

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,799

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD ORDERING THE FORMATION OF AND LEVY OF
ASSESSMENTS FOR FISCAL YEAR 2005-2006 WITHIN
LANDSCAPE MAINTENANCE DISTRICT NO. 51 PURSUANT
TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, on March 1, 2005, the City Council adopted Resolution No. 12,776, declaring its intention to form Landscape Maintenance District No. 51 (Pfeiler, hereinafter "the District") and levy and collect assessments for the 2005-2006 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 assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated February 2005, on file with the City Clerk; and

WHEREAS, Resolution No. 12,776 set a public hearing for April 19, 2005, concerning formation of the District and the levy of the proposed assessments, which was 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. 51 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 2005-2006 fiscal year within Landscape Maintenance District No. 51.

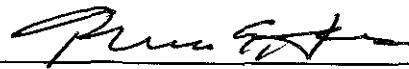
3. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED THIS 19th day of April, 2005 by the following vote:

AYES: Councilmembers Flynn, Herrera, Holden, Maulhardt and Zaragoza.

NOES: None.

ABSENT: None.



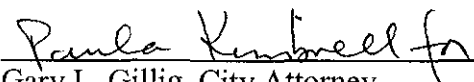
Dr. Thomas E. Holden, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

**CITY OF OXNARD
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 51
(CASA LOMA, CASA DULCE & CASA BONITA -
TRACT 5389-1, -2 & -3)**

**ENGINEER'S REPORT
ON LEVY OF ANNUAL ASSESSMENTS
FOR FISCAL YEAR 2005-2006
AND FUTURE YEARS**

PREPARED BY:

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PROJECT MANAGER:

PATRICK J. REEVES, P.E.

W.O. #:

13086.21

DATE:

FEBRUARY 10, 2005

**CITY OF OXNARD
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 51
(CASA LOMA, CASA DULCE & CASA BONITA - TRACT 5389-1, -2 & -3)**

**ENGINEER'S REPORT
ON LEVY OF ANNUAL ASSESSMENTS
FOR FISCAL YEAR 2005-2006
& FUTURE YEARS**

SECTION 1 MAINTENANCE TO BE PROVIDED

Landscaping improvements to be maintained include: trees, shrubs, turf, ground cover, sidewalks, theme light poles, screen walls (fencing) and park amenities (including but not limited to trash containers, BBQ grills, picnic tables, drinking fountains and benches) within the District, as shown on the diagram referred to in Section 2 hereof. The maintenance to be provided will include ordinary and necessary:

- a. Repair, removal or replacement of all or any part of the landscaping, sidewalks theme light poles, screen walls (fencing), mailbox enclosures or park amenities.
- b. Provision for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, mowing, spraying, fertilizing and treating for disease or injury. The tree trimming may not occur on an annual basis, therefore the assessed amount is for the average annual cost.
- c. Removal of trimmings, rubbish, graffiti, debris and other solid waste from the landscaped areas, detention basins, screen walls (fencing), mailbox enclosures and park amenities.

SECTION 2 PLANS & SPECIFICATIONS AND DIAGRAM

A diagram for the District, showing the following matters, is attached hereto and incorporated herein by reference.

- a. Existing and proposed landscaping improvements within the District for which the above described maintenance is to be provided.
- b. The exterior boundaries of the District.
- c. The boundaries of any zones within the District.
- d. The lines and dimensions of each lot or parcel of land within the District.
- e. Identification of each lot or parcel of land within the District by a distinctive number or letter.

SECTION 3 ESTIMATE OF COSTS OF MAINTENANCE OF LANDSCAPING IMPROVEMENTS

The estimate of the costs of maintaining the landscaping improvements in the District for the 2005-2006 fiscal year includes:

- a. Total costs estimated to be incurred in 2005-2006, for maintaining and servicing all existing and proposed landscaping improvements, including all incidental expenses: \$99,189.48.

