

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TAKING CERTAIN ACTIONS RELATED TO THE ESTABLISHMENT OF MAINTENANCE DISTRICT 23 (BERRYESSA ROAD FROM I-680 TO PIEDMONT ROAD) INCLUDING THE ADOPTION OF THE ENGINEER'S REPORT AND SETTING THE ASSESSMENT AS DETAILED THEREIN

WHEREAS, on August 10, 2010, the City Council of San Jose ("Council") adopted Resolution No. 75521, preliminarily approving the Engineer's Report for Maintenance District 23, scheduling a Public Meeting on September 28, 2010, and scheduling the public hearing and tabulation of property owners ballots for November 16, 2010 and directing the City Clerk to mail notice of the Public Meeting, Public Hearing and District balloting process, including ballots, to all affected property owners in the form required by law; and

WHEREAS, on September 28, 2010, the duly noticed Public Meeting was held, at which the Council heard public testimony; and

WHEREAS, on November 16, 2010, the duly noticed Public Hearing was opened, at which the Council heard public testimony, and continued the Public Hearing to January 11, 2011 to allow all affected property owners to receive the full 45-day noticing necessary for the Public Hearing; and

WHEREAS, at the continued Public Hearing on January 11, 2011, the Council heard public testimony and at the close of the public hearing, the City Clerk tallied the ballots; and

WHEREAS, the result of the tally of the ballots for the establishment of Maintenance District 23, as reported by the City Clerk, was:

Property owners with assessments totaling \$ _____ in support, and property owners with assessment totaling \$ _____ opposed.

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

1. The Council hereby finds that the property owners returning ballots have approved the levy of assessments in Maintenance District 23.
2. The Council hereby adopts the Engineer's Report for Maintenance District 23 and levies the assessment on those parcels within the District as proposed in said Engineer's Report.

ADOPTED this _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk