- 18th - North $0^{\circ} 00' 39''$ East 100.00 feet; thence,
- 19th - North $4^{\circ} 12' 34''$ West 129.84 feet; thence,
- 20th - North $73^{\circ} 07' 08''$ East 6.02 feet; thence,
- 21st - North $28^{\circ} 58' 33''$ West 100.56 feet to a certain point on a non-tangent curve concave northwesterly and having a radius of 100.00 feet; a radial to said point bears North $22^{\circ} 53' 49''$ West thence,
- 22nd - Along said curve southwesterly through a central angle of $6^{\circ} 00' 57''$ a distance of 10.50 feet; thence on a tangent to said curve,
- 23rd - South $73^{\circ} 07' 08''$ West 65.87 feet; thence at the right angle,
- 24th - North $16^{\circ} 52' 52''$ West 44.00 feet; thence at the right angle,
- 25th - North $73^{\circ} 07' 08''$ East 0.86 feet to the beginning of a tangent curve concave northwesterly and having a radius of 32.00 feet; thence,
- 26th - Along said curve northeasterly, northerly and northwesterly through the central angle of $102^{\circ} 05' 41''$ a distance of 57.02 feet; thence on a tangent to said curve,
- 27th - North $28^{\circ} 58' 33''$ West 306.85 feet to the beginning of a tangent curve concave southerly and having a radius of 15.00 feet; thence,
- 28th - Along said curve northwesterly and westerly through the central angle of $90^{\circ} 00' 00''$ a distance of 23.56 feet; thence on a tangent to said curve,
- 29th - South $61^{\circ} 01' 27''$ West 544.50 feet to a certain point on the easterly property line of Harbor Boulevard being 80.00 feet wide; thence along said property line,
- 30th - North $24^{\circ} 46' 56''$ West 42.11 feet; thence leaving said property line,
- 31st - North $61^{\circ} 01' 27''$ East 1,000.35 feet; thence at the right angle,
- 32nd - South $28^{\circ} 58' 33''$ East 12.00 feet; thence at right angle,
- 33rd - North $61^{\circ} 01' 27''$ East 250.00 feet; thence at right angle,
- 34th - South $28^{\circ} 58' 33''$ East 276.90 feet; thence at right angle,
- 35th - North $61^{\circ} 01' 27''$ East 289.92 feet; thence at right angle,

- 36th - South 28° 58' 33" East 114.45 feet to a certain point on a curve concave southeasterly and having a radius of 84.00 feet; the radial to said point bears North 63° 04' 52" West; thence,
- 37th - Along said curve northeasterly a distance of 50.00 feet; thence on a tangent to said curve,
- 38th - North 61° 01' 27" East 5.63 feet; thence at right angle,
- 39th - South 28° 58' 33" East 14.00 feet; radially to the curve concave southeasterly and having a radius of 530.07 feet; thence along said curve northeasterly through the central angle of 29° 00' 15" a distance of 268.33 feet; thence on the tangent to said curve,
- 40th - South 89° 58' 18" East 1,575.50 feet to the true point of beginning.

EXCEPT: A portion that constitutes the area of Mandalay Canal being in fee to Southern California Edison Company and described as follows:

Commencing at the southeasterly corner of Tract 1904-1 which is a center-line intersection of Victoria Avenue (former West Road) and Channel Islands Boulevard as recorded in Book 49 M.R. 66; thence, North 89° 59' 21" West 1,816.72 feet to the true point of beginning; thence,

- 1st - North 0° 00' 39" East 1,456.24 feet; thence,
- 2nd - North 17° 46' 50" West 174.02 feet; thence,
- 3rd - North 28° 58' 33" West 379.05 feet; thence,
- 4th - South 61° 01' 27" West 150.00 feet; thence,
- 5th - North 28° 58' 33" West 276.90 feet; thence,
- 6th - South 61° 01' 27" West 150.00 feet; thence,
- 7th - South 28° 58' 33" East 617.13 feet; thence,
- 8th - South 17° 46' 50" East 112.60 feet; thence,
- 9th - South 0° 00' 39" West 1,403.30 feet to the existing center-line of Channel Islands Boulevard (former Oxnard Road); thence,
- 10th - South 89° 58' 21" East 300.00 feet to the true point of beginning.

That the district in the City of Oxnard to be benefited by said maintenance and operation is shown on that certain map designated Waterway Assessment District on file in the office of the City Clerk and the City Engineer of the City of Oxnard, and approved by Resolution No. ____ of the City Council of said City and indicating the exterior boundaries thereof, all as described herein:

That said district shall be known and designated as Waterway Maintenance District.

2. That if said district is formed, the City Council of the City of Oxnard in each year prior to the time of fixing the City tax rate shall estimate the cost of maintaining and operating said channels, parking and landscaping to be maintained and operated within said maintenance district during the ensuing year. Said Council shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and, shall, in addition to all other taxes, fix a special tax rate for the real property within said maintenance district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the City Council shall determine shall be borne by said district and said City Council shall levy a special assessment tax each year upon the real property in such district sufficient to pay such expense and the portion thereof which must be paid by the district.

Said special assessment tax shall be levied and collected in a manner provided by law at the same time and in the same manner as the general tax levied for the City. Said funds when so collected shall be paid into the City Treasury to the credit of the fund of the maintenance district and be used for the payment of the expenses of such district.

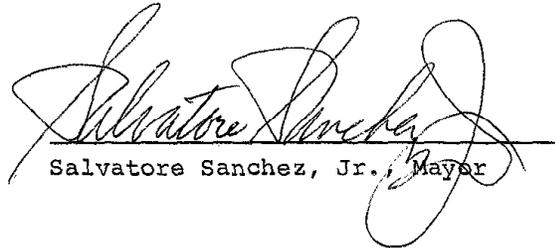
3. The City Council of the City of Oxnard in forming the said maintenance district and proposing to do the maintenance and operation described herein elects to proceed under and in accordance with the provisions of the Improvement Act of 1911, being Division 7 of the Streets and Highways Code of the State of California and in particular Chapter 26 of said division.

4. Notice hereby is given that on June 16, 1970, at 7:30 P.M., in the Council Chambers of said City of Oxnard, in the City Hall located at 305 West Third Street, Oxnard, California, any and all persons having any objection to the ordering of the formation of said maintenance district or to the extent of said maintenance district, or both, may appear before the City Council and show cause why the proposed district should not be formed to the extent described herein.

Protests must be in writing, must contain a description of the property sufficient to identify it and must be delivered to the City Clerk not later than the hour set for hearing.

5. The City Clerk shall certify to the adoption of this Resolution of Intention and shall cause the same to be published twice in the Oxnard Press Courier, a newspaper published and circulated in the City of Oxnard, the first of which publications shall be not less than ten days prior to June 16, 1970, the date of said hearing and which hearing shall be not less than fifteen nor more than sixty days after the date of the adoption of this resolution.

Approved and adopted this 26th day of May, 1970.


Salvatore Sanchez, Jr., Mayor

Attest:

Ethel Dale, City Clerk