

RESOLUTION NO. 6757

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DECLARING ITS INTENTION TO FORM AN ASSESSMENT DISTRICT FOR THE MAINTENANCE OF WATERWAYS, PARKING AND LANDSCAPING IN THE WATERWAY MAINTENANCE ASSESSMENT DISTRICT NO. 2 IN THE CITY OF OXNARD.

WHEREAS, there have been dedicated as public waterways, parking and landscaping areas those certain channels and landscape areas in Tract No. 2026-3 in the City of Oxnard, and

WHEREAS, the maintenance of said channels, parking and landscape areas primarily will be for the benefit of the properties abutting upon said channels and landscape areas and the costs thereof should be borne by said properties.

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

1. That the public interest and convenience require and it is the intention of the City Council of the City of Oxnard to order the formation of a district for the following purposes:

Maintenance and operation, including the cost of necessary repairs, replacements, care, supervision, cleaning, dredging and all other items necessary or proper for the maintenance and operation of the waterways dedicated by Tract 2026-3 in the City of Oxnard, County of Ventura, State of California, and within the district hereinafter described.

Maintenance and operation of the landscape areas and parking areas within Parcels 1A through 19A within Tract 2026-3 by caring for, cleaning, repairing, placing and replacing of asphalt, curbs, shrubs, lawns, trees, flowers, irrigation systems and water services and meters.

Joint maintenance with the waterway maintenance assessment district of the following described improvements, the cost of which maintenance shall be pro-rated to each district on the basis of the lineal feet of the center lines of canals, including the Edison Canal, within each district:

Maintenance and operation, including the cost of necessary repairs, replacement, care, supervision, cleaning, dredging and all other items and acts necessary for the proper maintenance of the West Channel of the Channel Islands Marina from the southerly right of way line of Channel Islands

Boulevard to the present full channel of the Channel Islands Marina, a distance of approximately 1800 feet, until such time as Ventura County shall commence construction of Phase II of Channel Islands Harbor Development, at which time the County shall become responsible for maintenance, repair and reconstruction of said channel. Said channel shall be maintained with a width of 300 feet at the top, a width of 200 feet at the bottom and a depth of not less than minus ten (-10) feet mean lower low water (MLLW).

Maintenance and operation, including the cost of necessary repairs, replacement, care, supervision, cleaning, dredging and all other items and acts necessary for the proper maintenance of the following:

- (1) The Edison Canal from the north line of the right of way of Channel Islands Boulevard to the north line of Tract No. 2026-3 with concrete bulkheads excepting the east bank of the Edison Canal for a distance of 1522.9 feet east of Tract 2026-3 to enlarge the capacity and to preserve the reliability of the canal to handle 3000 cubic feet of water per second. The east bank of the Edison Canal for a distance of 1522.9 feet east of Tract 2026-3 shall be maintained with a slope and any necessary up-cap to preserve the reliability of the canal to handle 3000 cubic feet of water per second.
- (2) A debris guard and barrier across the Edison Canal at the north boundary of Tract 2026-3.

If persistent water degradation occurs within the Channel Islands Marina south of Channel Islands Boulevard the cause of which is attributable to conditions in the Waterway Maintenance District described herein, such conditions shall be eliminated by the Waterway Maintenance District at the expense of the properties therein.

Maintenance, reconstruction and repair of the waterways within the Water Maintenance District resulting from discharge into the waterways of storm water from the Oxnard West Drain.

A program of water quality and biota monitoring and a comprehensive boat traffic count as contemplated by the report of Moffat and Nichols, prepared April, 1970, for the County of Ventura, in order to control pollution and traffic congestion in the waterways.

That said proposed maintenance and operation in the opinion of the City Council of the City of Oxnard will be to the benefit of the property lying within the hereinafter described boundaries of the proposed assessment district, and the City Council proposes that the cost

of such maintenance and operation shall be assessed upon said lands within said district, the boundaries of which are particularly described as follows:

Those portions of Lots 45, 46, 50, 51, 52, 67 and 68 of the Patterson Ranch Sub-division, as recorded in Book 8, Page 1 of Miscellaneous Records (Maps), in the City of Oxnard, County of Ventura, State of California, described as a whole as follows:

Beginning at the northwesterly terminus of course number six (6) as described in Resolution Number 5487 of the City Council of said City of Oxnard annexing certain property to the Waterway Maintenance District as adopted by said City Council on the 23rd day of November, 1971; being also a point in the southwesterly boundary of Tract No. 2026-3, as shown on map thereof recorded in Book 58, Page 80 of said Miscellaneous Records; thence along said boundary of Tract No. 2026-3 the following nineteen (19) courses

1. North  $24^{\circ} 46' 56''$  West 1294.66 feet; thence
2. North  $65^{\circ} 13' 04''$  East 92.00 feet; thence at right angles thereto
3. South  $24^{\circ} 46' 56''$  East 2.37 feet to the beginning of a tangent curve concave northeasterly and having a radius of 15.00 feet; thence
4. Along said curve easterly through a central angle of  $94^{\circ} 11' 37''$  a distance of 24.66; thence tangent from said curve
5. North  $61^{\circ} 01' 27''$  E 221.13 feet to the beginning of a tangent curve concave northwesterly and having a radius of 30.00 feet; thence
6. Along said curve easterly through a central angle of  $36^{\circ} 52' 12''$  a distance of 19.31 feet to the beginning of a reverse curve concave southeasterly and having a radius of 60.00 feet; a radial line thereto bears South  $65^{\circ} 50' 45''$  East; thence
7. Along said reverse curve through a central angle of  $73^{\circ} 44' 24''$  a distance of 77.22 feet to the beginning of a reverse curve concave northwesterly and having a radius of 30.00 feet, a radial line thereto bears North  $7^{\circ} 53' 39''$  East; thence
8. Along last mentioned reverse curve through a central angle of  $36^{\circ} 52' 12''$  a distance of 19.31 feet; thence tangent from said curve
9. North  $61^{\circ} 01' 27''$  E 150.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 30.00 feet thence
10. Along said curve easterly through a central angle of  $36^{\circ} 52' 12''$  a distance of 19.31 feet to the beginning of a reverse curve concave southeasterly and a radius of 60.00 feet; a radial line thereto bears South  $65^{\circ} 50' 45''$  East; thence
11. Along said reverse curve through a central angle of  $73^{\circ} 44' 24''$  a distance of 77.22 feet to the beginning of a reverse curve concave northwesterly and having a radius of 30.00 feet, a radial line thereto bears North  $7^{\circ} 53' 39''$  East; thence
12. Along last mentioned reverse curve though a central angle of  $36^{\circ} 52' 12''$  a distance of 19.31 feet; thence tangent from said curve

- 13. North 61° 01' 27" East 134.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 30.00 feet; thence
- 14. Along said curve northerly through a central angle of 90° 00' 00" a distance of 47.12 feet; thence along a radial line from said curve
- 15. North 61° 01' 27" East 48.00 feet; thence at right angles
- 16. South 28° 58' 33" East 24.00 feet to the beginning of a tangent curve concave northeasterly and having a radius of 37.00 feet; thence
- 17. Along said curve southerly through a central angle of 20° 12' 34" a distance of 13.05 feet to the beginning of a reverse curve concave southwesterly and having a radius of 73.00 feet, a radial line thereto bears South 40° 48' 53" West; thence
- 18. Along last mentioned reverse curve through a central angle of 20° 12' 34" a distance of 25.75 feet; thence along a radial line from said curve
- 19. N 61° 01' 27" East 393.23 feet to a point in the northeasterly boundary of the lands described in the deed to Southern California Edison Company and recorded as Document Number 56060, in Book 1685, Page 540 of Official Records of said County; thence along said boundary the following three courses
- 20. South 28° 58' 33" East 1901.95 feet; thence
- 21. South 17° 46' 50" East 174.02 feet; thence
- 22. South 0° 00' 39" 1456.24 feet to the center-line of Channel Islands Boulevard (formerly Oxnard Road), 40.00 feet wide; thence leaving said boundary and along said centerline.
- 23. North 89° 59' 21" West 300.00 feet to a point in the westerly boundary of said lands of Southern California Edison Company; thence along said boundary the following two (2) courses
- 24. North 0° 00' 39" East 1403.30 feet; thence
- 25. North 17° 46' 50" West 112.60 feet; thence
- 26. North 28° 58' 33" West 617.13 feet to a point in the northwesterly boundary of said Waterway Maintenance District; being also a point in the southeasterly boundary of said Tract No. 2026-3 thence along said boundary the following three courses
- 27. South 61° 01' 27" West 100.00 feet; thence
- 28. North 28° 58' 33" West 12.00 feet; thence
- 29. South 61° 01' 27" West 1000.35 feet to the point of beginning.

