

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11,838

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, PASSING ON THE REPORT OF THE ASSESSMENT ENGINEER, GIVING PRELIMINARY APPROVAL, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING FOR ASSESSMENT DISTRICT NO. 2000-1 (OXNARD BOULEVARD/HIGHWAY 101 INTERCHANGE) AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES

WHEREAS, the CITY COUNCIL of the CITY OF OXNARD, CALIFORNIA, has instituted proceedings to finance a portion of cost of the construction of certain public improvements and appurtenances under 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), in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 2000-1 (OXNARD BOULEVARD/HIGHWAY 101 INTERCHANGE) (the "Assessment District"); and,

WHEREAS, there has been prepared and filed with this legislative body a Report of the Assessment Engineer (the "Report") as provided for in and required by Sections 10203 and 10204 of the Streets and Highways Code, the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code) (the "Investigations Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Improvement Act, the Investigations Act, Article XIID and the Implementation Act are referred to herein collectively as the "Assessment Law") and the Report has been presented to this legislative body for its consideration; and,

WHEREAS, a Resolution of Intention declaring the intention of the City Council to finance a portion of the cost of the construction of the subject improvements through the levy of assessments within the Assessment District was previously adopted by such City Council; and the Report as now presented shall stand as the Report for the purpose of subsequent proceedings hereunder.

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

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

SECTION 2. The Report referred to herein above is adopted, passed upon, and preliminarily approved, as follows:

- A. The plans and specifications for the improvements proposed to be constructed, as contained in the Report, are hereby preliminarily approved and adopted;
- B. The Assessment Engineer's estimate of the itemized and total costs and expenses of the construction of the improvements and of the incidental expenses in connection therewith contained in the Report including that portion of such costs and expenses representing the special benefit to be conferred by such improvements on those parcels within the Assessment District , and each of them are hereby preliminarily approved and adopted;
- C. The diagram showing the Assessment District referred to and described in such Resolution of Intention, and also 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 such Resolution of Intention, each of which subdivisions have been given a separate number upon such diagram, as contained in the Report, is hereby preliminarily approved and adopted;
- D. The proposed assessment upon the several subdivisions of land in the Assessment District, in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by the improvements to be constructed, and of the incidental expenses thereof, as contained in the Report, are hereby preliminarily approved and adopted;
- 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 total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed; and
- G. A description of the improvements to be constructed contained in the Report is hereby preliminarily approved.

SECTION 3. The Report shall stand as the Assessment Engineer's Report for the purpose of all subsequent proceedings had pursuant to the Resolution of Intention.

SECTION 4. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING TO CONSIDER PROTESTS TO THE PROPOSED ASSESSMENTS IS HEREBY SCHEDULED TO BE HELD AT THE CITY COUNCIL MEETING ROOM OF THE CITY OF OXNARD LOCATED AT 305 WEST THIRD STREET, EAST WING, FIRST FLOOR, OXNARD, CALIFORNIA ON DECEMBER 12, 2000 AT 7:00 PM.

RIGHT TO SUBMIT ASSESSMENT BALLOT

PURSUANT TO THE PROVISIONS OF THE ASSESSMENT LAW, EACH RECORD OWNER OF PROPERTY PROPOSED TO BE ASSESSED HAS THE RIGHT TO SUBMIT AN ASSESSMENT BALLOT IN FAVOR OF OR IN OPPOSITION TO THE PROPOSED ASSESSMENT.

ASSESSMENT BALLOTS WILL BE MAILED TO THE RECORD OWNER OF EACH PARCEL LOCATED WITHIN THE ASSESSMENT DISTRICT AND SUBJECT TO A PROPOSED ASSESSMENT. EACH SUCH OWNER MAY COMPLETE SUCH ASSESSMENT BALLOT AND THEREBY INDICATE THEIR SUPPORT FOR OR OPPOSITION TO THE PROPOSED ASSESSMENT. ALL SUCH ASSESSMENT BALLOTS MUST BE RECEIVED BY THE CITY CLERK AT THE FOLLOWING ADDRESS AT OR BEFORE THE TIME SET FOR THE CLOSE OF THE PUBLIC HEARING:

CITY CLERK, CITY OF OXNARD
300 WEST THIRD STREET
WEST WING, FIRST FLOOR
OXNARD, CALIFORNIA 93030-5790

AN ASSESSMENT BALLOT RECEIVED AFTER THE CLOSE OF THE PUBLIC HEARING WILL NOT BE TABULATED EVEN THOUGH THE POSTMARK ON THE ENVELOPE TRANSMITTING THE ASSESSMENT BALLOT IS DATED ON OR BEFORE THE DATE OF THE PUBLIC HEARING.

AT THE CONCLUSION OF THE PUBLIC HEARING, THE CITY COUNCIL SHALL CAUSE THE FINAL TABULATION OF THE ASSESSMENT BALLOTS TIMELY RECEIVED. IF A MAJORITY PROTEST EXISTS, THE CITY COUNCIL SHALL NOT IMPOSE AN ASSESSMENT WITHIN THE ASSESSMENT DISTRICT. A MAJORITY PROTEST EXISTS IF, UPON THE CONCLUSION OF THE PUBLIC HEARING, ASSESSMENT BALLOTS SUBMITTED IN OPPOSITION TO THE ASSESSMENTS WITHIN THE ASSESSMENT DISTRICT EXCEED THE ASSESSMENT BALLOTS SUBMITTED IN FAVOR OF SUCH ASSESSMENTS. IN TABULATING THE ASSESSMENT BALLOTS, THE ASSESSMENT BALLOTS SHALL BE WEIGHTED ACCORDING TO THE PROPORTIONAL FINANCIAL OBLIGATION OF THE AFFECTED PROPERTY.

SECTION 5. The City Clerk is hereby directed to mail or cause to be mailed notice of the Public Hearing and the adoption of the Resolution of Intention and of the filing of the Report, together with the assessment ballot materials, to the record owner of all real property proposed to be assessed.

SECTION 6. The City Clerk is hereby further directed to file or cause to be filed a copy of the proposed boundary map in the Office of the County Recorder within fifteen (15) days of

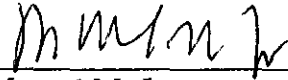
the adoption of the proposed boundary map; such boundary map to be in the manner and form as set forth in Division 4.5 of the Streets and Highways Code of the State of California.

PASSED AND ADOPTED this 24th day of October, 2000.

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

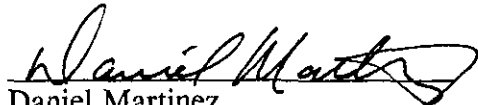
NOES: None

ABSENT: None



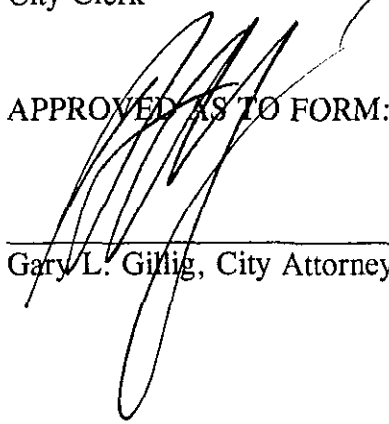
Dr. Manuel M. Lopez
Mayor

ATTEST:



Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney