

RESOLUTION NO. 74645

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ STATING ITS INTENTION TO FORM A COMMUNITY AND BENEFIT AND IMPROVEMENT DISTRICT IN WILLOW GLEN; PRELIMINARILY APPROVING THE WILLOW GLEN COMMUNITY BENEFIT IMPROVEMENT DISTRICT MANAGEMENT PLAN AND ENGINEER'S REPORT; SETTING A PUBLIC HEARING TO BE HELD ON DECEMBER 16, 2008 AT 7:00 P.M.; AND CALLING AN ELECTION FOR TABULATION OF THE BALLOTS FOR DECEMBER 16, 2008 AT 7:00 P.M.

WHEREAS, a Management District Plan ("Plan") for the creation of a Community Benefit and Improvement District ("CBID") was prepared, and a revised final draft, dated September 3, 2008; and

WHEREAS, an Engineer's Report ("Report") for the creation of a Community Benefit and Improvement District ("CBID") was prepared dated October 10, 2008; and

WHEREAS, all property owners within the proposed boundary of the CBID were mailed a petition and a summary of a previous draft of the Plan, dated April 21, 2008; and

WHEREAS, the Plan has since been revised to better align the benefits of the CBID services received by the properties with the assessments paid; and

WHEREAS, property owner's who submitted petitions were mailed an acknowledgement letter with a summary of the revisions to the Plan; and

WHEREAS, the proposed boundaries of the CBID are as shown on the map attached hereto as Exhibit "A" and on file with the City Clerk of the City, which boundaries are hereby approved and to which map reference is hereby made for further particulars; and

WHEREAS, the purpose of forming the CBID is to provide revenues for services beyond what the City traditionally provides, specifically, sidewalk operations, beautification, order and parking, district identity and streetscape improvements, and marketing and promotions; and

WHEREAS, the proposed assessments will be levied on property in the CBID, as set forth below, with two benefit zones; and

Property Variable	Zone 1	Zone 2
Building Sq. Foot Cost	\$0.114	\$0.07
Linear Feet Cost	\$ 8.50	\$ 5.30
Lot Size Cost	\$ 0.06	\$ 0.06
For Sale Res. Unit Parcels Cost (building square footage only)	\$0.30	\$ 0.30

WHEREAS, Benefit Zone 1 includes all parcels within the boundaries of the CBID south of Willow Street; and

WHEREAS, Benefit Zone 2 includes all parcels within the boundaries of the CBID north of Willow Street; and

WHEREAS, Public Benefit, Non-Profit parcels which are owned and operated by the public benefit owner (501(c)(3)), are proposed to be assessment for linear frontage and lot/parcel size only, and not for building mass, for the reason that such parcels do not benefit from marketing programs and the funds from building mass support such marketing programs and related administrative personnel and contingency services; and

WHEREAS, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Management Plan; and

WHEREAS, the Council of the City of San José desires to form the CBID pursuant to Proposition 218 and Chapter 14.31 of Title 14 of the Municipal Code of the City which incorporates and modifies the Property and Business Improvement District Law of 1994, Section 36600 *et seq.* of the California Streets and Highways Code in order to form and operate property based improvements districts through the use of the CBID; and

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

1. The Council hereby declares its intention to form a Community Benefit and Improvement District to be known as the Willow Glen Community Benefit Improvement District pursuant to Chapter 14.31 of Title 14 of the San José Municipal Code, which incorporates and modifies the Property and Business Improvement District Law of 1994, and Proposition 218, and preliminarily approves the Management Plan, dated September 3, 2008 and the Engineer's Report, dated October 10, 2008.
2. Notice is hereby given that December 16, 2008 at the hour of 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers of the City of San José, 200 East Santa Clara Street, San José, California, is fixed as the time and place for a public hearing and tabulation of ballots for the establishment of the CBID
3. At the public hearing, the testimony of any and all interested persons for or against the establishment of the CBID shall be heard and considered by the City Council. The City Council shall not establish the CBID if protests were received from property owners in the CBID which would pay more than fifty percent (50%) of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to fifty percent (50%) or less.

4. The City Clerk is hereby directed to provide notice of the above-mentioned public meeting and public hearing by publication.

ADOPTED this 28th day of October, 2008, by the following vote:

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

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A

CERTIFICATIONS

(1) DIRECTOR OF PUBLIC WORKS
FILED THIS _____ DAY OF _____ 2008, IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN JOSE.

(2) CITY CLERK
FILED THIS _____ DAY OF _____ 2008, IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SAN JOSE.

(3) CITY COUNCIL
BY RESOLUTION NUMBER _____ ON THE _____ DAY OF _____ 2008, AT THE HOUR OF _____ O'CLOCK, A.M. IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS AND COMMUNITY IMPROVEMENT DISTRICTS, I HEREBY CERTIFY THAT THE APPROVED DIAGRAM AND ASSESSMENT ROLL FILED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS CONTAINS THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS DIAGRAM.

(4) COUNTY RECORDER
FILED THIS _____ DAY OF _____ 2008, AT THE HOUR OF _____ O'CLOCK, A.M. IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, RECORDER'S SERIES NO. _____ FEE PAID: _____

REGINA ALCONDEGUAL, COUNTY RECORDER
COUNTY OF SANTA CLARA

LOCATION MAP

CITY OF SAN JOSE, COUNTY OF SANTA CLARA
STATE OF CALIFORNIA
WILLOW GLEN
COMMUNITY BENEFIT IMPROVEMENT DISTRICT
FISCAL YEAR 2008-09

SHEET 1 OF 1

WILLOW GLEN COMMUNITY BENEFIT IMPROVEMENT DISTRICT

SCALE: 1" = 300'

LEGEND

- DISTRICT BOUNDARY
- ZONE BOUNDARY
- STREET RIGHT OF WAY
- PRIVATE STREET
- PROPERTY LINE

CITY OF SAN JOSE
CENTRAL OF SILICON VALLEY

PUBLIC WORKS DEPARTMENT
COMMUNITY BENEFIT IMPROVEMENT DISTRICTS DIVISION

BY SPECIAL AGREEMENT