

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 9272

RESOLUTION DECLARING INTENTION TO ANNEX
THE PROPERTIES IN MANDALAY BAY PHASE IV,
TRACT 4132-1, TO THE EXISTING WATERWAY
MAINTENANCE ASSESSMENT DISTRICT, AND TO
DIVIDE DISTRICT INTO ASSESSMENT ZONES.

WHEREAS, there will be dedicated to the City various public improvements including public waterways, parking, and landscaped areas in Mandalay Bay Phase IV, Tract 4132-1; and

WHEREAS, the maintenance of such improvements together with various improvements maintained by the existing District will benefit the properties in Mandalay Bay Phase IV, Tract 4132-1, so that such properties should be assessed to pay a portion of the costs thereof;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES RESOLVE AS FOLLOWS:

1. The public interest and convenience require and it is the intention of the City Council of the City of Oxnard to order the annexation of properties in Mandalay Bay Phase IV, Tract 4132-1, to the existing Waterway Maintenance District as described in Resolution No. 6830 for the purpose of sharing the costs of maintaining the various public improvements within the District including waterways, parking, and landscaped areas.

The area to be annexed is all of Tract No. 4132-1 in the County of Ventura, State of California, as per map recorded in Book 108, page 37 of Miscellaneous Records of said County, described as follows:

Beginning at a point in the northeasterly line of the Edison Canal (Mandalay Canal), 300 feet wide, as shown on said map, at the corner common to Lot 1 of said Tract No. 4132-1 and Lot 124, Tract 2026-1 as per map recorded in Book 55, Page 79, Miscellaneous Records of said County, said point also being the southeasterly terminus of the 25th course of the Waterways Maintenance District as filed in the City of Oxnard as Resolution 6830 on October 26, 1976;

thence along the boundary line of said Tract No. 4132-1 by the following 41 courses,

1st: North 27° 47' 35" West, along said northeasterly line of the Edison Canal and said 25th course, 1397.91 feet to the northwesterly corner of said Tract No. 4132-1; thence,

2nd: South 88° 46' 48" East, 1474.58 feet to the northeasterly corner of said tract; thence,

3rd: South 27° 12' 52" West, 123.49 feet; thence,

4th: North 43° 46' 48" West, 117.50 feet; thence,

5th: North 88° 46' 48" West, 93.95 feet; thence,

6th: South 46° 13' 12" West, 97.09 feet; thence,

7th: South 1° 13' 12" West, 31.93 feet; thence,

8th: South 27° 12' 52" West, 95.70 feet; thence,

9th: South 17° 47' 08" East, 131.14 feet; thence,

10th: South 36° 00' 00" West, 96.22 feet; thence,

11th: South 9° 00' 00" East, 69.30 feet; thence,

12th: North 88° 46' 48" West, 139.30 feet; thence,

13th: North 27° 47' 35" West, 211.26 feet; thence,

14th: North 17° 12' 25" East, 28.28 feet; thence,

15th: North 27° 47' 35" West, 93.95 feet; thence,

16th: North 72° 47' 35" West, 118.47 feet; thence,

17th: North 88° 46' 48" West, 484.54 feet; thence,

18th: South 46° 13' 12" West, 93.95 feet; thence,

19th: South 1° 13' 12" West, 83.62 feet; thence,

20th: South 27° 47' 35" East 165.76 feet; thence,

21st: South 72° 47' 35" East, 93.95 feet; thence,

22nd: North 62° 12' 25" East, 264.03 feet; thence,

23rd: North 17° 12' 25" East, 51.44 feet; thence,

24th: North 22° 11' 19" West, 27.29 feet; thence,

25th: North 1° 13' 12" East, 30.00 feet, radially to the beginning of a non-tangent curve concave southwesterly having a radius of 225.00 feet; thence,.

26th: Southeasterly along said curve through a central angle of 60° $59' 13''$ an arc distance of 239.50 feet; thence

27th: South $27^{\circ} 47' 35''$ East, 242.41 feet to the beginning of a tangent curve concave northeasterly having a radius of 30.00 feet; thence,

28th: Southeasterly along said curve through a central angle of $58^{\circ} 39' 19''$ an arc distance of 30.71 feet; thence,

29th: South $86^{\circ} 26' 54''$ East, 95.30 feet to the beginning of a tangent curve concave southwesterly having a radius of 123.59 feet; thence,

30th: Southeasterly along said curve through a central angle of $23^{\circ} 39' 46''$ an arc distance of 51.04 feet; thence,

31st: South $62^{\circ} 47' 08''$ East, 18.18 feet to the beginning of a tangent curve concave northwesterly having a radius of 25.00 feet; thence,

