



City of

Meeting Date: 09/12/06

<input type="checkbox"/> Approved Recommendation <input type="checkbox"/> Ord. No(s). <input type="checkbox"/> Res. No(s). <input type="checkbox"/> Other	<b>TYPE OF ITEM</b> <input type="checkbox"/> Info/Consent <input type="checkbox"/> Report/Public Meeting <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Other _____
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Prepared By: Joel Galaviz Agenda Item No. L-1

Reviewed By: City Manager JEB City Attorney J Finance M Other (Public Works Dir) SD

**DATE:** August 30, 2006

**TO:** City Council

**FROM:** Michael Henderson, Deputy Public Works Director 

**SUBJECT:** Public Hearing and Adoption of Resolution to Annex APN 144-0-150-075 to Landscape Maintenance District No. 57 and to Levy FY 2006-2007 Assessments on the Annexed Property

**RECOMMENDATION**

That City Council:

1. Hold a public hearing concerning the annexation of APN 144-0-150-075 ("the Property"), located at 2200 Auto Center Drive, to Landscape Maintenance District No. 57 ("the District"), located at 2100 Auto Center Drive, and the levy of assessments on the Property.
2. Adopt a resolution to annex the Property to the District and levy FY 2006-2007 assessments on the Property.

**DISCUSSION**

On July 11, 2006, the City Council adopted resolution No. 13,138, forming the District, which consisted of APN 144-0-150-055 (Golden State Self Storage), located at 2100 Auto Center Drive. The owner of APN 144-0-150-075 (Gibbs International Trucks Center) has requested that the Property be annexed to the District. An engineer's report was prepared for the annexation.

The public hearing held today is for City Council to consider annexation of the Property to the District and the levy of the proposed assessments on the Property.

Streets and Highway Code section 22608 provides that in annexation proceedings, procedures for formation (including the right of majority protest) are limited to the territory to be annexed and may be waived by the owner of the property to be annexed. The owner of the Property has waived such procedures.

City Council

Subject: **Public Hearing and Adoption of Resolution to Annex APN 144-0-150-075 to Landscape Maintenance District No. 57 and to Levy Assessments on the Annexed Property**

August 30, 2006

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### **CONTRACT SERVICE DISTRICT**

The District will be a contract service district and the City will obtain bids from private contractors on behalf of the District. The engineer's report indicates the FY 2006-2007 costs.

### **FINANCIAL IMPACT**

The approval of the recommendation will result in the City's ability to provide landscaping services in the District at no cost to the General Fund.

- Attachment
- 1 - Engineers Report
  - 2 - Resolution Ordering Annexation and Levying Assessments: Landscaped Maintenance District No. 57
  - 3 - Letter Requesting Annexation and Waiving Procedures

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**CITY OF OXNARD  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 57  
(GOLDEN STATE SELF STORAGE-  
APN 144-0-150-085 AND GIBBS INTERNATIONAL-  
APN 144-0-150-075)**

**ENGINEER'S REPORT  
ON LEVY OF ANNUAL ASSESSMENTS  
FOR FISCAL YEAR 2006-2007  
AND FUTURE YEARS**

**PREPARED BY:** PENFIELD & SMITH  
DEL NORTE ROAD, SUITE 200  
CAMARILLO, CA 93010  
(805) 981-0706  
FAX (805) 981-0251

**PROJECT MANAGER:** PATRICK J. REEVES, P.E.

**W.O. #:** 13086.26

**DATE:** JULY 24, 2006

**CITY OF OXNARD  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 57  
(GOLDEN STATE SELF STORAGE-  
APN: 144-0-150-085 AND GIBBS INTERNATIONAL  
APN: 144-0-150-075)**

**ENGINEER'S REPORT  
ON LEVY OF ANNUAL ASSESSMENTS  
FOR FISCAL YEAR 2006-2007  
& FUTURE YEARS**

**SECTION 1 MAINTENANCE TO BE PROVIDED**

Landscaping improvements to be maintained include: trees, shrubs, turf, and ground cover 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 or hardscape.
- 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 and medians.

**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 2006-2007 fiscal year includes:

- a. Total costs estimated to be incurred in 2006-2007, for maintaining and servicing all existing and proposed landscaping improvements, including all incidental expenses: \$9,732.52.

Cost Estimate

<b>Description (Golden State Storage)</b>	<b>Total</b>
Median Auto Center Drive	\$ 2,770.95
Street Trees	\$ 455.00
Water	\$ 2,000.00
Electricity	\$ 200.00
	Subtotal \$ 5,425.95
Administration	\$ 813.89
	Subtotal \$ 6,239.84
County Collection Fee	\$ 15.60
	Total \$ 6,255.44

<b>Description (Gibbs International)</b>	<b>Total</b>
Planting area	\$ 1,386.00
Street Trees	\$ 280.00
Water	\$ 1,200.00
Electricity	\$ 150.00
	Subtotal \$ 3,016.00
Administration	\$ 452.40
	Subtotal \$ 3,468.40
County Collection Fee	\$ 8.68
	Total \$ 3,477.08

**Grand Total \$ 9,732.52**

- 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 2006-2007 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): \$9,732.52.

#### **SECTION 4 ASSESSMENT OF ESTIMATED COSTS OF MAINTENANCE**

This assessment applies to the 2006-2007 fiscal year.

- a. The net amount, determined in accordance with Section 3, above, to be assessed upon assessable lands within the District is \$9,732.52.
- 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 \$9,732.52 is divided by 2 parcels for an assessment of \$6,255.44 and \$3,477.08 according to planting areas.

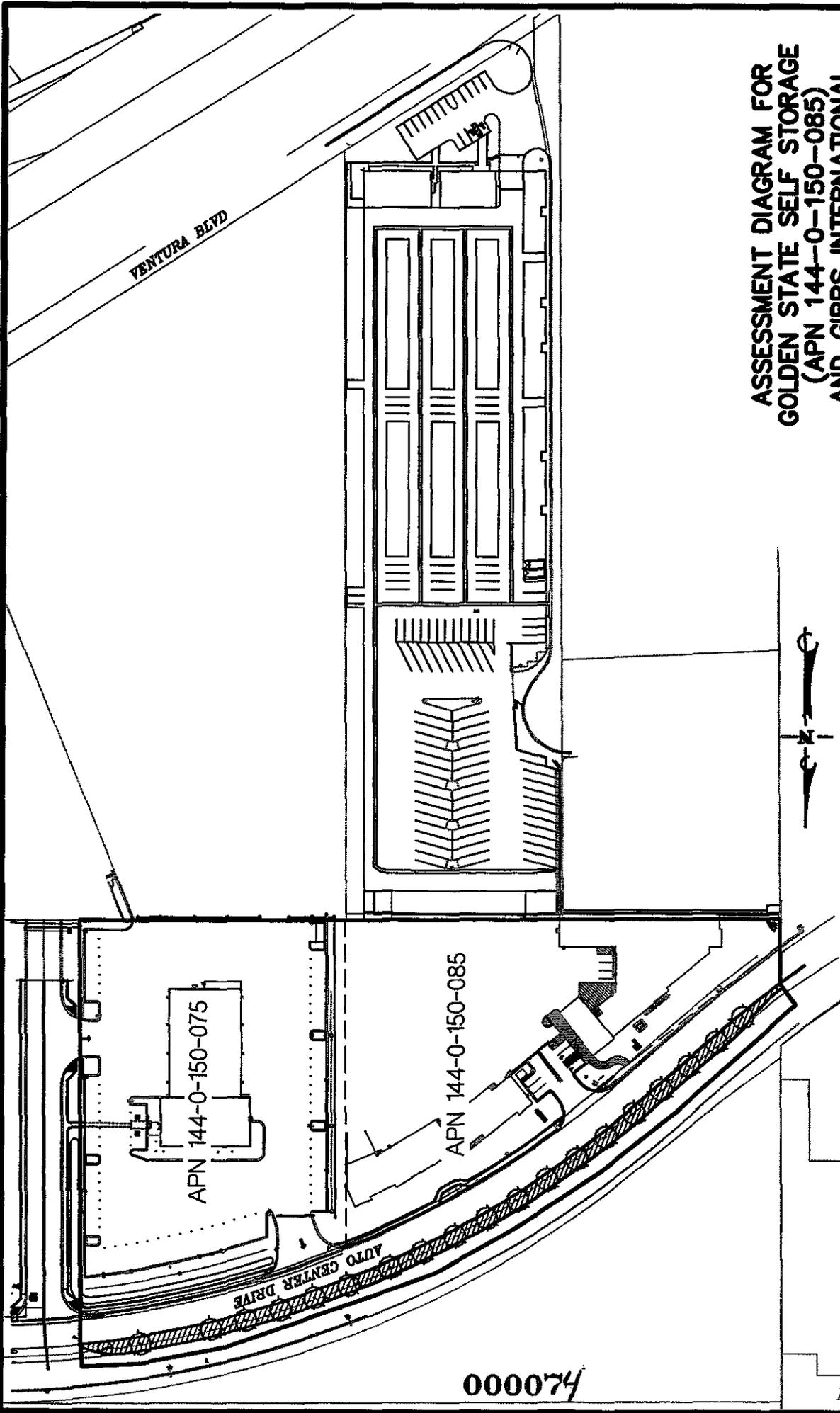
The landscape maintenance described in Section 1 is for the visual enhancement, visual screening and preservation of open space for all parcels. The landscape maintenance along the streets of the District add value and enhance the aesthetic qualities of the District. In addition, the landscaping elements discussed in this report were all conditions of the tract development plan.

The special benefits assessed to the parcels within the District are those improvements which front each property as described in the conditions of development. 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 October 2005 CPI, (206.9 - with 1982-84=100.0) without compliance with applicable procedures set out in Article XIII D 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.



**ASSESSMENT DIAGRAM FOR  
 GOLDEN STATE SELF STORAGE  
 (APN 144-0-150-085)  
 AND GIBBS INTERNATIONAL  
 (APN 144-0-150-075)  
 LANDSCAPE MAINTENANCE  
 ASSESSMENT DISTRICT #57**

COUNTY OF VENTURA  
 STATE OF CALIFORNIA  
 JULY 2006

**SHEET 1 OF 1**

- LEGEND:**
-  CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
  -  CITY MAINTAINED STREET TREE
  -  DISTRICT BOUNDARY
  -  PARCEL BOUNDARIES

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Attachment 1

**Penfield & Smith**  
 ENGINEERS • SURVEYORS • PLANNERS  
 W.O. 13086.26 1308626MD1.DWG

SCALE: 1" = 150'

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING ANNEXATION TO AND LEVY OF ASSESSMENTS FOR FISCAL YEAR 2006-2007 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 57 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on July 11, 2006, City Council adopted Resolution No. 13,138, forming Landscape Maintenance District No. 57 ("the District") and levying assessments for the 2006-2007 fiscal year within the District in order to pay the costs of maintaining landscaping therein; and

WHEREAS, the District consists only of APN 144-0-150-055, located at 2100 Auto Center Drive; and

WHEREAS, the owner of APN 144-0-150-075 ("the Property"), located at 2200 Auto Center Drive, has requested annexation to the District; and

WHEREAS, a description of the improvements and the proposed assessments upon the Property is contained in the report of the engineer, dated July 2006, on file with the City Clerk; and

WHEREAS, Streets and Highway Code section 22608 provides that in annexation proceedings, procedures for formation including the right of majority protest are limited to the territory to be annexed and may be waived by the owner of the property to be annexed; and

WHEREAS, the owner of the Property waived such procedure; and

WHEREAS, City Council held a public hearing concerning annexation of the Property to the District, to which the owner of the Property consented; and

WHEREAS, City Council considered the proposed assessments against the Property, to which the owner of the Property waived the right of majority protest.

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

1. The Property is annexed to Landscape Maintenance District No. 57 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 as to the Property.
2. The adoption of this resolution shall constitute the levy of assessments on the Property for the 2006-2007 fiscal year within Landscape Maintenance District No. 57.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 09-05-06  
\_\_\_\_\_  
Gary L. Gillig, City Attorney



**Mr. Joel Galaviz  
City of Oxnard  
305 West Third Street  
Oxnard, Ca. 93031**

**July 25, 2006**

**Dear Mr. Galaviz:**

**The owner of the property at 2200 Auto Center Dr, Oxnard, the Gibbs Family Trust, is in favor of annexing into the special assessment district No. #57. This district is being formed to provide landscaping services to the median strip in front of our property. The trust also favors the waiving of the procedures for formation of the assessment district as authorized by Street and Highways Code section 22608.**

**Very truly yours,**

A handwritten signature in cursive script, appearing to read "Patti D. Gibbs".

**Patti D. Gibbs  
Trustee  
Gibbs Family Trust**

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Attachment 3  
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