

RESOLUTION NO. 74747

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE WILLOW GLEN COMMUNITY BENEFIT DISTRICT MANAGEMENT PLAN AND ENGINEER'S REPORT, AND APPROVING AND IMPOSING THE RESPECTIVE ASSESSMENTS

WHEREAS, under and pursuant to the provisions of 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 ("CBID Law"), this Council on October 28, 2008 adopted Resolution No. 74645, entitled "Resolution of the Council of the City of San Jose 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.;" and

WHEREAS, the proposed boundary of the Willow Glen Community Benefit District ("Willow Glen CBID") are as shown on the map attached hereto as Exhibit "A" and on file with the City Clerk of the City; and

WHEREAS, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Willow Glen CBID Management Plan and Engineer's Report; and

WHEREAS, the Willow Glen CBID will 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 Willow Glen 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 boundary of the Willow Glen CBID south of Willow Street; and

WHEREAS, Benefit Zone 2 includes all parcels within the boundary of the Willow Glen 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 assessed 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, on October 31, 2008, mailing of the ballots and notice of public hearing regarding the Willow Glen CBID was completed, meeting the legal requirement of forty-five days prior to the public hearing; and

WHEREAS, as specified in Resolution No. 74645, a public hearing concerning the formation of the Willow Glen CBID was held before this Council on December 16, 2008 at the hour of 7:30 p.m. in the Council Chambers in City Hall located at 200 East Santa Clara Street in the City of San Jose, and public testimony was heard; and

WHEREAS, as specified in Resolution No. 74645, an election for tabulation of the Willow Glen CBID ballots was held on December 16, 2008; and

WHEREAS, ballots received from affected property owners were over fifty percent (50%) in support of the proposed assessment, and this Council determined that there was no majority protest within meaning of Section 36625 of the Streets and Highway Code;

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

1. The purpose of forming the Willow Glen 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. The improvement and activities to be provided by the Willow Glen CBID will be funded by the levy of assessments. The revenue from the levy of assessments shall not be used to provide for any purpose other than the purposes specified in Willow Glen CBID Management Plan and Engineer's Report.
2. Council finds that there is no majority protest against the establishment of the Willow Glen CBID within the meaning of Section 36625 of the California Streets and Highways Code and that the property within the Willow Glen CBID will be benefited by the improvements and activities funded by the assessments levied.

3. The Willow Glen CBID Management Plan and Engineer's Report is approved.
4. The imposition of assessments for the Willow Glen CBID is approved.
5. All of the property owners in the Willow Glen CBID established by this Resolution shall be subject to any amendments to the provisions of the CBID Law.

ADOPTED this 16th day of December, 2008, by the following vote:

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

NOES: CAMPOS.

ABSENT: CORTESE.

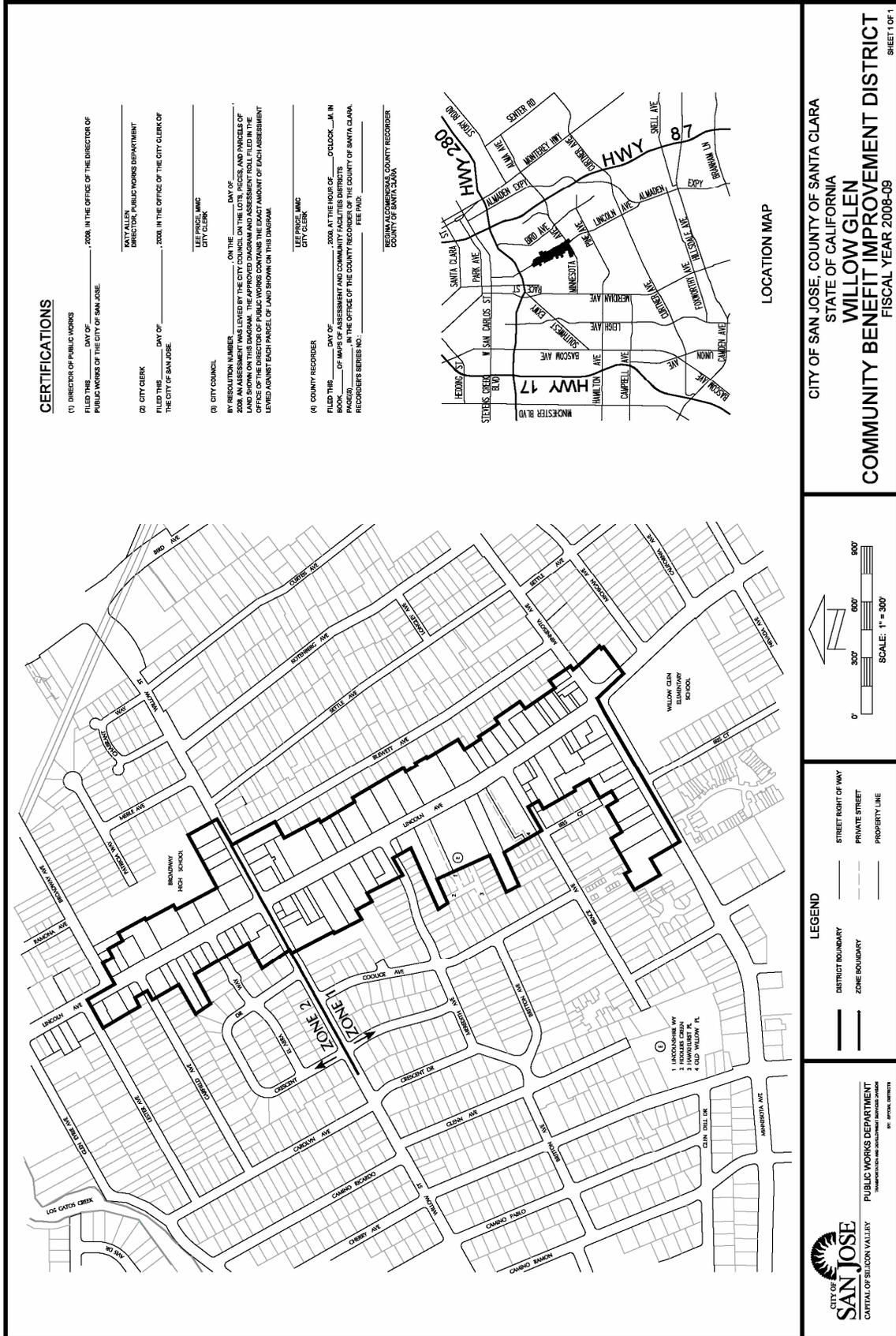
DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

ATTACHMENT A



CERTIFICATIONS

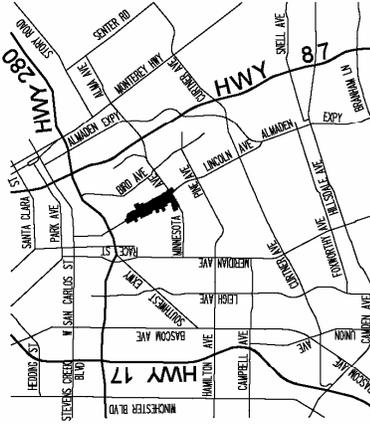
(1) DIRECTOR OF PUBLIC WORKS
FILED THIS _____ DAY OF _____ 2008, IN THE OFFICE OF THE DIRECTOR OF
PUBLIC WORKS OF THE CITY OF SAN JOSE.

(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, AM, IN
THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS AND COMMUNITY IMPROVEMENTS
DEPARTMENT, 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.

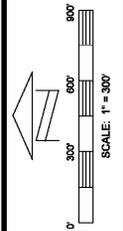
(4) COUNTY RECORDER
FILED THIS _____ DAY OF _____ 2008, AT THE HOUR OF _____ O'CLOCK, AM, IN
PAGE(S) _____ OF MAP _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA.
RECORDERS SERIES NO. _____ FEE PAID: _____

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



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 SERVICES