Cost Estimate

Water Purchase	\$3,500.00
Electricity	\$800.00
Landscape Maintenance	
Greenbelt	\$8,192.10
High School Parkway & Traffic Circles	\$5,904.50
Hardscape Maintenance	
Fiberglass for Playground Surfaces	\$3,500.00
Overhead Structures	\$200.00
Park Amenities (Trash Containers, BBQ Grills Picnic Tables, Drinking Fountains & Benches)	\$500.00
Historical Property Maintenance (Lot 92)	\$9,781.75
Mailbox Enclosures	\$500.00
Theme Light Poles	\$2,860.00
Detention Basin "A" (Lot 223)	\$3,441.75
Detention Basin "B" (Lot 90)	\$2,641.25
Fence Painting/Repair	\$500.00
City of Oxnard Administration	\$8,994.91
<hr/>	
Sub-Total	\$98,942.01
County Collection Fee (0.25% = \$1.13 Per Lot)	\$247.47
<hr/>	
Total	\$99,189.48

- b. Amount of deficit in the improvement fund to be carried over from a previous fiscal year: \$0.00.
- c. Amount of any contributions to be made from sources other than assessments levied pursuant to Part 2 of Division 15 of the Streets and Highways code: \$0.00.
- d. Amount, if any of the annual installment for 2005-2006 where the City Council has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments: \$0.00.
- e. Net amount to be assessed upon assessable lands with the District, being the total costs, as referred to in subdivisions (a), increased or decreased, as the case may be, by any of the amounts referred in subdivision (b), (c), or (d): \$99,189.48.

SECTION 4 ASSESSMENT OF ESTIMATED COSTS OF MAINTENANCE

This assessment applies to the 2005-2006 fiscal year.

- a. The net amount, determined in accordance with Section 3, above, to be assessed upon assessable lands within the District is \$99,189.48.
- b. A description of each assessable lot or parcel for land within the District is contained in the diagram referred to in Section 2 hereof.
- c. The net amount stated in subdivision (a) of this Section 4 is apportioned among such lots or parcels in proportion to the estimated special benefits to be received by each lot or parcel from the maintenance of the landscaping improvements by the following formula or method: Dividing such net amount by the number of assessable lots or parcels within the District. Thus, the net amount of \$99,189.48 is divided by 219 parcels for an assessment of \$452.92 per lot or parcel.

The landscape maintenance described in Section 1 is for the visual enhancement, visual screening and preservation of open space for all parcels. The landscape maintenance along the streets, parks, detention basins and historical property of the District add value and enhance the aesthetic qualities of the District. Although all parcels do not front on the maintained areas, they are accessed via these areas, and therefore all properties within the District obtain special benefit from such areas. In addition, the landscaping elements discussed in this report were all conditions of the tract development plan.

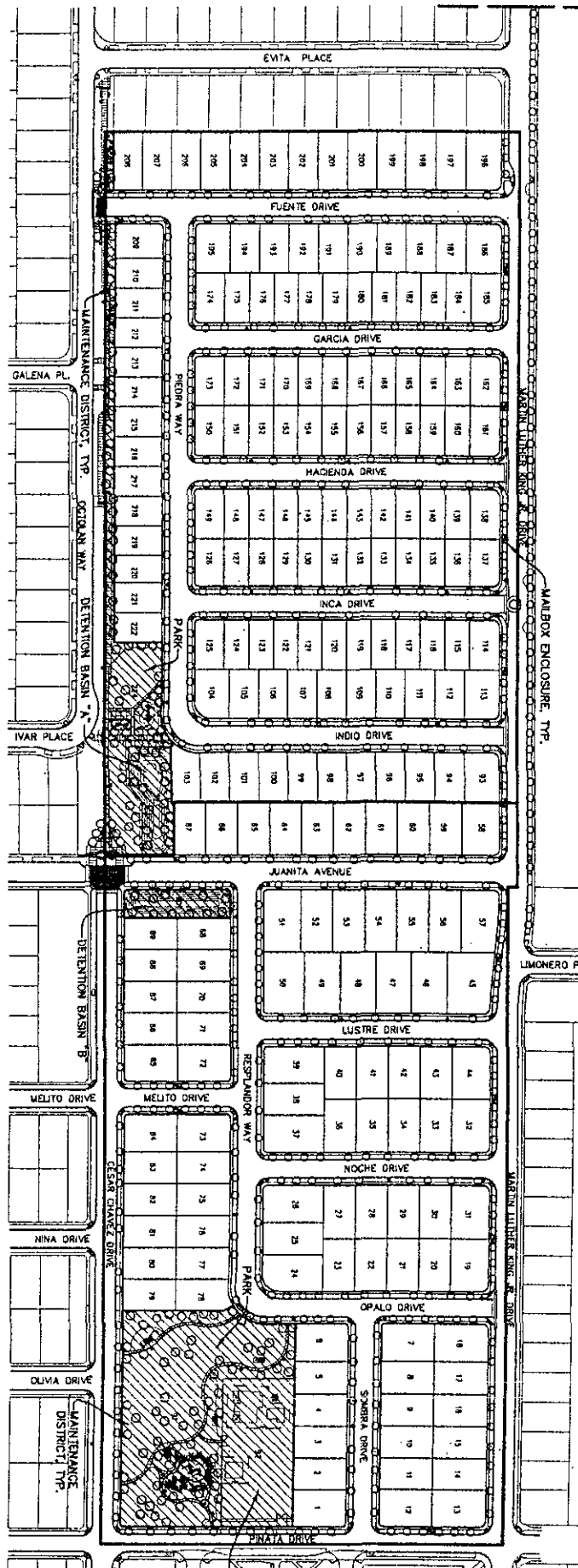
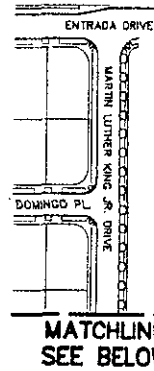
The special benefits assessed to the parcels within the District are approximately equal for all parcels due to both increased property values and enhanced aesthetic qualities for all District property owners. Maintenance and operation of the landscape improvements of which the cost is included in the assessments does not confer any general benefits on real property located in the District or the public-at-large.

- d. The annual maintenance costs in future years will not require the preparation of an Engineer's Report. Maintenance costs and assessments are expected to increase in accordance with inflation and the consumer price index. Property owners will not be assessed higher annual maintenance assessments in excess of the Consumer Price Index (CPI) as published by the United States Department of Labor for all urban consumers (Los Angeles - Region) when compared to the December 2004 CPI, (195.2 - with 1982-84=100.0) without compliance with applicable procedures set out in Article XIID of the California Constitution. Annual adjustments for electric power and water service may be greater than the CPI but shall not exceed five (5) percent of the previous fiscal year budget for electric power and water service plus administration. Assessments that do not exceed the amount calculated in accordance with the assessment formula may be made without further mailed notice and balloting.

e. In our capacity as Engineer, we hereby find and determine as follows:

1. The proportionate special benefit derived by each parcel proposed to be assessed has been determined in relationship to the entirety of the maintenance and operations expenses of the landscape improvements described in Section 1 of this report and depicted on the diagram for the District.
2. No assessment is proposed to be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
3. Only special benefits will be assessed.
4. Maintenance and operation of the landscaping improvements of which the cost is included in the assessments does not confer any general benefits on real property in the District or to the public-at-large.
5. There are no parcels within the District that are owned or used by any local government, the State of California, or the United States Government.

MATCHLINE
SEE ABOVE



Penfield & Smith
ENGINEERS - SURVEYORS - PLANNERS
W.O. 13096-21 13096-21/01.DWG

SCALE: 1"=200'

- LEGEND:**
- CITY MAINTAINED LANDSCAPE
 - ASSESSMENT DISTRICT IMPROVEMENTS
 - CITY MAINTAINED STREET TREE
 - MAILBOX ENCLOSURE

ASSESSMENT DIAGRAM FOR
CASA LOMA, CASA DULCE
& CASA BONITA
(TRACT 5389-1, -2 & -3)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #51
COUNTY OF VENTURA
STATE OF CALIFORNIA
FEBRUARY 2005
SHEET 1 OF 1