

RESOLUTION NO. 73953

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING RESOLUTION NO. 73853 PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR A CHANGE TO MAINTENANCE DISTRICT 18 (THE MEADOWLANDS) TO CHANGE THE PUBLIC HEARING DATE AND TABULATION OF PROPERTY OWNERS BALLOTS FROM SEPTEMBER 18, 2007 TO OCTOBER 2, 2007**

**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; and

**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.

**WHEREAS**, on June 19, 2007, the City Council adopted Resolution No. 73853 preliminarily approving the Engineer's Report, scheduling a public meeting on August 14, 2007, and scheduling the public hearing and tabulation of property owners ballots for September 18, 2007 at 7 p.m.; and

**WHEREAS**, because the City Council will not be holding an evening meeting on September 18, 2007, the Council desires to reschedule the public hearing and tabulation of ballots to October 2, 2007 at 7 p.m.

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

1. Sections 3 and 4 of Resolution No. 73853 are hereby amended as follows:
  - “3. Notice is hereby given that on October 2, 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 October 2, 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 October 2, 2007 public hearing.”

2. All sections of Resolution No. 73853 not modified hereby remain unchanged and as previously written.

ADOPTED this 14<sup>th</sup> day of August, 2007, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk