

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,075

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN PROPOSED ASSESSMENT DISTRICT NO. 2001-1 (RICE AVENUE/HIGHWAY 101 INTERCHANGE); DECLARING THE IMPROVEMENTS TO BE OF SPECIAL BENEFIT; DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; AND PROVIDING FOR THE ISSUANCE OF BONDS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD (THE "CITY") HEREBY RESOLVES AS FOLLOWS:

DESCRIPTION OF IMPROVEMENTS

SECTION 1. The public interest and convenience require, and it is the intention of this body, pursuant to the provisions of Division 12 of the Streets and Highways Code of the State of California (Municipal Improvement Act of 1913) (the "Improvement Act"), to order the construction of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 2001-1 (RICE AVENUE/HIGHWAY 101 INTERCHANGE) (the "Assessment District"), described as follows:

- A. The construction or acquisition of the Rice Avenue interchange improvements including an eight (8) lane overcrossing, northbound and southbound on- and off- ramps connecting to U.S. Highway 101, Ventura Boulevard realignment, traffic signals at each ramp, landscaping, irrigation, decorative lighting and railing, public art, sidewalks, curbs, gutters and pedestrian and bicycle paths and appurtenances and appurtenant work, all necessary for and to specially benefit properties within the boundaries of the Assessment District (collectively, the "Improvements").
- B. All rights-of-way and easements required for the Improvements shall be shown upon the plans referred to herein and to be filed with these proceedings.
- C. All of the Improvements to be constructed or acquired are to be installed at the places and in the particular locations, and to the sizes, dimensions and materials, to the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications, all to be made a part of the Assessment Engineer's Report (defined below).
- D. The description of the Improvements contained in this Resolution is general in nature, and the plans and profiles of the Improvements as contained in the Assessment Engineer's Report shall be controlling as to the correct and detailed description thereof.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 2. The Improvements confer special benefit on the properties and land within the Assessment District, and this legislative body hereby makes that portion of the expenses of the construction of such Improvements which reflects the special benefit to be conferred on the properties within the Assessment District from such Improvements chargeable upon the Assessment District, which is described as follows:

All of that certain territory in the proposed Assessment District included within the exterior boundary lines shown on the map exhibiting the property specially benefited and proposed to be assessed to pay that portion of the expenses of the construction of the Improvements described above, such map entitled "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 2001-1 (RICE AVENUE/HIGHWAY 101 INTERCHANGE)", and which map was previously approved by this legislative body and is on file with the transcript of these proceedings. For all particulars as to the boundaries of the Assessment District, reference is hereby made to such boundary map.

REPORT OF THE ASSESSMENT ENGINEER

SECTION 3. The proposed improvements are hereby referred to PENFIELD & SMITH (the "Assessment Engineer"), who is hereby directed to make and file a report as required by the Improvement Act, the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code) (the "Investigations Act"), Article XIII D of the Constitution of the State of California and the Omnibus Proposition 218 Implementation Act (Government Code Section 53750) (collectively, the "Assessment Law"), such report to be in writing and contain the following:

- A. Plans and specifications of the Improvements;
- B. An estimate of the cost of the construction of the Improvements, including the cost of the incidental expenses, in connection therewith, including that portion of such costs and expenses representing the special benefit to be conferred by such Improvements on the parcels within the Assessment District;
- C. A diagram showing the Assessment District, which shall also show the boundaries and dimensions of the respective subdivisions of land within such Assessment District, as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions shall be given a separate number upon such diagram;
- D. The proposed assessment of the assessable costs and expenses of the construction of the Improvements upon the several divisions of land in the Assessment District in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by such Improvements. Such assessment shall refer to such subdivisions upon such diagram by the respective numbers thereof;
- E. The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be

levied under any completed or pending assessment proceedings, other than that contemplated for the Assessment District, which would require an investigation and report under the Investigations Act, against the total area proposed to be assessed;

- F. The maximum amount of assessments to be levied for administrative expenses;
- G. The total true value, as near as may be determined, of the parcels of land and Improvements which are proposed to be assessed; and
- H. A description of the Improvements.

When any portion or percentage of the assessable costs and expenses of the construction of the Improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated costs and expenses of such construction, and such assessment shall include only the remainder of the estimated costs and expenses.

BONDS

SECTION 4. Notice is hereby given that bonds to represent the unpaid assessments, and bear interest at the rate of not to exceed the current legal maximum rate of 12% per annum, will be issued hereunder in the manner provided by Division 10 (commencing with Section 8500) of the California Streets and Highways Code (Improvement Bond Act of 1915) (the "Bond Act"), which bonds shall be issued for a term not to exceed the legal maximum term as authorized by law, THIRTY-NINE (39) YEARS from the second day of September next succeeding twelve (12) months from their date. The provisions of Part 11.1 of the Bond Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds shall apply.

The principal amount of the bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of the bonds.

Pursuant to the provisions of the Improvement Act and specifically Streets and Highways Code Section 10603, the Treasurer is hereby designated as the officer to collect and receive the assessments during the cash collection period.

ASSESSMENT LAW

SECTION 5. Except as may otherwise be provided for in the issuance of the bonds described above, all of the Improvements shall be constructed pursuant to the provisions of the Assessment Law.

SURPLUS FUNDS

SECTION 6. If any excess shall be realized from the assessment, it shall be used, in such amounts as the legislative body may determine, in accordance with the provisions of law for one or more of the following purposes:

- A. Transfer to the general fund, provided that the amount of any such transfer shall not exceed the lesser of One Thousand Dollars (\$1,000.00) or five percent (5%) of the total amount expended from the Improvement Fund;
- B. As a credit upon the assessment and any supplemental assessment;
- C. For the maintenance of the Improvements; or
- D. To call bonds.

IMPROVEMENT FUND

SECTION 7. The City Council hereby establishes a special improvement fund identified and designated by the name of this Assessment District, and into such Fund monies may be transferred at any time to expedite the construction of the Improvements, and any such advancement of funds is a loan and shall be repaid out of the proceeds of the sale of bonds as authorized by law.

GRADES

SECTION 8. Notice is hereby given that the grade to which the work shall be done is to be shown on the plans and profiles therefor, which grade may vary from the existing grades. The work herein contemplated shall be done to the grades as indicated on the plans and specifications, to which reference is made for a description of the grade at which the work is to be done. Any objections or protests to the proposed grade shall be made at the public hearing to be conducted under these proceedings.

PROCEEDINGS INQUIRIES

SECTION 9. For any and all information relating to these proceedings, including information relating to protest procedure, attention is directed to the person designated below:

MIKE MORE
FINANCIAL SERVICES MANAGER
CITY OF OXNARD
300 WEST THIRD STREET
THIRD FLOOR, WEST WING
OXNARD, CALIFORNIA 93030-5790
(805) 385-7475

PUBLIC PROPERTY

SECTION 10. All public property shall be subject to assessment in these proceedings unless otherwise expressly provided and listed herein.

ACQUISITION

SECTION 11. The public interest, convenience and necessity requires that certain land, rights-of way or easements be obtained in order to allow the Improvements as proposed for this Assessment District to be accomplished. The Assessment Engineer's Report, upon adoption, shall set forth general description of the location and extent of easements and/or land necessary to be acquired.

NO CITY LIABILITY

SECTION 12. This City Council hereby further declares not to obligate itself or the City of Oxnard to advance available funds from the Treasury to cure any deficiency which may occur in the bond redemption fund. This determination is made pursuant to the authority of Section 8769(b) of the Streets and Highways Code of the State of California, and such determination shall further be set forth in the text of the bonds issued pursuant to the Bond Act.

COMBINED 1931/1913 REPORT

SECTION 13. It is the intention of the City Council to fully comply with the proceedings and provisions of the Investigations Act and specifically the alternate provisions thereof, being Part 7.5. The Report, as authorized by Streets and Highways Code Section 2961, will be on file with the transcript of these proceedings and open for public inspection.

WORK ON PRIVATE PROPERTY

SECTION 14. It is hereby further determined to be in the best public interest and convenience and more economical to do certain work on private property to eliminate any disparity in level or size between the Improvements and the private property. The actual cost of such work is to be added to the assessment on the lot on which the work is done, and no work of this nature is to be performed until the written consent of the property owner is first obtained.

ANNUAL ADMINISTRATIVE ASSESSMENT

SECTION 15. It is hereby declared that this City Council proposes to levy an annual assessment pursuant to Section 8682.1 of the Streets and Highways Code of the State of California, such annual assessment to pay costs incurred by the City and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and their related funds. The said maximum annual assessment shall not exceed 5.0% per individual assessment.

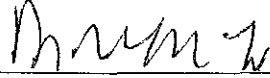
APPROVED AND ADOPTED this 8th day of January, 2002 by the following vote:

AYES: Councilmembers Holden, Lopez, Maulhardt, Pinkard and Zaragoza.

NOES: None.

ABSTAIN: None.

ABSENT: None.



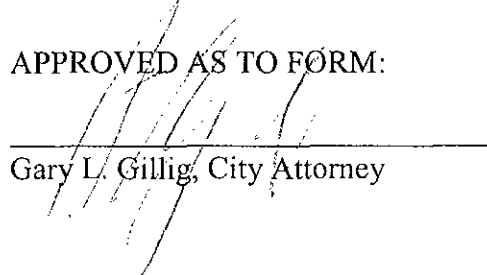
Dr. Manuel M. Lopez, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney