



HARBOR DEPARTMENT

3900 Pelican Way
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February 27, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Approval of, and Authorization for the Harbor Director to Sign, the Amended and Completely Restated Declaration of Easements, Covenants, Conditions and Restrictions for Parcel C (Amended CC&Rs) by the County of Ventura, Channel Island Villas L.P., a California Limited Partnership (Landside Owner), and Oxnard Marinas L.P., a California Limited Partnership (Waterside Owner), Effective February 27, 2024 – Parcel C Waterside and Landside - Channel Islands Harbor; Authorization for the Director to Approve Minor Modifications to the Amended CC&Rs.

Recommendations:

- 1) Approve the Amended and Completely Restated Declaration of Easements, Covenants, Conditions and Restrictions for Parcel C (Amended CC&Rs) by County of Ventura, Channel Islands Villas LP, a California limited partnership (Landside Owner) and Oxnard Marinas L.P., a California limited partnership (Waterside Owner), to modify the payments, maintenance, utilities, and other costs incurred by Landside Owner in granting easements to Waterside Owner.
- 2) Authorize the Harbor Director (Director) to sign four originals of the Amended CC&Rs on the County's behalf.
- 3) Authorize the Director to make corrections, clarifications, and technical modifications to the Amended CC&Rs provided the County Executive Officer and County Counsel concur that such changes do not result in the loss of any income to the County and do not subject the County to additional costs.

Fiscal/Mandates Impact:

This Amendment has no net fiscal impact.

Integration of Strategic Plan Priorities:

The updated CC&Rs will continue to allow boaters, fisherman, apartment tenants, and public citizens the ability to access the waterways and walking paths in the Harbor- all in furtherance of the County's Strategic Plan's Mission of providing superior services and the Plan's Goals of: 1) fostering a thriving business ecosystem to create jobs, increase wages, and strengthening the local economy; 2) maintaining and improving dependable public resources to serve the needs of our diverse communities; and 3) attracting and investing in sustainable infrastructure and preservation of our natural resources.

Background:

On September 16, 2003, your Board approved 12 lease transactions and the Declarations of Easements, Covenants, Conditions and Restrictions (Original CC&Rs) for Parcels LM 1, 2, 3, F, F-1, and C, for both waterside and landside uses with the Channel Islands Harbor Investment Company L.P. These leases were for a mix of apartment buildings, hotel, restaurant and marina facilities. Since that time the leaseholds have been divided, sold, and assigned to different controlling entities. The purpose of the Original CC&Rs was to provide landside easements, waterside easements, parking easements and payments for maintenance, utilities and other costs incurred by the landside owner in granting easements to the waterside owner.

Currently, Oxnard Marinas, L.P., the lessee of the waterside portion of Parcel C (Waterside Owner), is planning to redevelop the marina. The Waterside Owner and Channel Islands Villas L.P., the lessee of the landside portion of Parcel C (Landside Owner), have agreed to revise many terms of the Original CC&Rs for Parcel C. The two major changes that the Waterside and Landside Owners have agreed to are the use of the landside facilities and the utilities payments. The Landside and Waterside Owners have agreed to reduce the Waterside Owner's monthly payment once utilities are separately metered and billed to the Waterside Owner. The Waterside Owner would continue to pay a monthly fee to the Landside Owner for the use of trash dumpsters. The parties have also agreed to discontinue the use of the clubhouse and gym by the Waterside Owners' boaters, employees, and sublessees in order to reduce costs to the Waterside Owner and wear on the Landside Owner's facilities.

The Landside Owner and Waterside Owner worked collaboratively to amend the Original CC&Rs for Parcel C and have agreed upon the terms of the Amended and Completely Restated Declaration of Easements, Covenants, Conditions and Restrictions for Parcel C (Amended CC&Rs). Harbor Department staff have reviewed the Amended CC&Rs and recommend approval by your Board.

The County Executive Office, the Auditor-Controller's Office and County Counsel have reviewed this letter.

If you have any questions regarding this item, please contact me at 973-5952.



Michael Tripp
Director

Exhibit 1: Amended and Completely Restated Declaration of Easements, Covenants, Conditions and Restrictions