

Resolution No.

# STOCKTON CITY COUNCIL

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**A RESOLUTION OF INTENTION TO RENEW THE MIRACLE MILE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, ACCEPTING PETITION 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 OF PROTESTS ON DECEMBER 5, 2017, PROVIDING FOR PROPERTY OWNER BALLOTS, AND AUTHORIZING THE CITY MANAGER TO SIGN THE BALLOT FOR CITY-OWNED PROPERTY IN FAVOR OF THE RENEWAL**

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

Incorporated herein by this reference is the Miracle Mile Property and Business Improvement District ("MMPBID") Management District Plan (hereafter "Plan"), which provides for enhanced maintenance, safety and security, marketing and promotions, and related administration with the intent of providing special benefits to assessed parcels within the MMPBID; and

Owners of parcels within the renewed MMPBID have submitted petitions asking that the City Council renew the MMPBID. Included with each petition was a Management District Plan summary and a map showing the boundaries of the MMPBID. 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 MMPBID who will pay more than 50% 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 MMPBID; 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 50% of the assessment proposed in the Plan have signed petitions. The City Council accepts the petitions on file with the City Clerk and intends to renew the MMPBID and to levy an assessment on real property within the MMPBID boundaries in accordance with the Property and Business Improvement District Law of 1994. In the first year of the five-year term, the proposed assessment is approximately \$221,380.08.

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

Initial Assessment Rate		
Benefit Zone	Commercial	School
	Building Sq. Ft. + Parcel Sq. Ft.	Building Sq. Ft.
Zone 1	\$0.1276	\$0.1276
Zone 2	\$0.0622	\$0.0622
Zone 3	\$0.1021	\$0.1021

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 MMPBID are shown on the map attached to this resolution as Exhibit 1.

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

**7. Hearing.** The time and place for the public hearing on the establishment of the MMPBID and the levy of the proposed assessment are set for 5:30 p.m. on December 5, 2017, 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. Note 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 MMPBID 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 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 MMPBID and the assessment thereon.

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

PASSED, APPROVED, and ADOPTED October 17, 2017.

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MICHAEL D. TUBBS, Mayor  
of the City of Stockton

ATTEST:

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BRET HUNTER, CMC  
Interim City Clerk of the City of Stockton