EXCEPT: A portion that constitutes the area of Mandalay Canal being in fee to Southern California Edison Company and described as follows:

Commencing at the southeasterly corner of Tract 1904-1 which is a centerline intersection of Victoria Avenue (former West Road) and Channel Islands Boulevard as recorded in Book 49 M.R. 66; thence, North 89° 59' 21" West 1,816.72 feet to the true point of beginning; thence,

- 1st - North 0° 00' 39" East 1,456.42 feet; thence,  
 2nd - North 17° 46' 50" West 174.02 feet; thence,  
 3rd - North 28° 58' 33" West 1901.95 feet; thence,  
 4th - South 61° 01' 27" West 300.00 feet; thence,  
 5th - South 28° 58' 33" West 1863.13 feet; thence,  
 6th - South 17° 46' 50" East 112.60 feet; thence,  
 7th - South 0° 00' 39" West 1453.30 feet to the  
 existing centerline of Channel Islands  
 Boulevard (former Oxnard Road); thence,  
 8th - South 89° 58' 21" East 300.00 feet to the true  
 point of beginning.

That the district in the City of Oxnard to be benefited by said maintenance and operation is shown on that certain map designated Waterway Assessment District on file in the office of the City Clerk and the City Engineer of the City of Oxnard, and approved by Resolution No. 6757 of the City Council of said City and indicating the exterior boundaries thereof, all as described herein;

That said district shall be known and designated as Waterway Maintenance District.

2. That if said district is formed, the City Council of the City of Oxnard in each year prior to the time of fixing the City tax rate shall estimate the cost of maintaining and operating said channels, parking and landscaping to be maintained and operated within said maintenance district during the ensuing year. Said Council shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and, shall, in addition to all other taxes, fix a special tax rate for the real property within said maintenance district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the City Council shall determine shall be borne by said district and said City Council shall levy a special assessment tax each year upon the real property in such district sufficient to pay such expense and the portion thereof which must be paid by the district.

Said special assessment tax 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 for the City. Said funds when so collected shall be paid into the City Treasury to the credit of the fund of the maintenance district and be used for the payment of the expenses of such district.

3. The City Council of the City of Oxnard in forming the said maintenance district and proposing to do the maintenance and operation 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 said division.

4. Notice hereby is given that on August 3, 1976, 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 formation of said maintenance district or to the extent of said maintenance district, or both, may appear before the City Council and show cause why the proposed district should not be formed to the extent described herein. 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.

5. 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 publications shall be not less than ten days prior to August 3, 1976, the date of said hearing and which hearing shall be not less than fifteen nor more than sixty days after the date of the adoption of this resolution.

Approved and adopted this 6th day of July, 1976.

ATTEST:

Mildred W. Foster  
Mildred W. Foster, CMC  
City Clerk

Tsujio Kato  
Tsujio Kato, D.D.S  
Mayor