

RESOLUTION NO. 2006-531

Adopted by the Sacramento City Council

July 18, 2006

DECLARING THE RESULTS OF THE MAJORITY-PROTEST PROCEEDINGS AND ESTABLISHING THE POWER INN AREA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

BACKGROUND

- A. The owners of property within the boundaries of the Power Inn Area Property and Business Improvement District (PBID) have submitted petitions asking that the City Council establish the PBID. Included with the petitions was a management district plan (The Power Inn Area Property and Business Improvement District Management District Plan) that describes the proposed assessment to be levied on property within the PBID to pay for the following activities and improvements: (1) Advocacy and Communications, (2) Security Coordination, (3) Economic Development and Marketing, and (4) Maintenance and Beautification. The Power Inn Area PBID Management District Plan is on file with the City Clerk and made reference to Attached as Exhibit A to this resolution, and made a part of it, is a map of the exterior boundaries of the PBID.
- B. The proposed owners who signed the petitions will collectively pay more than 50% of the proposed assessment. Accordingly, on May 30, 2006, the City Council adopted Resolution No. 2006-387 entitled "Resolution of Intention to Establish the Power Inn Area Property and Business Improvement District" (the Resolution of Intention). Among other things, the Resolution of Intention states that a public hearing on the establishment of the PBID and the proposed assessment will be held on July 18, 2006, at 2.00 p.m. in the City Council's chambers, Sacramento City Hall, 915 "I" Street (first floor), Sacramento, California. The Resolution of Intention also states the City Council's finding that the Power Inn Area PBID Management District Plan satisfies all requirements of Streets and Highways Code section 36622.
- C. The properties within the exterior boundaries of the PBID will be benefited by the activities and improvements to be funded by the proposed assessment.
- D. On May 31, 2006, the City Clerk mailed to each record owner of each parcel within the District's exterior boundaries a notice concerning the public hearing on the establishment of the PBID and the proposed assessment. Each notice included the statutorily required information about the assessment and the majority-protest procedure, as well as an assessment ballot.

- E. At 2:00 p.m. on July 18, 2006, in the City Council's chambers, Sacramento City Hall, 915 "I" Street (first floor), Sacramento, California, the City Council held a public hearing regarding the establishment of the Power Inn Area PBID and the levy of the assessment. During the public hearing, the City Council heard and received all objections and protests to the establishment of the PBID and the proposed assessment. At the conclusion of the hearing, and in accordance with Government Code section 53753, the City Clerk tabulated the assessment ballots submitted and not withdrawn. The City Clerk determined that the number of assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the number of ballots submitted and not withdrawn in favor of the proposed assessment, with ballots weighted according to the amount of the assessment to be imposed upon the parcel for which each ballot was submitted. Therefore, a majority protest against the proposed assessment does not exist.
- F. All actions and proceedings described in paragraphs A through E were undertaken and completed in accordance with the Property and Business Improvement District Law of 1994.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the statements in paragraphs A through F of the background are true and adopts them as findings.

Section 2. Establishment of the Power Inn Area Property and Business Improvement District

- (a) The PBID is established for a five-year term that will expire on December 31, 2011.
- (b) The activities and improvements to be provided for the PBID will be funded by the levy of an assessment on real property within the PBID, as described in the Power Inn Area PBID Management Plan, which is on file with the City Clerk.
- (c) Properties within the PBID will be subject to any amendments to the Property and Business Improvement District Law of 1994.
- (d) The revenue from the levy of the proposed assessment on property within the PBID may not be used to provide activities or improvements outside the PBID or for any purposes other than those specified in the Resolution of Intention.
- (e) In accordance with Streets and Highways Code section 36631 and the PBID Management Plan, the assessment to fund the activities and improvements for the PBID will be collected at the same time and in the same manner as are ad valorem property taxes and will have the same lien priority and penalties for delinquent payment.

Section 3. Bonds. Bonds will not be issued

Section 4. Boundaries. The exterior boundaries of the PBID are depicted on the map attached as Exhibit A.

Section 5. Authorization. The City Manager (or his designee) is directed to take all necessary actions to complete the establishment of the PBID and to levy the assessment. The City Clerk is directed to record, in the Sacramento County Recorder's office, a notice and assessment diagram as required by Streets and Highways Code section 36627. The City Clerk is further directed to certify the passage and adoption of this resolution and to enter it in the book of original resolutions.

