

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE BUDGET REPORT OF THE JAPANTOWN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2009-2010 AND LEVYING ASSESSMENTS IN THE BID FOR FISCAL YEAR 2009-2010**

**WHEREAS**, the City Council of the City of San Jose established the Jackson-Taylor Business Improvement District pursuant to Ordinance No. 23453 dated May 1, 1990, pursuant to the California Parking and Business Improvement Area Law, California Streets and Highway Code §36500 *et seq.*, hereinafter called the "Improvement Law"; and

**WHEREAS**, in 1993 the Council approved the change of the name of the Business Improvement District to the Japantown Business Improvement District ("BID"); and

**WHEREAS**, under and pursuant to the Improvement Law, on June 2, 2009 the Council adopted Resolution No. 74932, a resolution declaring the Council's intention to levy the assessments for Fiscal Year 2009-2010 in the BID; and

**WHEREAS**, said Resolution No. 74932 was duly published, as provided by the Improvement Law; and

**WHEREAS**, as specified in Resolution No. 74932, a public hearing concerning the levy of assessments for Fiscal Year 2009-2010 was held before the Council on June 2, 2009, at the meeting beginning at the hour of 1:30 p.m. in the Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California; and

**WHEREAS,** \_\_\_ written protests against the levy of assessments or against any specified improvement or activity were filed with the City Clerk; and

**WHEREAS,** \_\_\_ oral protests were made at the hearing against the levy of assessments or against any specified improvement or activity.

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Council hereby finds that there were \_\_\_ written protests against the levy of assessments for Fiscal Year 2009-2010 and/or against any specified improvement or activity in the BID, and that there is no majority protest within the meaning of Section 36525 of Improvement Law.
2. The Budget Report for Fiscal Year 2009-2010 filed with the City Clerk pursuant to Resolution No. 74932 is hereby approved.
3. The Council hereby finds and determines that the businesses lying within the BID will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

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4. The levying of assessments in the BID for Fiscal Year 2009-2010 in accordance with this Resolution is hereby authorized.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk