

See attached for
approval date.

L. Hare

114-717

JOINT POWERS AGREEMENT

BETWEEN THE CITY OF MOORPARK

AND THE COUNTY OF VENTURA

Providing for the Funding, Improvement and
Maintenance of a Park/Buffer Zone
between Tracts 4341, 4340 and 4342 of Mountain Meadows
and the Unincorporated Community of Home Acres

THIS AGREEMENT is made and entered in the City of Moorpark on this day of , by and between the City of Moorpark, a municipal corporation, hereinafter referred to as "City" and the County of Ventura, a political subdivision of the State of California, hereinafter referred to as "County".

W I T N E S S E T H:

WHEREAS, each of the parties of this Agreement is a "public agency" as that term is defined in California Government Code, Section 6500; and

WHEREAS, both City and County have the power, authority and expertise to regulate the use of land, including open space, by various controls such as planning, zoning, building, subdivision, and environmental regulations; and

WHEREAS, both City and County pursuant to Title 1, Division 7, Chapter 12, of the California Government Code have the authority to maintain land areas for public use and enjoyment; and

WHEREAS, pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California, commonly known as the Joint Exercise of Powers Act, two or more public agencies may, by Agreement, jointly exercise any power common to the contracting parties; and

WHEREAS, Condition 17A of Tract 4341 of the Mountain Meadows development known as PC 832 stipulates that the developer shall offer for dedication to the City that area shown as lots 62 through 70 for the September 28, 1987 Vested Tentative Tract Map 4341 for the purpose of providing a park/buffer zone between Tracts 4341, 4340 and 4342 and the community of Home Acres; and

WHEREAS, City and County find and determine that it would be to their mutual advantage and the public benefit to coordinate their power, authority and expertise, and to cooperate in the funding, improvement, and maintenance of a park/buffer zone between Tracts 4341, 4340 and 4342 of Mountain Meadows and the unincorporated community of Home Acres, herein after referred to as the "Park"; and

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. TERM OF AGREEMENT. The term of this agreement shall be from the date this agreement is made and entered, as first written above, and shall continue in full force and effect until such time as both parties mutually consent to its termination.

2. ADMINISTRATION

a. The City shall administer the terms of this Agreement and the Assessment District and the costs thereof shall be included in the annual assessments. All contacts and daily affairs shall be delegated to and handled by the City Manager for the City.

b. City and County shall, pursuant to the provisions of the Landscaping and Lighting Act of 1972 found at Streets and Highways Code Section 22500 et. seq., 22506 and Streets and Highways Code Section 5115 et. seq., initiate the formation of an Assessment District to provide for the funding, improvement and maintenance of the "Park". Pursuant to condition 17A, Tract 4341, the assessments levied by said District shall be borne one half by the property owners of the unincorporated community of Home Acres and the other half by the property owners of Tracts 4341, 4340 and 4342. (See Exhibit A attached hereto.) The City, as the administrative agency of the Assessment District, shall not authorize the selling of bonds to finance improvements within the "Park". Such improvements shall be financed solely through the accumulation of assessment funds over time. Moreover, the City, as the administrative agency of the Assessment District, shall not authorize any improvements within the "Park" which could increase the liability to the Assessment District, unless those improvements are approved by a four-fifths vote of the Community Park Joint Development Coordinating Committee, discussed below in paragraph 2.c."

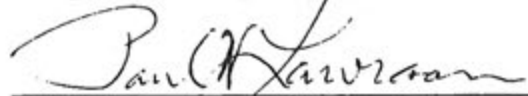
c. The parties shall form a Community Park Joint Development Coordinating Committee which shall consist of two representatives of the City of Moorpark selected by the Council, the County Supervisor from the Fourth District or his representative, and one member from the Homeowners Association for Mountain Meadows selected by the Association, and one member from the Home Acres Neighborhood Council selected by the Neighborhood Council. It shall be the function of this Committee to advise the City, the County, the Association and the Neighborhood Council (the four agencies) on any matters associated with the funding, improvement, or maintenance of the "Park" and to assist in the coordination of the efforts of the four agencies as they relate to the "Park". The Committee shall meet on an as-needed basis but no less frequently than once per year and shall report to the four agencies on the status of the project, make appropriate recommendations relative to it, and submit requests for specific actions necessary to the project. In addition, the Committee shall accept for due consideration, recommendations from the four agencies as to how the "Park" should be developed.

d. The County, as distinguished from the property owners within the unincorporated community of Home Acres, shall not be responsible or liable for any of the costs of funding, improving or maintaining the "Park", including the costs of compensation for damages to persons or property, injured or damaged, as a result of some condition, action or non-action at the "Park".

3. AMENDMENTS. Any amendment, modification or variation from the terms of this agreement shall be in writing and shall be effective only upon approval by the Council of the City and the Board of Supervisors of the County.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

City of Moorpark



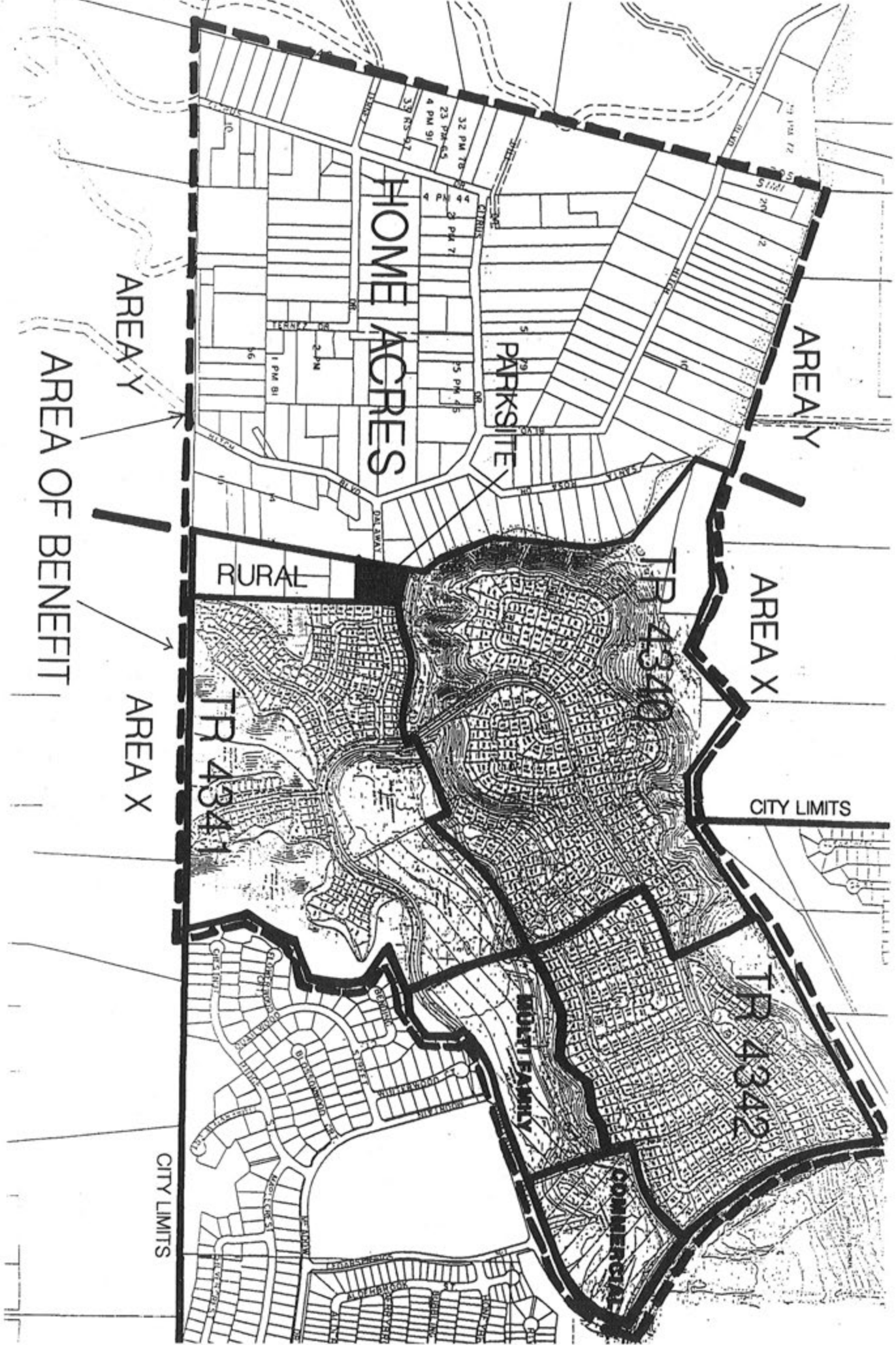
Mayor



County of Ventura



Chair, Board of Supervisors



HOME ACRES

PARKSITE

RURAL

CITY LIMITS

TR 49341

TR 49340

TR 49342

COMMERCIAL

AREA Y

AREA X

AREA Y

AREA OF BENEFIT

AREA X

CITY LIMITS

CITY LIMITS


ELOISE BROWN
Mayor
BERNARDO M. PEREZ
Mayor Pro Tem
CLINT HARPER, Ph. D.
Councilmember
PAUL LAWRASON
Councilmember
SCOTT MONTGOMERY
Councilmember
RICHARD T. HARE
City Treasurer



STEVEN KUENY
City Manager
CHERYL J. KANE
City Attorney
PATRICK RICHARDS, A.I.C.P.
Director of
Community Development
R. DENNIS DELZEIT
City Engineer
JOHN V. GILLESPIE
Chief of Police

MEMORANDUM

TO: The Honorable City Council

FROM: Patrick J. Richards, Director of Community Development 

DATE: November 22, 1989 (CC meeting of December 6, 1989)

SUBJECT: ESTABLISHMENT OF A JOINT POWERS AGREEMENT WHICH ESTABLISHES AND MAINTAINS THE OPEN SPACE BUFFER BETWEEN TRACTS 4340, 4341, AND 4342 (URBAN WEST COMMUNITIES) AND THE COMMUNITY OF HOME ACRES

On September 6, 1989, the City Council took action to direct staff to prepare a Resolution of Intention for the above stated subject. The Resolution was presented for Consent Calendar at the September 20, 1989 City Council meeting. The Resolution of Intention was passed at that meeting.

The Board of Supervisors had previously approved the Joint Powers Agreement on September 12, 1989, but had not passed the Resolution of Intention approving the collection of assessments until such time that the amount of the assessments to the property owners within Home Acres was determined. At the City Council meeting of October 4, 1989, staff was directed to proceed with the establishment of determining costs for the Assessment District not to exceed \$500.00. As of the date of that meeting, the Mayor had not yet signed the Joint Powers Agreement which had been previously signed by the Board of Supervisors.

This matter was brought back to the Board of Supervisors on October 24, 1989 due to a letter from Marcus Weiss. This letter stated the position of the Home Acres Homeowners Association concerning the time restrictions on the condition-which state that if a Joint Powers Agreement has not been formed by January 31, 1990 the lots will revert back to the developer. This matter was brought back to the Board of Supervisors so as to not further complicate the process. The Board of Supervisors completed their part of the process at the hearing on October 24, 1989 by approving and consenting to the proposed Resolution of Intention as required by Streets and Highways Code sections 22506, 5117 and 5118. Such approval and consent is given with the understanding that the assessments levied by the assessment district to develop and maintain the "Park," shall be borne one-half by the property

TO: The Honorable City Council
FROM: Patrick J. Richards, Director of Community Development
DATE: November 22, 1989 (CC meeting of December 6, 1989)
SUBJECT: ESTABLISHMENT OF THE ASSESSMENT DISTRICT PURSUANT TO THE JOINT POWERS AGREEMENT WHICH ESTABLISHES AND MAINTAINS THE OPEN SPACE BUFFER BETWEEN TRACTS 4340, 4341, AND 4342 (URBAN WEST COMMUNITIES) AND HOME ACRES

Page -2-

owners of the unincorporated community of Home Acres and the other half by the property owners of the City of Moorpark Tracts 4341, 4340 and 4342.

The final necessary step to satisfy Condition No. 17.a. for Tract 4341 is to have the Mayor sign the Joint Powers Agreement.

Staff Recommendation

Direct the Mayor to sign the Joint Powers Agreement and staff to send a letter to Urban West Communities informing them that pursuant to Condition No. 17A of Tract 4341 the Joint Powers Agreement has been formed.

Further direct staff to proceed with developing proposed improvement plans and related actions to implement the Joint Powers Agreement and associated assessment district and to meet with the Home Acres representative on this matter.

Attachments:

Joint Powers Agreement
Resolution of Approval and Consent of the Board of Supervisors of the County of Ventura

MOORPARK, CALIFORNIA
City Council Meeting

of 12/6 1989

ACTION: Approved
Staff Recommendation

By [Signature]
City Clerk

— RECEIVED —

NOV 20 1989

City of Moorpark

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA ✓

TUESDAY, OCTOBER 24, 1989, AT 8:30 A.M. ✓

510/221-General

ALL MEMBERS PRESENT

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the following matter:



MEMBERS OF THE BOARD
SUSAN

MADGE L.
MAGGIE H.
JAMES R. DC
JOHN

JAMES R. DI
SUPERVISOR, FOURTH DISTRICT
(805)

**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

3190 EAST COCHRAN STREET, SIMI VALLEY, CALIFORNIA 93065

October 24, 1989

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009

Subject: CREATION OF A PARK/BUFFER ZONE BETWEEN
HOME ACRES AND MOUNTAIN MEADOWS

RECOMMENDATION:

1. Adopt the enclosed Resolution of Approval and consent of the proposed Resolution of Intention of the Landscaping and Lighting Act of 1172 Assessment District of the City of Moorpark. If adopted, the Resolution will authorize the assessment of the property owners of the unincorporated community of Home Acres for their 50 percent share of the development and maintenance of the "Park," as shown on Exhibit A of the enclosed Resolution.

DISCUSSION:

In September of 1987, the City of Moorpark approved Tract Map 4341 on incorporated land immediately to the west of the unincorporated community known as Home Acres. As a condition of that tract, the developer was required to dedicate land for a Park/Buffer Zone between the tract and the community of Home Acres to help alleviate the potential problems of urban and rural lifestyles conflicting.

On September 12, 1989, your Board approved the Joint Powers Agreement between the City of Moorpark and the County of Ventura. I have enclosed a letter from Marcus Weiss stating the position of the Home Acres Homeowners association. Due to this letter and the time restrictions on the condition - which state that if a Joint Powers Agreement has not been formed by January of 1990 the lots will revert back to the developer - I am bringing this matter back to your Board at this time so as not to further complicate the process.

Board of Supervisors
Page 2
October 24, 1989

I ask for your favorable consideration.

Sincerely,


JAMES R. DOUGHERTY
Supervisor
Fourth District

JRD:cv

Attachment

COPIES TO:

Sup. Dougherty
City Moorpark
Auditor
Files (3)
Item 13
10/24/89 rr

RESOLUTION OF APPROVAL AND CONSENT OF THE
BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA

WHEREAS, as a condition of City of Moorpark Tract Map 4341, the developer was required to dedicate land for a park/buffer zone, hereinafter "Park," between the area encompassed by City of Moorpark Tracts 4341, 4340 and 4342, and the unincorporated community of Home Acres; and

WHEREAS, a fair and equitable method is needed to develop and maintain such "Park"; and

WHEREAS, while the "Park" will affect property both in the City of Moorpark and in the unincorporated territory of the County, the purpose sought to be accomplished by the "Park" can best be accomplished by a single comprehensive scheme; and

WHEREAS, the City of Moorpark has previously established an assessment district under the authority of the Landscaping and Lighting Act of 1972, found at Streets and Highways Code section 22500 et seq.; and

WHEREAS, territory, such as the community of Home Acres, which is beyond the territorial limits of that assessment district, can be included within that district if the consent of this Board to assess that territory is obtained; and

WHEREAS, the assessment district's proposed resolution of intention, regarding the proposed assessments of such territory, has been submitted to this Board; and

WHEREAS, the residents of the community of Home Acres are desirous of inclusion in such assessment district;

NOW, THEREFORE, the Board of Supervisors of the County of Ventura hereby approves and consents to the proposed resolution of intention as required by Streets and Highways Code sections 22506, 5117 and 5118. Such approval and consent is given with the understanding that the assessments levied by the assessment district to develop and maintain the "Park," as shown on Exhibit A, shall be borne one-half by the property owners of the unincorporated community of Home Acres, as shown on Exhibit A, and the other half by the property owners of City of Moorpark Tracts 4341, 4340 and 4342, as shown on Exhibit A. Such approval and consent, as limited above, constitutes assent to the assumption of jurisdiction for all purposes of the proceeding and authorizes the

assessment district to take each and every step required or suitable, including the levying, collecting and enforcement of the assessment to cover the expenses thereof.

On motion by Supervisor Dougherty, seconded by Supervisor Erison, the foregoing resolution was passed and adopted on October 24, 1989.

COUNTY OF VENTURA

Dated: October 24, 1989 By Susa K Lacey
Chair, Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of
California, and ex officio
Clerk of the Board of Super-
visors thereof.



By: Roberta Rodriguez
Deputy Clerk

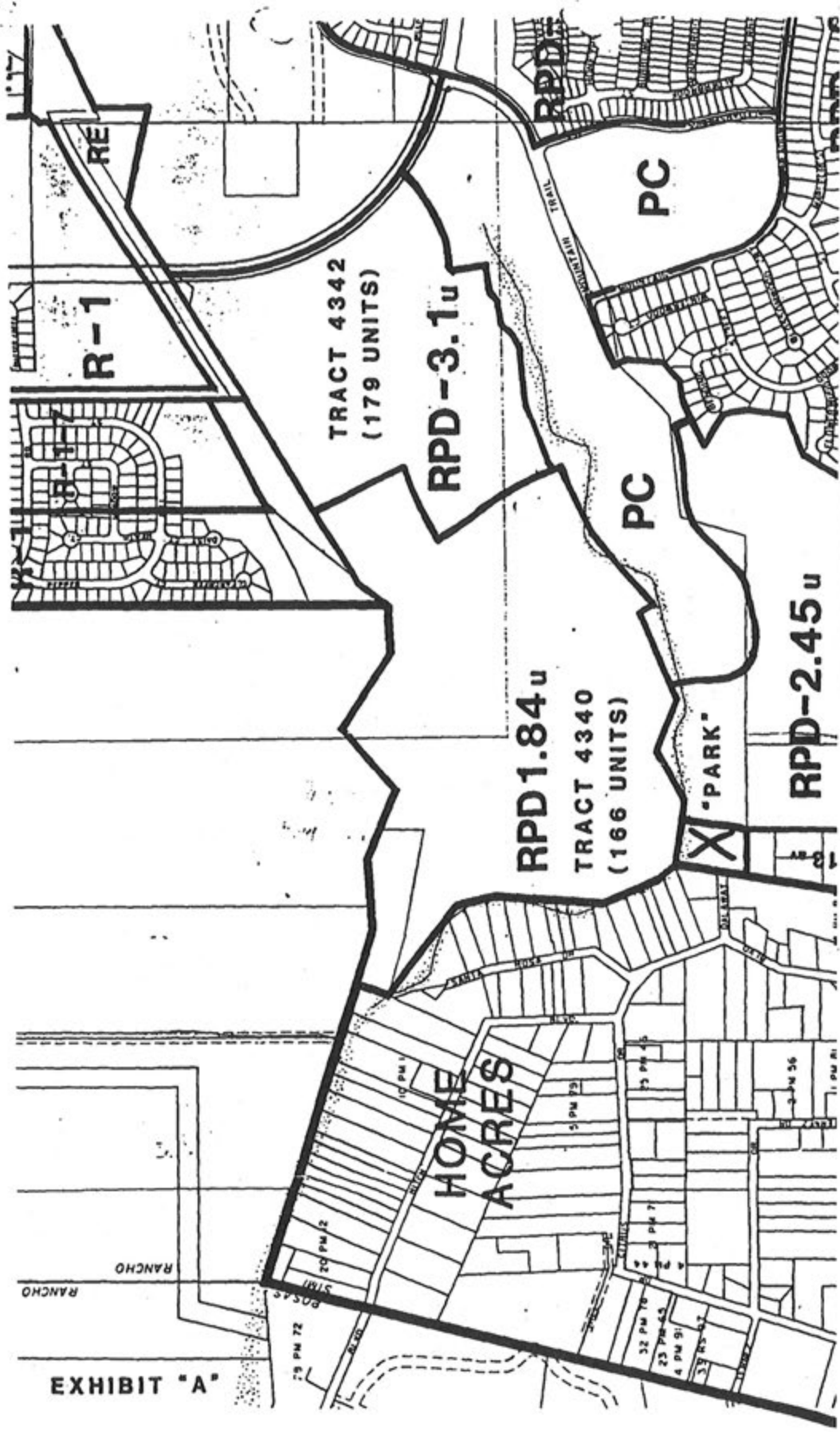


EXHIBIT "A"