PASSED AND ADOPTED on July 18, 2006, by the following vote:

Adopted by the City of Sacramento City Council on July 18, 2006 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



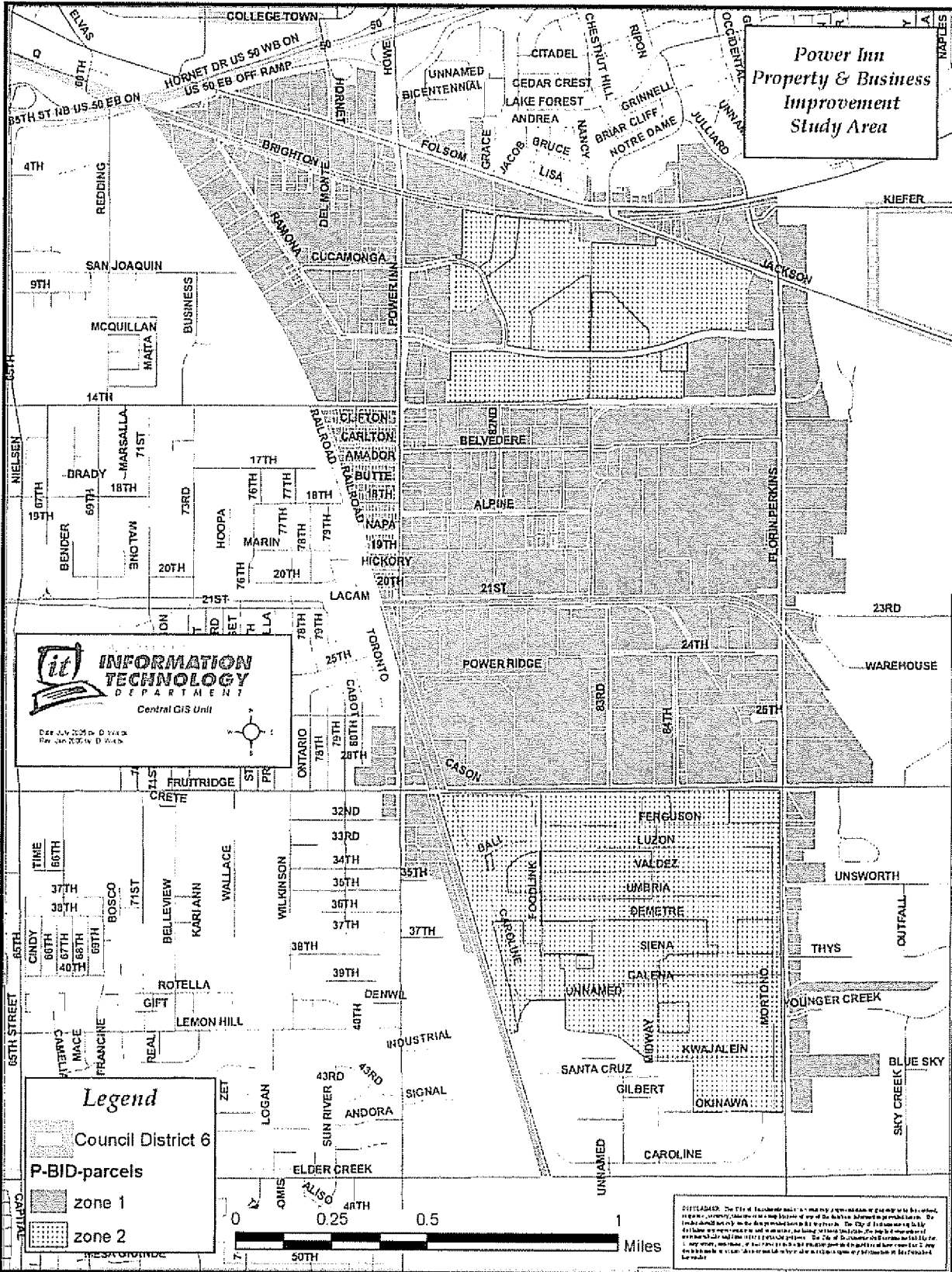
Mayor, Heather Fargo

Attest:



Shirley Concolino, City Clerk

EXHIBIT A



asd:\p01\gis\trifs\power inn_business\power inn_business-1a.mxd