

STOCKTON CITY COUNCIL

RESOLUTION ESTABLISHING A PROPERTY AND BUSINESS IMPROVEMENT DISTRICT – MIRACLE MILE MANAGEMENT DISTRICT 2007-02

CITY OF STOCKTON Miracle Mile Management District No. 2007-02

WHEREAS, under the authority of the Property and Business Improvement District Law of 1994 (the "1994 Act"), being Division 18 (commencing with §§ 31500 et seq.) of the California Streets and Highways Code, the City Council intends to form a property and business improvement district; and

WHEREAS, the City Council finds that a description of the exterior boundaries of the proposed district are shown within the boundaries of the map entitled, "Proposed Boundaries of Miracle Mile Management District No. 2007-02, City of Stockton, County of San Joaquin, State of California," a copy of which is on file with the City Clerk and presented at this meeting. The land within the exterior boundaries shown on the map shall be designated "Miracle Mile Management District No. 2007-02, City of Stockton, County of San Joaquin, State of California"; and

WHEREAS, on May 11, 2007, pursuant to Section 36621 of the 1994 Act, the City Council was presented with executed petitions (the "Petition") for the formation of a property and business improvement district in the form on file with the City Clerk by certain property owners requesting the formation of the Miracle Mile Management District for the purpose of the activities and improvements and the amount of the proposed assessment as described and set forth in the Miracle Mile Management District Plan ("Management Plan"), a copy of which Management Plan is on file with the City Clerk and presented at this meeting; and

WHEREAS, on May 15, 2007, the City Council adopted Resolution No. 07-0189 Preliminarily Establishing a Management District Plan, Approving a Proposed Boundary Map, Setting a Date for the Public Hearing of Protests, Providing for Property Owner Ballots, and Authorizing the Mayor to Sign the Ballot on Behalf of City-Owned Properties; and

WHEREAS, the City has mailed a Ballot to each owner of Record within the Proposed District; and

WHEREAS, the City Clerk has tabulated all returned ballots and has determined that the ballots returned in favor of the assessment exceed those ballots opposed, with ballots being weighted according to the proportional financial obligation of the affected property; and

WHEREAS, a Public Hearing has been duly noticed in the Stockton Record within two weeks prior to the public hearing date of July 17, 2007; now, therefore,

City Atty
Review 
Date July 9, 2007

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

1. The City Council overrules each of the protests, written and oral, to the proposed assessment.

2. The City Council declares that the assessment is lawfully authorized and directs the City Clerk to cause the Assessment Diagram to be filed with the Office of the San Joaquin County Recorder and concurrently therewith to record a Notice of Assessment with respect to the property in the Office of the Recorder of the County of San Joaquin.

3. The City Council approves and adopts the Management Plan and Engineer's Report (dated March 14, and May 4, 2007, respectively), copies of which are on file with the City Clerk.

4. The City Council confirms and levies each individual assessment as stated in the Engineer's Report.

5. The City Council declares the establishment of a Property and Business Improvement District under the 1994 Act and is designated "Miracle Mile Management District 2007-02" ("the District") with separate benefit zones designated Zone 1 and Zone 2, the boundaries of which are shown on the Assessment Diagram of the District, a copy of which is on file with the City Clerk.

5. The City Council confirms and adopts the assessment and the Assessment Diagram as is now on file with the Office of the City Clerk.

6. The City Council resolves that the improvements and activities to be provided in the District will be funded by the levy of assessments, the revenue from which shall not be used to provide such improvements and services outside the District or for any purpose other than the purposes specified in the Management Plan.

7. The City Council approves the form and substance of the Agreement between the Miracle Mile Steering Committee, soon to be established as a non-profit 501(c)(3) corporation, and the City for the administration and implementation of the Management Plan.

PASSED, APPROVED, and ADOPTED JUL 17 2007.


EDWARD J. CHAVEZ
Mayor of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

