

RESOLUTION NO. 73853

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR A CHANGE TO MAINTENANCE DISTRICT 18 (THE MEADOWLANDS) AND TAKING CERTAIN OTHER ACTIONS PRELIMINARY TO THE APPROVAL OF SUCH A CHANGE TO THE MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF SAN JOSE MUNICIPAL CODE CHAPTER 14.15 AND CALIFORNIA CONSTITUTION ARTICLE 13D

WHEREAS, on June 23, 1998, the City Council of San Jose ("City Council") adopted Resolution No. 68240, establishing City of San Jose Maintenance District 18 ("The Meadowlands" or "MD 18") pursuant to the provisions of the San Jose Municipal Code ("Municipal Code") Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts, which conforms to the requirements of California Constitution Article 13D; and

WHEREAS, City staff in coordination with some of the owners of property within MD 18 have requested the City to amend MD 18 by increasing the current assessment and providing additional maintenance services for certain public improvements in the area; and

WHEREAS, pursuant to Section 14.15.510 of Chapter 14.15 of Title 14 of the Municipal Code of the City, the City Council is the legislative body for the maintenance district and is empowered with the authority to the make changes to the existing maintenance district; and

WHEREAS, on March 27, 2007, pursuant to Chapter 14.15 of Title 14 of the Municipal Code, the City Council adopted Resolution No. 73702 stating its intent to change MD 18 to increase the current assessment and provide additional maintenance services for certain public improvements in MD 18.

WHEREAS, the Director of Public Works has caused to be prepared and filed with the City Clerk an Engineer's Report in compliance with all of the requirements of state law and City ordinances.

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

1. The Engineer's Report for MD 18 as proposed to be changed is hereby preliminarily approved and the City Clerk is hereby directed to endorse thereon the fact and date of this preliminary approval.
2. Notice is hereby given that on August 14, 2007 at 1:30 p.m. at the City Council Chambers the Council will hold a public meeting on the proposed changes to MD 18.
3. Notice is hereby given that on September 18, 2007 at 7:00 p.m. at the City Council Chambers the Council will hold a public hearing to hear any protests to the proposed change to MD 18, and written ballots submitted by property owners will be tallied at that hearing.
4. The City Clerk is hereby directed to mail notice of the August 14, 2007 public meeting, and the September 17, 2007 public hearing and the Maintenance District balloting process, including ballots, to all affected property owners in the form required by law. Such notice shall be completed not less than 45 days prior to the date fixed for the September 17, 2007 public hearing.
5. The mailed notice shall include statements to the effect that if the change in the assessment is approved by the property owners, the maintenance within the District will proceed at levels above those previously authorized by MD 18, and if the change in the assessment is not approved by the property owners, the maintenance will continue at previously authorized levels.

ADOPTED this 19th day of June, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk