



Meeting Date: 06/26/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other

Prepared By: Joel Galaviz *[Signature]*

Agenda Item No. *L-4*

Reviewed By: City Manager *[Signature]*

City Attorney *[Signature]*

Finance *SW*

Other (*Public Works Dir*)

DATE: June 12, 2007

TO: City Council

FROM: Michael Henderson, Deputy Public Works Director  
Public Works Department *[Signature]*

SUBJECT: Public Hearing and Adoption of Resolution to Form and to Levy FY 2007-2008 Assessments in Landscape Maintenance District No. 59

**RECOMMENDATION**

That City Council:

1. Hold a public hearing concerning the formation of Landscape Maintenance District No. 59, consisting of Tract No. 5542 (Orbela), located south of Fifth Street between Northport Lane and Victoria Avenue, and determine whether a majority protest against formation exists.
2. If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment.
3. If a majority protest does not exist as to the assessment, adopt a resolution to form and levy FY 2007-2008 assessments in the District.

**DISCUSSION**

As a condition of development, the developer of Tract No. 5542 (Orbela), located south of Fifth Street between Northport Lane and Victoria Avenue, consented to the formation of the District.

On May 15, 2007, Council approved the engineer's report for the District and adopted Resolution No. 13,243 declaring Council's intention to form the District and levy FY 2007-2008 assessments.

The public hearing held today is for Council to consider protests against the formation of the District and to consider protests against the proposed assessments.

Subject: Public Hearing and Adoption of Resolution to Form and to Levy FY 2007-2008 Assessments  
in Landscape Maintenance District No. 59

June 12, 2007

Page 2

The District cannot be formed if a majority protest exists. A majority protest against formation exists if, at the conclusion of the hearing, written protests filed and not withdrawn represent property owners owning more than 50 percent of the area of assessable lands within the District.

If a majority protest against formation does not exist, Council may continue with the public hearing to consider objections and protests against the proposed assessments. The assessments cannot be imposed if a majority protest exists. A majority protest against the assessments exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessments exceed the assessment ballots submitted, and not withdrawn, in favor of the proposed assessments, weighing the assessment ballots by the amount of the proposed assessment to be imposed upon the parcel for which the assessment ballot was submitted.

If a majority protest does not exist as to formation or as to the assessments, and Council adopts a resolution forming and levying assessments in the District, the assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2007-2008 assessments.

### **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 2007-2008 costs.

### **FINANCIAL IMPACT**

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 - Resolution Ordering Formation and Levying Assessments: Landscape Maintenance  
District No. 59

#2 - Exhibit Map: Landscape Maintenance District 59

**000146**

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OXNARD ORDERING THE FORMATION OF AND LEVY OF  
ASSESSMENTS FOR FISCAL YEAR 2007-2008 WITHIN  
LANDSCAPE MAINTENANCE DISTRICT NO. 59 PURSUANT  
TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2007, City Council adopted Resolution No. 13,243, declaring its intention to form Landscape Maintenance District No. 59 (Orbela, hereinafter "the District") and levy and collect assessments for the 2007-2008 fiscal year within the District in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcel of the land within the District is contained in the report of the Engineer, dated May 2007, on file with the City Clerk; and

WHEREAS, Resolution No. 13,243 set a public hearing for June 26, 2007, concerning formation of the District and the levy of the proposed assessments, which was held and all interested persons were afforded the opportunity to hear and be heard; and

WHEREAS, City Council considered all protests against the formation of the District and found that a majority protest did not exist; and

WHEREAS, City Council considered all protests against the proposed assessments; and

WHEREAS, City Council tabulated ballots submitted in opposition to and in favor of the proposed assessments; and

WHEREAS, City Council determined that a majority protest against the proposed assessments did not exist.

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

1. Landscape Maintenance District No. 59 is ordered formed 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.
2. The adoption of this resolution shall constitute the levy of assessments for the 2007-2008 fiscal year within Landscape Maintenance District No. 59.

