

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING THE FORMATION OF AND LEVY OF ASSESSMENTS FOR FISCAL YEAR 2002-2003 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 42 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on November 20, 2001 the City Council adopted Resolution No. 12,057, declaring its intention to form Landscape Maintenance District No. 42 (Cantabria/Coronado, hereinafter "the District") and levy and collect assessments for the 2002-2003 fiscal year within the District in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessment upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated February 2003, on file with the City Clerk; and

WHEREAS, Resolution No. 12,095 set a public meeting for March 12, 2002, concerning formation of the District, and also set a public hearing for May 7, 2002, concerning formation of the District and the levy of the proposed assessments, which were held and all interested persons were afforded the opportunity to hear and be heard; and

WHEREAS, City Council considered all protests against the formation of the District and found that a majority protest did not exist; and

WHEREAS, City Council considered all protests against the proposed assessments; and

WHEREAS, City Council tabulated ballots submitted in opposition to and in favor of the proposed assessments; and

WHEREAS, City Council determined that a majority protest against the proposed assessments did not exist.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. Landscape Maintenance District No. 42 is ordered formed and the improvements and the assessments proposed in the report of the Engineer and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2002-2003 fiscal year within Landscape Maintenance District No. 42.

3. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED THIS 14th day of May, 2002, by the following vote:

AYES: Councilmembers Lopez, Pinkard, Zaragoza and Holden,

NOES: None.

ABSENT: None.

ABSTAIN: Councilmember Maulhardt.



Dr. Manuel M. Lopez, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2002-2003 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 26 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, the Oxnard City Council desires that the expenses of maintaining landscaping in Landscape Maintenance District No. 26 formed within the City on January 3, 1989, by Resolution No. 9603 be assessed upon land within such District that will receive special benefit therefrom; and

WHEREAS, the City Engineer has filed with the City Clerk a report concerning the cost of maintaining the landscaping in such District for the 2002-2003 fiscal year and the amount of the special benefit received therefrom by each parcel within such District; and

WHEREAS, assessments existed in such District throughout 2001-2002, and such assessments are not proposed to increase for 2002-2003; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, such District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The City Council approves the Engineer's report.
2. The City Council declares its intention to levy and collect assessments within Landscape Maintenance District No. 26 for fiscal year 2002-2003 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, Section 22500 et seq.).
3. The landscaping to be maintained is all public landscaping installed by the developers of Parcel Map No. 94-5-25 located within the assessment district known as Landscape Maintenance District No. 26, which is located at Ventura Road, north of Fifth Street in the City.
4. A full and detailed description of the landscaping improvements, the boundaries of Landscape Maintenance District No. 26 and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer on file with the City Clerk.