

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2552

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ESTABLISHING INTEGRATED FINANCING DISTRICT NO. 2000-1 (OXNARD BOULEVARD/HIGHWAY 101 INTERCHANGE) AND AUTHORIZING THE LEVY OF CONTINGENT ASSESSMENTS THEREIN

WHEREAS, the CITY COUNCIL of the CITY OF OXNARD, CALIFORNIA has initiated proceedings to consider the formation of an assessment district pursuant to the provisions of the "Municipal Improvement Act of 1913" (the "Improvement Act"), being Division 12 of the Streets and Highways Code of the State of California (commencing with Section 10000), and a community facilities district pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Mello-Roos Act") each to finance a portion of the cost of the construction of certain public improvements (the "Improvements") described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the City Council also adopted a Resolution of Intention to initiate proceedings to create an integrated financing district pursuant to the provisions of the "Integrated Financing District Act" (the "IFD Act"), being Government Code Sections 53175 and following, to finance a portion of the cost of construction of the Improvements. This integrated financing district shall be designated as "Integrated Financing District No. 2000-1 (OXNARD BOULEVARD/HIGHWAY101 INTERCHANGE) ("IFD"); and

WHEREAS, PENFIELD & SMITH (the "Assessment Engineer") previously made and filed a report (the "Assessment Engineer's Report") as required by the IFD Act, Article XIIID of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Implementation Act (Government Code Section 53750 and following) (the IFD Act, Article XIIID and the Implementation Act are referred to herein collectively as the "Contingent Assessment Law") which was preliminarily approved by the City Council and which contains:

- A. 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 IFD.
- B. A description of the rates and method of apportionment over time of the levy of a contingent assessment and the contingencies under which the levy of such contingent assessment will be made.
- C. A description of the proposed use of the funds arising from any levy of a contingent assessment, including any public improvements to be constructed with such funds or any reimbursement to be made for advances from the City of Oxnard to pay for that portion of the cost of construction of the Improvements representing the special benefit from

such Improvements conferred on the subdivisions within the IFD, and an estimate of the cost of such public improvements.

- D. A diagram showing the IFD, which also shows the boundaries and dimensions of the respective subdivisions of land within such IFD, as the same existed at the time of the passage of the Resolution of Intention, with each of which subdivisions given a separate number upon such diagram.
- E. The proposed contingent assessment of the assessable costs and expenses of the construction of the Improvements upon the several divisions of land in the IFD in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by such Improvements. Such assessment refers to such subdivisions upon such diagram by the respective numbers thereof.

WHEREAS, by the adoption of such Resolution of Intention, the City Council set the time and place of a public hearing to consider the establishment of the IFD and initiated assessment ballot proceedings pertaining to the intention to levy contingent assessments within the IFD; and

WHEREAS, notices of such hearing accompanied by assessment ballot materials were regularly mailed in the time, form and manner required by the Contingent Assessment Law and as evidenced by a certificate on file with the transcript of these proceedings, a full hearing has been given, and at this time all contingent assessment ballots submitted pursuant to the Contingent Assessment Law have been tabulated, all in the manner provided by the Contingent Assessment Law; and,

WHEREAS, at this time this City Council determines that the contingent assessment ballots received by the District in favor of the proposed contingent assessment and weighted as required by the Assessment Law exceed the contingent assessment ballots received in opposition to the contingent assessment and similarly weighted and, therefore, a majority protest pursuant to the Contingent Assessment Law does not exist; and

WHEREAS, the City Council is now satisfied with the contingent assessment and all matters contained in the Assessment Engineer's Report as submitted.

NOW, THEREFORE, THE CITY COUNCIL ORDAINS TO ADOPT THIS UNCODIFIED ORDINANCE AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are all true and correct.

SECTION 2. CONTINGENT ASSESSMENT BALLOT TABULATION. The contingent assessment ballots submitted pursuant to the Contingent Assessment Law in favor of the contingent assessment and weighted as required by the Contingent Assessment Law exceed the contingent assessment ballots submitted in opposition to the contingent assessment and similarly weighted and the City Council therefore determines that a majority protest pursuant to Contingent Assessment Law does not exist.

SECTION 3. SPECIAL BENEFITS RECEIVED. Based upon the Assessment Engineer's Report and the testimony and other evidence received at the public hearing, the City Council hereby determines that:

A. All properties within the boundaries of the IFD will receive a special benefit from the Improvements;

B. The proportionate special benefit derived by each parcel proposed to be contingently assessed has been determined in relationship to the entirety of the cost of construction of the Improvements;

C. No contingent assessment is proposed to be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit to be conferred on such parcel from the Improvements;

D. Only special benefits have been contingently assessed; and

E. No parcels within the IFD are owned or used by any agency as such term is defined in Article XIID, the State of California or the United States.

SECTION 4. ASSESSMENT ENGINEER'S REPORT. The Assessment Engineer's Report, as now submitted, is hereby approved and such report shall stand as the report as required by the Contingent Assessment Law for all future proceedings for this IFD. The Assessment Engineer's Report is incorporated herein by this reference.

Reference is made to the Assessment Engineer's Report for the following:

A. A description of the rates and method of apportionment over time of the levy of the contingent assessment and the contingencies under which the levy of such contingent assessment will be made.

B. A description of the proposed use of the funds arising from any levy of the contingent assessment, including any public improvements to be constructed with such funds or any reimbursement to be made, and an estimate of the cost of such public improvements.

