

Resolution No. **97-0241****STOCKTON CITY COUNCIL****A RESOLUTION ESTABLISHING A PROPERTY AND
BUSINESS IMPROVEMENT DISTRICT****DOWNTOWN STOCKTON MANAGEMENT DISTRICT NO. 97-02
(Property and Business Improvement Law of 1994)**

RESOLVED, by the City Council of the City of Stockton, California, that

WHEREAS, on May 5, 1997, this Council adopted its Resolution No. 97-0159, a Resolution of Intention to Form a Property and Business Improvement District, Appointing Time and Place of Public Meeting and Public Hearing of Protests and Directing Joint Notice Thereof (the "Resolution"), pursuant to the Property and Business Improvement Law of 1994 (Part 7, Division 18 of the California Streets and Highways Code, commencing with § 36600) (the "Code"), declaring its intention to form the district pursuant to a petition filed by owners of property within the proposed district filed with the City Clerk; and

WHEREAS, the Management District Plan and Engineer's Report contained therein as an Appendix (the "Plan") were completed in the form, manner and content required by the Code, and adopted and preliminarily approved by this Council; and

WHEREAS, the Resolution was published, and a complete copy thereof accompanied by the notice of the public meeting and protest hearing and a ballot with voting instructions and return envelope in compliance with the provisions of Section 4 of Proposition 218 adding Article XIII D to the California Constitution, were duly and regularly mailed in the time, form and manner required by the Code and Constitution, as evidenced by the declarations on file with the City Clerk; and

WHEREAS, the public meeting and protest hearing were duly and regularly held at the times and place stated in the notice; and

WHEREAS, the owners of property within the proposed district have returned to the City Clerk their ballots and protest forms in favor of or against the proposed improvements and activities necessary for the purposes of the Plan and consenting to the annual levy of assessments on their properties to finance the Plan, and

WHEREAS, the protests against the proceedings or the assessments, received at or prior to the time of the public hearing, as shown by the returned ballots and protest forms and the certificate of the City Clerk thereon, constitute less than a majority of the

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assessments and financial obligations evidenced by such returned ballots and protest forms; nor were written protests received from owners of real property who will pay fifty percent (50%) or more of the proposed assessments;

NOW, THEREFORE, THE COUNCIL HEREBY FINDS, DETERMINES AND ORDERS THAT:

1. The benefits conferred by the contemplated improvements and activities described in the Management District Plan (the "Plan") are special benefits to each of the assessed parcels of land within the proposed district by providing for maintenance and security of property and the promotion of business located on the parcels, and funded by the assessments to be levied.

2. The Plan heretofore established for the district and on file in the office of the City Clerk is hereby incorporated herein by this reference, the same as if fully set forth herein.

3. The public hearing was held at the time and place set forth in the notice thereof, namely, Monday, June 23, 1997, at 5:30 P.M, in the Council Chambers, City Hall, 425 North El Dorado Street, Stockton, CA 95202.

4. The protests received as evidenced by the signed ballots and protest forms returned to the City Clerk at or prior to the time of the public hearing represented less than a majority of the assessments and financial obligations shown on all such returned ballots and protest forms.

5. There is hereby established a Property and Business Improvement District under the Code, and designated "Downtown Stockton Management District No. 97-02," (the "District"), with separate benefit zones designated "Zone 1," "Zone 2" and "Zone 3," the boundaries of which are shown on the assessment diagram of the District. The establishment of the benefit zones is based upon the degree of benefit derived from the improvements and activities as stated in the Plan.

6. The properties in the District established by this resolution shall be subject to any amendments to the Code.

7. The improvements and activities to be provided in the District will be funded by the levy of the assessments, the revenue from which shall not be used to provide such improvements and activities outside the District or for any purpose other than the purposes specified in the Resolution.

8. The assessment roll for the 1997-98 assessments for the District shall be corrected as to any clerical errors ascertained from responses by property owners following the notice of the public hearing and further corrected to reflect the total amount of the 1997-98 budget contained in the Plan. The budget and assessment roll for ensuing years shall be limited to the increases in assessments permitted by the formula

contained in the Plan and annually submitted to this Council for consideration and approval.

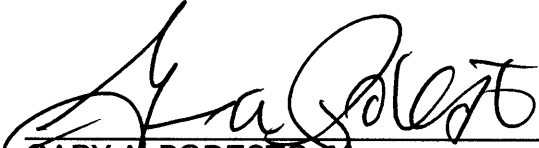
9. The assessments, as corrected, are hereby confirmed and levied for the 1997-98 fiscal year and the Director of Finance is hereby directed to enter the assessments on the 1997-98 tax roll for the parcels within the District as shown in the Plan on file with the City Clerk.

10. The assessment diagram of the District is hereby approved, and the City Clerk shall deliver to the City Superintendent of Streets the assessment together with the diagram thereto attached and made a part thereof, as confirmed by this Council, with a certificate of such confirmation thereto attached and of the date thereof; the Superintendent of Streets shall record the diagram and assessment in his office in a suitable book to be kept for that purpose, and shall append thereto a certificate of the date of such recording, and such recordation shall be and constitute the 1997-98 assessment roll herein.

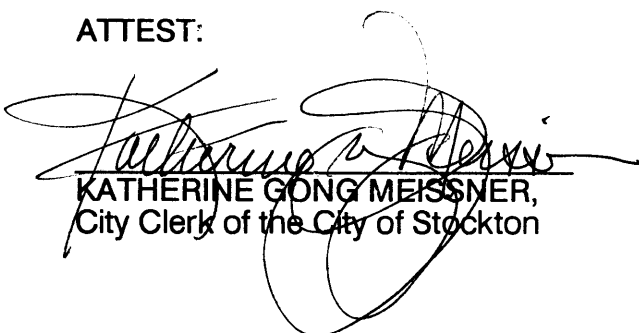
11. After the recording of the assessment and diagram in the office of the Superintendent of Streets, the City Clerk shall file in the office of the San Joaquin County Recorder a copy of the assessment diagram, and concurrently therewith record the Notice of Assessment as required by section 36626.6 of the Code.

12. The City Manager, or such other designated member of the City staff, is authorized and directed to negotiate and prepare any necessary contract for the operation of the District and/or any baseline service contracts establishing levels of City services that may continue through the life of the District, and to return any such contracts to the Council for Council approval.

PASSED, APPROVED and ADOPTED JUN 23 1997.


GARY A. PODESTO, Mayor
of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER,
City Clerk of the City of Stockton