**000147**

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 \_\_\_\_\_, 2007 by the following vote:

AYES:

NOES:

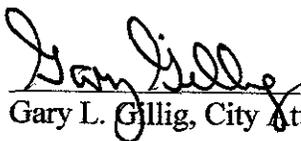
ABSENT:

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

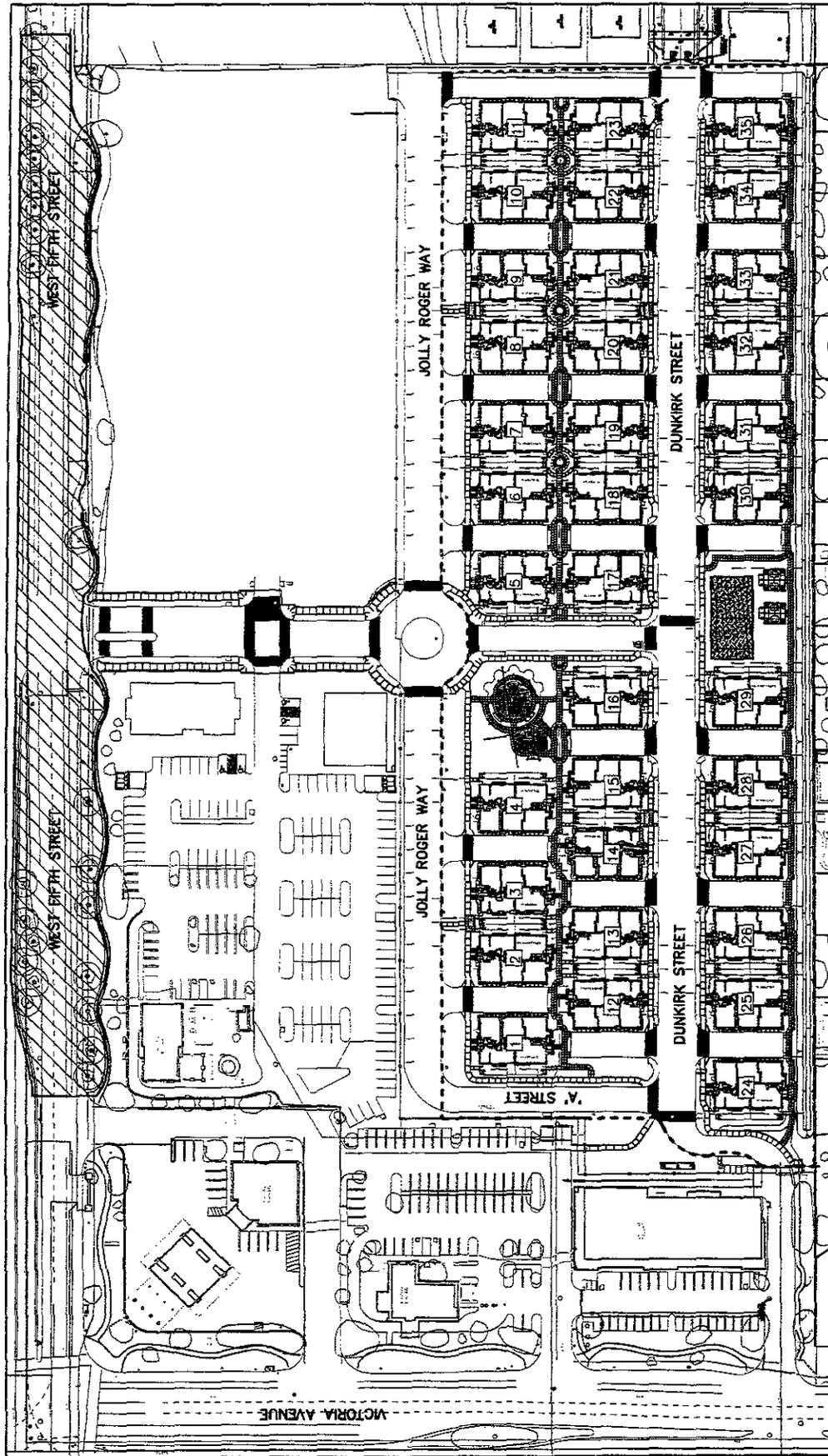
ATTEST:

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

APPROVED AS TO FORM:

 06-18-07  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

000148



ASSESSMENT DIAGRAM FOR  
 ORBELA (TRACT-5542)  
 LANDSCAPE MAINTENANCE  
 ASSESSMENT DISTRICT #59  
 COUNTY OF VENTURA  
 STATE OF CALIFORNIA  
 APRIL 2007  
 SHEET 1 OF 1

- LEGEND:**
-  CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
  -  CITY MAINTAINED STREET TREE
  -  BUILDING NUMBER WITH 3 UNITS EACH
  -  DISTRICT BOUNDARY

SCALE: 1"=100'

**Penfield & Smith**  
 Engineers · Surveyors · Planners  
 · Construction Management ·

1308628X1.DWG

W.O. 13086.28

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