

Resolution No.

STOCKTON CITY COUNCIL

A RESOLUTION OF INTENTION FOR FORMATION OF THE MIRACLE MILE COMMUNITY IMPROVEMENT DISTRICT, ACCEPTING PETITIONS OF PROPERTY OWNERS, PRELIMINARILY APPROVING THE MANAGEMENT DISTRICT PLAN AND ENGINEER'S REPORT, APPROVING A PROPOSED BOUNDARY MAP, SETTING A DATE FOR A PUBLIC HEARING ON THE ESTABLISHMENT OF THE DISTRICT AND LEVY OF ASSESSMENTS ON SEPTEMBER 13, 2022, PROVIDING FOR MAILING OF PROPERTY OWNER BALLOTS AND NOTICES, AND AUTHORIZING AND DIRECTING THE CITY MANAGER, OR DESIGNEE, TO SIGN BALLOTS FOR CITY-OWNED PROPERTY

The Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 *et seq.*, authorizes cities and counties to establish and renew property and business improvement districts for the purposes of providing activities and improvements which generate a special benefit to assessed parcels; and

The City of Stockton's Community Improvement District Ordinance, at Title 3, Chapter 3.96 of the Stockton Municipal Code, as amended by Ordinance No. 2022-03-22-1211, provides for alternative procedures which supplement the procedures of the Streets and Highway Code; and

Incorporated herein by this reference is the Miracle Mile Community Improvement District ("MMCID") Management District Plan (hereafter "Plan"), which provides for enhanced security and maintenance, landscape beautification, advocacy services, marketing, events, and administration with the intent of providing special benefits to assessed parcels within the MMCID; and

Owners of parcels within the proposed MMCID have submitted petitions asking that the City Council establish the MMCID. Included with each petition was a Management District Plan summary and a map showing the boundaries of the MMCID. The petitions, the boundary map, and the Plan are on file with the City Clerk; and

The City Council finds that the City has received petitions signed by property owners in the proposed MMCID who will pay more than 30% of the proposed assessment; and

The City Council finds that the Plan satisfies all the requirements of Streets and Highways Code section 36622. The Plan proposes to fund improvements and services through the levy of a benefit assessment on real property within the MMCID; and

Pursuant to Article XIID, Section 4 of the California Constitution, publicly owned properties which receive special benefit from the improvements must be assessed a proportionate share of the costs thereof; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. **Recitals.** The recitals set forth herein are true and correct.

2. **Intention and Acceptance of Petitions.** The City Council finds that property owners who will pay more than 30% of the assessment proposed in the Plan have signed petitions. The City Council accepts the petitions on file with the City Clerk and intends the formation of the MMCID and to levy an assessment on real property within the MMCID boundaries in accordance with City's Community Improvement District law. In the first year of the twenty-year term, the proposed assessment on all property owners is approximately \$230,550.

3. **Assessment.** The assessment will be imposed on real property within the proposed district at the following rates:

Property Variable	Zone 1	Zone 2	Zone 3	Zone 4
Building Square Footage (per square foot)	\$0.13	\$0.07	\$0.11	N/A
Lot/Parcel Size (per square foot)	\$0.13	\$0.07	\$0.11	N/A
Linear Frontage (per linear foot)	N/A	N/A	N/A	\$2.00

Assessment rates may be subject to annual increases not to exceed 5% per year. Increases will be determined by the Owners' Association and will vary between 0 - 5% annually due to increasing costs in labor, materials, and other expenses. Such an increase will not exceed the actual costs to provide the same or similar level of service year to year. Zone boundaries are depicted in the attached map, incorporated herein as Exhibit 1.

4. **Management Plan and Engineer's Report.** The Management Plan and Engineer's Report have been prepared and filed with the City Clerk, incorporated herein as Exhibit 2. The City Council finds that the Plan satisfies all requirements of Streets and Highway Code section 36622.

5. **Boundary Map.** The exterior boundaries of the MMCID are shown on the map attached to this resolution as Exhibit 1 and is on file with the City Clerk.

6. **Bonds.** Bonds shall not be issued for the MMCID.

7. **Hearing.** The time and place for the public hearing on the establishment of the MMCID and the levy of the proposed assessment is set for 5:30 p.m. on September 13, 2022, in the City Council Chamber located at 425 N. El Dorado Street, Second Floor, Stockton, CA 95202. The City Council may continue the public hearing from time to time.

8. **Notice of Hearing.** The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Streets and Highways Code section

36623. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code section 53753 to all persons who own real property within the proposed MMCID and will be subject to the proposed assessment. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of his or her compliance with the requirements of law for mailing the notices and ballots. The notice, herein incorporated by this reference as Exhibit 3, shall be mailed not less than forty-five (45) days before the date of the public hearing.

9. **Ballot and Authorization.** At the public hearing, the City Council will consider all objections or protests to the proposed assessment, and any interested person will be permitted to present written or oral testimony. At the conclusion of the public hearing, all ballots submitted and not withdrawn will be tabulated in accordance with Government Code section 53753. The Council hereby authorizes the City Manager, or designee, to execute the property owner's assessment ballot for all property owned by the City and proposed to be assessed, in favor of the formation of the MMCID and the assessment thereon.

10. **Effectiveness.** This resolution shall take effect immediately upon its passage.

11. The City Manager, or designee, is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED July 12, 2022.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton