



Meeting Date: 03 / 25 / 2008

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input checked="" type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input checked="" type="checkbox"/> Other Agreement No. A-702	<input type="checkbox"/> Other _____

Prepared By: James F. Rupp, Jr. *JFR* Agenda Item No. I-1

Reviewed By: City Manager *MMH* City Attorney *JFR* Finance *MLC* Other (Specify) \_\_\_\_\_

**DATE:** March 18, 2008

**TO:** City Council

**FROM:** James F. Rupp, Jr., Assistant City Attorney *James F. Rupp, Jr.*  
Office of the City Attorney

**SUBJECT:** Approval of an Agreement with the Oxnard Harbor District and Adoption of a Resolution Consenting to the Acquisition of 5.04 Acres of Real Property Located at 5901 Edison Drive, Oxnard, by the Oxnard Harbor District

**RECOMMENDATION**

That City Council:

1. Approve and authorize the Mayor to execute the agreement with the Oxnard Harbor District.
2. Adopt a resolution consenting to the acquisition of property by the Oxnard Harbor District.

**DISCUSSION**

California Harbors and Navigation Code section 6075 requires the Oxnard Harbor District ("District") to obtain consent from the City Council prior to the District acquiring real property within the City.

The District has requested consent for its purchase of 5.04 acres of property located at 5901 Edison Drive. The District's intended uses will be harbor related uses that are consistent with the M-2-PD zoning.

The District is willing to enter into the attached agreement calling for yearly payments to the City.

The resolution provides the consent to satisfy Section 6075 requirements.

**FINANCIAL IMPACT**

The City will receive payments from the District. These funds will be included in the FY09 budget process.

Subject: Approval of Agreement with Oxnard Harbor District and Adoption of Resolution  
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(JR)

Attachment #1 - Agreement for Payments to Obtain Consent Pursuant to Harbors and Navigation  
Code Section 6075  
#2 - Resolution

**000002**

**AGREEMENT FOR PAYMENT TO OBTAIN CONSENT PURSUANT TO  
HARBORS AND NAVIGATION CODE SECTION 6075**

**WHEREAS**, the Oxnard Harbor District ("District") is a governmental agency that is not required to pay property taxes; and

**WHEREAS**, the District wishes to purchase property within the city limits of the City of Oxnard ("City"); and

**WHEREAS**, the purchase of such property by the District would remove the property from the property tax rolls; and

**WHEREAS**, the District has requested the City Council's consent to purchase such property in accordance with Harbors and Navigation Code section 6075; and

**WHEREAS**, the District is willing to enter into this Agreement to obtain the City Council's consent to the purchase and to compensate the City for the removal of the property from the property tax rolls.

**NOW, THEREFORE**, in consideration of the City Council's agreement for the District to purchase approximately 5.04 acres located at 5901 Edison Drive, Oxnard, California ("Property"), and further described in Exhibit A, attached hereto and made a part hereof by this reference, City and District agree as follows:

1. On July 1, 2008, the District shall pay the City an amount, if any, that equals the City's and the Oxnard Community Development Commission's loss of real property taxes and assessments from the date of the close of escrow by which title to the Property is conveyed to District and June 30, 2008.
2. For each fiscal year commencing with fiscal year 2008-2009, District shall pay to the City an amount equal to the real property taxes and assessments that the City and the Oxnard Community Development Commission would have received if the Property remained in private ownership less the possessory interest taxes and assessments assessed and levied against a tenant or other user of the Property that the City and the Oxnard Community Development Commission actually receives for fiscal year 2008-2009 (July 1 through June 30) and any fiscal year thereafter. Prior to November 1 of each year, the City shall compute the property taxes and assessments that the City and the Oxnard Community Development Commission would receive for that fiscal year from the Property if the Property were in private ownership based on the method then used by the County of Ventura for the assessment and levy of real property taxes and assessments. From this amount the City will

deduct the amount of possessory interest taxes and assessments if any, payable to the City and the Oxnard Community Development Commission as levied and assessed by the County of Ventura against a tenant or other user of the Property for the same fiscal year. It shall be the obligation of the District to obtain from its tenant or other user of the Property, or from the Ventura County Assessor, the possessory interest tax bill for the tenant or other user of the Property showing the amount of possessory interest taxes and to furnish the same to the City prior to November 1 of each year. Upon receipt of the City's computation, the amount, if any, so determined shall be paid by the District to the City in two installments on or before December 10 and April 10 of each fiscal year, or within 15 days, of receipt of the computation, whichever is later. If the person against whom the possessory interest taxes are levied fails to pay the possessory interest taxes, District shall pay to City on demand the amount of the possessory interest taxes the City and the Oxnard Community Development Commission would receive had the possessory interest taxes been timely paid. In this regard it shall be the obligation of the District to obtain from its tenant, or the tax collector, evidence that the possessory interest taxes have been paid and deliver the same to the City.

3. If the District should transfer the Property to another entity and as a result of such transfer, the Property is returned to the tax rolls, the District shall have no further obligation to the City under the Agreement from the date the conveyance of the Property is made.

4. Both the City and the District have been represented by and advised by legal counsel before entering into this agreement.

5. If the District fails to pay any amount set forth herein in a timely manner, the City may institute a legal action in the Superior Court in the County of Ventura to collect such amount plus interest at the legal rate of interest. If such an action is initiated, the prevailing party shall be awarded reasonable attorneys' fees.

6. This Agreement was authorized by the District at a special meeting on March 17, 2008, and the President of the District is authorized to execute this Agreement on behalf of the District.

7. This Agreement was authorized by City Council at a regular meeting on March 25, 2008 and the Mayor of the City is authorized to execute this Agreement on behalf of the City.

Oxnard Harbor District:

City of Oxnard:

\_\_\_\_\_  
Jess Herrera, President

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

Attest:

\_\_\_\_\_  
Jesse Ramirez, Secretary

Approved as to form:

\_\_\_\_\_  
Anson M. Whitfield, District Counsel

Attest:

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

Approved as to form:

*James J. Rupp Jr. For*  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OXNARD CONSENTING TO THE ACQUISITION OF CERTAIN REAL PROPERTY  
BY THE OXNARD HARBOR DISTRICT

Whereas, the Oxnard Harbor District wishes to acquire approximately 5.04 acres of property within the city limits; and

Whereas, Section 6075 of the California Harbors and Navigation Code states that the acquisition of real property within the city limits by the Oxnard Harbor District requires the prior consent to such acquisition by resolution of the City Council.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves to consent to the Oxnard Harbor District's acquisition of the approximately 5.04 acres of property commonly known as 5901 Edison Drive, Oxnard, California, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

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

ATTEST:

APPROVED AS TO FORM:

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

*Gary L. Gillig*  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

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ATTACHMENT NO. 2  
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Title No. 08-68001876-JB  
Locate No. CACTI7756-7756-5680-0068001876

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

Parcel A of Parcel Map 77-09, in the City of Oxnard, County of Ventura, State of California, as per Map recorded in Book 26, Page 15 and 16 of Parcel Maps, in the office of the County Recorder of said County.

APN: 231-0-020-260

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ATTACHMENT NO. 2  
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