SECTION 5. CONFIRMATION OF CONTINGENT ASSESSMENTS; PAYMENT OF CONTINGENT ASSESSMENTS. The contingent assessments, as now filed in the Assessment Engineer's Report and diagram for the Improvements to be constructed, together with appurtenances and appurtenant work in connection therewith, are hereby confirmed.

The contingent assessments contained in the Assessment Engineer's Report are hereby levied and approved.

The contingent assessment levied against any parcel shall be contingent upon the development of such parcel and shall be due and payable upon annexation of the property to the City of Oxnard and receipt of a building permit to permit development of such parcel.

SECTION 6. RECORDATION OF CONTINGENT ASSESSMENT. The City Clerk shall forthwith deliver to the Superintendent of Streets the contingent assessment, together with the diagram attached thereto and made a part thereof, as confirmed, with his certificate of such confirmation attached and the date thereof; and that such Superintendent of Streets shall then immediately record such diagram and contingent assessment in his office in a suitable book to be kept for that purpose and attach thereto his certificate of the date of such recording.

SECTION 7. COUNTY RECORDER NOTICE: EFFECT OF RECORDATION. Upon confirmation of the contingent assessments and recordation of the contingent assessment roll and diagram, a certified copy of the contingent assessment diagram shall be immediately filed in the Office of the County Recorder. Immediately thereafter, a copy of the notice of contingent assessment shall be recorded in the Office of the County Recorder in the manner and form as set forth by law and specifically Section 3114 of the Streets and Highways Code of the State of California. Upon recordation of the notice of contingent assessment, such contingent assessment shall constitute a lien upon the real property against which the notice is recorded and such lien shall continue until the contingent assessment and all penalties, if any, are fully paid or the property is sold to satisfy the lien. The contingent assessment lien shall have the same force, effect, priority, and duration as would a delinquent lien under the Improvement Act, the Improvement Bond Act of 1915, being Division 10 of the Streets and Highways Code of the State of California (commencing with Section 8500) and the Mello-Roos Act.

SECTION 5. PUBLICATION. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City pursuant to the provisions of Government Code Section 36933.

Introduced at a regular meeting of the City Council of the City of Oxnard, California, on
December 12, 2000;

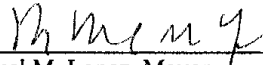
Enacted at a regular meeting of the City Council of the City of Oxnard, California, held on the
19 th day of December, 2000, by the following vote:

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

NOES: None.

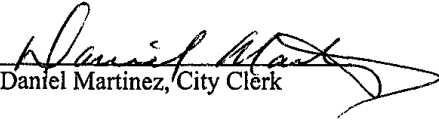
ABSTAIN: None.

ABSENT: None.



Dr. Manuel M. Lopez, Mayor

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:

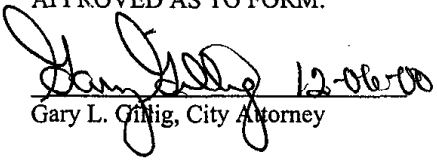

Gary L. Oltig, City Attorney

EXHIBIT A

DESCRIPTION OF TYPES OF IMPROVEMENTS

Oxnard Boulevard interchange improvements including an eight (8) lane overcrossing to connect with Town Center Drive on the north and Oxnard Boulevard/Highway 1 on the south, northbound and southbound on- and off- ramps connecting to U.S. Highway 101, widening of U.S. Highway 101 under such overcrossing, traffic signals at each ramp, landscaping, irrigation, decorative lighting and railing, sidewalks, curbs, gutters and pedestrian and bicycle paths and appurtenances and appurtenant work.

**CITY OF OXNARD
INTEGRATED FINANCING DISTRICT NO. 2000-1
(OXNARD BOULEVARD/HIGHWAY 101 INTERCHANGE)**

**SECTION 6
CONTINGENT ASSESSMENT ROLL**

The following table lists for each parcel within the Integrated Financing District which will have a special benefit conferred upon it from the improvement described in Section 2:

- (1) The Assessment Number assigned to each such parcel;
- (2) Property description of each such parcel;
- (3) The contingent assessment proposed to be levied for the Integrated Financing District against each such parcel;
- (4) The contingent assessment confirmed and levied for the Integrated Financing District against each such parcel.

(1) Contingent Assessment Number	(2) APN	Parcel Owner	(3) Contingent Assessment As Preliminarily Approved	(4) Contingent Assessment As Confirmed
1	132 0 020 160	CAMPBELL, DANIEL	\$303,004.55	\$303,004.55
2	132 0 041 010	LEWIS, MARGARET G T AL	\$4,308.12	\$4,308.12
3	132 0 051 010	DONLON, WILLIAM	\$12,924.36	\$12,924.36
4	133 0 010 015	SOUTHERN PACIFIC MILLING CO	\$160,746.79	\$160,746.79
5	133 0 010 115	SOUTHERN PACIFIC MILLING CO	\$26,477.00	\$26,477.00
6	133 0 010 190	MAGALLON, SALVADOR & JOVITA	\$2,064.31	\$2,064.31
7	133 0 010 575	SOUTHERN PACIFIC MILLING CO	\$680,683.20	\$680,683.20
8	133 0 010 595	SOUTHERN PACIFIC MILLING CO	\$106,985.02	\$106,985.02
9	133 0 010 605	SOUTHERN PACIFIC MILLING CO	\$586,891.81	\$586,891.81
10	215 0 020 050	PFEILER, ROBERT & MARGARET	\$159,310.74	\$159,310.74
Total			\$2,043,395.90	\$2,043,395.90

Note: These contingent assessments include estimated financing costs attributable to the City advance of funds.