32nd: Northeasterly along said curve through a central angle of $90^{\circ} 00' 00''$ an arc distance of 39.27 feet; thence,

33rd: North $27^{\circ} 12' 52''$ East, 116.00 feet; thence,

34th: South $62^{\circ} 47' 08''$ East, 48.00 feet to a point on the southeasterly boundary of said Tract No. 4132-1; thence along said southeasterly boundary by the following two courses,

35th: South $27^{\circ} 12' 52''$ West, 611.82 feet; thence,

36th: South $17^{\circ} 05' 45''$ East 111.44 feet, radially to the northerly line of West Hemlock Street, 52 feet wide, said point also being on a non-tangent curve concave southeasterly having a radius of 544.07 feet; thence along said northerly line of West Hemlock Street by the following three courses,

37th: Southwesterly along said curve through a central angle of $10^{\circ} 41' 27''$ an arc distance of 101.52 feet to the easterly terminus of the 29th course of said Waterways Maintenance District; thence along said existing Waterways Maintenance District by the following four courses,

38th: South $62^{\circ} 12' 48''$ West, 5.63 feet to the beginning of a tangent curve concave southeasterly having a radius of 84.00 feet; thence,

39th: Southwesterly along said curve through a central angle of $34^{\circ} 06' 19''$ an arc distance of 50.00 feet, to a point at the corner common to said Lot 1 and Lot 124; thence along said common line of said lots by the following two courses,

40th: North $27^{\circ} 47' 11''$ West, 114.45 feet; thence,

41st: South $62^{\circ} 12' 49''$ West, 139.92 feet to the point of beginning.

2. The public interest and the convenience require and it is the intention of the City Council of the City of Oxnard to order that Mandalay Bay Phase IV, Tract 4132-1, and the existing Waterway Maintenance District be divided into assessment zones, with Zone 1 being the existing Waterway Maintenance District less the portion of the Edison Canal adjacent to Mandalay Bay Phase IV, Tract 4132-1, extending from the boundary of Tract 4132-1 150 feet to the center line of the Edison Canal, and Zone 2 being Mandalay Bay Phase IV, Tract 4132-1, plus the said portion of the Edison Canal adjacent to Tract 4132-1, as shown in the map attached as Exhibit A.

3. The annexation of such properties to the existing Waterway Maintenance District will be to the benefit of the properties within Mandalay Bay Phase IV, Tract 4132-1, and the City Council proposes that the appropriate portion of the cost of such maintenance, based upon the burden created by the development of Mandalay Bay Phase IV, Tract 4132-1, shall be assessed upon the lands by assessment zones.

4. After annexation, the City Council shall for each year estimate the cost of maintenance required during the ensuing year. The Council shall decide whether such cost shall be borne wholly or partially by the Waterway Maintenance District and each zone therein, and shall, in addition to all other taxes and assessments, fix special assessment rates for the real property within the Waterway

Maintenance District sufficient to raise an amount of money to cover the expense of maintenance during the ensuing year, or such portion of such amount as the City Council shall determine shall be borne by said district. The City Council shall levy special assessments each year upon the real property in such district sufficient to pay such expense or the portion thereof which must be paid by the district.

Such special assessments shall be levied and collected in a manner provided by law at the same time and in the same manner as the general tax levied by the County of Ventura. Such funds when so collected shall be paid into the City Treasury to the credit of the fund of the maintenance district.

5. The City Council in annexing Mandalay Bay Phase IV, Tract 4132-1, to the Waterway Maintenance District and proposing to do the maintenance described herein elects to proceed under and in accordance with the provisions of the Improvement Act of 1911, being Division 7 of the Streets and Highways Code of the State of California and in particular Chapter 26 of such division.

6. Notice hereby is given that on October 13, 1987, at 7:30 p.m. in the Council Chambers of said City of Oxnard, in the City Hall located at 305 West Third Street, Oxnard, California, any and all persons having any objection to the ordering of the annexation of Mandalay Bay Phase IV, Tract 4132-1, to the existing Waterway Maintenance District; division into assessment zones or to the extent of such maintenance district, may appear before the City Council and show cause why Mandalay Bay Phase IV, Tract 4132-1, should not be annexed to the extent described herein and why the Waterway Maintenance District should not be divided into zones. Protests must be in writing, must contain a description of the property sufficient to identify it and must be delivered to the City Clerk not later than the hour set for hearing.

7. City Clerk is instructed to give notice by mail of the time, place, and purpose of the hearing to each owner whose name and

address appears on the last assessment roll and who owns real property within the boundaries of the territory sought to be annexed and zoned. The notice shall contain the name and telephone number of the Public Works Department of the City of Oxnard to answer inquiries regarding the hearing proceedings.

8. The City Clerk is instructed to post notices of the hearing in three conspicuous places within the territory proposed to be annexed and zoned. The notices shall be headed "Notice of Hearing" in letters not less than one inch in height and shall contain a diagram of the territory proposed to be annexed and zoned, and a statement of the time and place of the hearing. The notice shall be posted not less than 10 days prior to the date set for the hearing.

9. The City Clerk shall certify to the adoption of this Resolution of Intention and shall cause the same to be published twice in the Oxnard Press Courier, a newspaper published and circulated in the City of Oxnard, the first of which publication shall be not less than ten days prior to October 13, 1987, the date of the hearing and which hearing shall be not less than fifteen nor more than sixty days after the date of the adoption of this resolution.

10. The City Clerk is instructed to file, upon the completion of the mailing, posting, and publishing, an affidavit setting forth the time and manner as required by Section 5838 of the California Streets and Highways Code.

APPROVED AND ADOPTED this 25th day of August,
1987, by the following vote:


AYES: Council Members: Johs, Lopez, Maron, Plisky and Takasugi

NOES: None

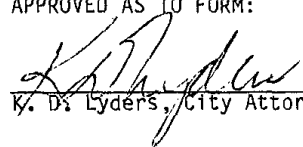
ABSENT: None


Nao Takasugi, Mayor

ATTEST:


Mabi Plisky, City Clerk

APPROVED AS TO FORM:


K. D. Lyders, City Attorney

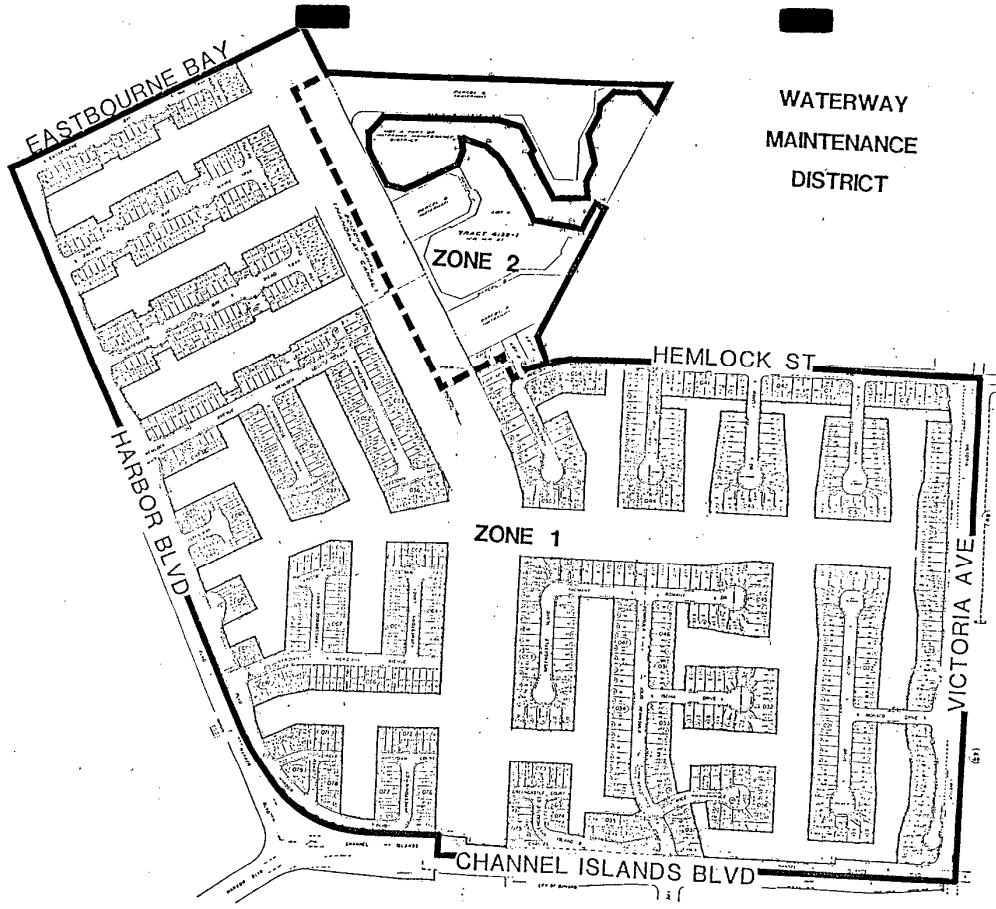


Exhibit A