

RESOLUTION NO. 2010-454

Adopted by the Sacramento City Council

August 5, 2010

RESOLUTION DECLARING THE RESULTS OF THE MAJORITY-PROTEST PROCEEDINGS AND ESTABLISHING THE MACK ROAD PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID)

BACKGROUND

- A. The owners of property within the boundaries of the Mack Road PBID No. 2010-02 (District) have submitted petitions asking that the City Council establish the District. Included with the petitions was a summary of the Management District Plan (Plan) that describes the proposed assessment to be levied on property within the District to pay for the following activities and improvements: (1) Security services will be provided implementing a security program to coordinate the existing security on Mack Road; (2) Image enhancement, to promote a vibrant commercial center through marketing and advertising along with landscaping and other improvements to beautify the District; (3) Transportation improvements will include efforts to improve the ingress and egress of the commercial areas; (4) Advocacy and administration, to promote business interests and allow the business community to speak with one voice. The District Plan is on file with the Public Improvement Financing Division, which has been designated by the City Clerk as the custodian of such records.
- B. The proposed owners who signed the petitions will collectively pay more than 50% of the proposed assessment. Accordingly, on June 10, 2010, the City Council adopted Resolution No. 2010-304 entitled "Resolution of Intention to Establish the Mack Road 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 District and the proposed assessment will be held on July 27, 2010, at 6:00 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 District Plan satisfies all requirements of Streets and Highways Code Section 36622.
- C. The properties within the exterior boundaries of the District will be benefited by the activities and improvements to be funded by the proposed assessment.
- D. On June 11, 2010, the City Clerk mailed to each owner of record of each parcel within the District's exterior boundaries a notice concerning the public hearing on the establishment of the District 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 6:00 p.m. on July 27, 2010, 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 District 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 District and the proposed assessment. The City Clerk has received, been given custody of, and tabulated the assessment ballots returned and not withdrawn by the owners of property located within the District. The City Clerk has reported the results of the tabulation by her written Certificate to the City Council. The Clerk's Certificate of Ballot Results for the Mailed-Ballot Property Majority Protest Proceeding indicates that, of the assessment ballots signed and returned to the City Clerk, and not withdrawn, prior to the close of the public hearing on July 27, 2010, and weighting the ballots for each property according to the proportional financial obligation of each property, 77.45 percent of the assessment ballots were in favor of the levy of the assessments as proposed, and 22.55 percent were opposed. 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 law.

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

- Section 1. That the statements in paragraphs A through F of the background are true and adopts them as findings.
- Section 2. No majority protest having been made through the assessment ballot procedure, the City Council:
- (a) Overrules all protests to the proposed assessment and these proceedings;
 - (b) Approves the Engineer's Report and District Plan on the proposal to levy an annual assessment on land within the district to be established, attached hereto as Exhibit A and by this reference made a part of this resolution, preliminarily approved by Resolution No. 2010-304, modified in non-substantive ways in this Resolution;
 - (c) Establishes the District for a five year term that will expire on December 31, 2015, for the territory generally described in Exhibit B, attached hereto and by this reference made a part of this resolution, as shown in the Engineer's Report and District Plan, preliminarily approved by Resolution No. 2010-304;

- (d) Confirms the assessment diagram and assessment roll and upon establishment of the District annual budget, levies the assessment on real property within the District, as described in the Engineer's Report and District Plan. In accordance with Streets and Highways Code Section 36631 and the District Plan, the assessment to fund the activities and improvements for the District 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. Properties within the District will be subject to any amendments to the Property and Business Improvement District Law of 1994.

Section 4. Bonds will not be issued.

Section 5. The City Manager (or designee) is directed to take all necessary actions to complete the establishment of the District 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.

Table of Contents:

Exhibit A: Engineer's Report & Mack Road PBID Management Plan - 35 Pages

Exhibit B: District Map -1 Page

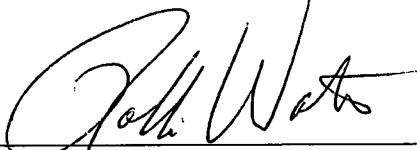
Adopted by the City of Sacramento City Council on August 5, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Johnson.


Vice Mayor Robbie Waters

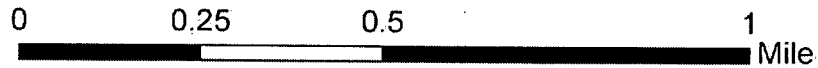
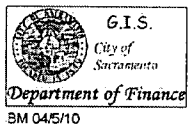
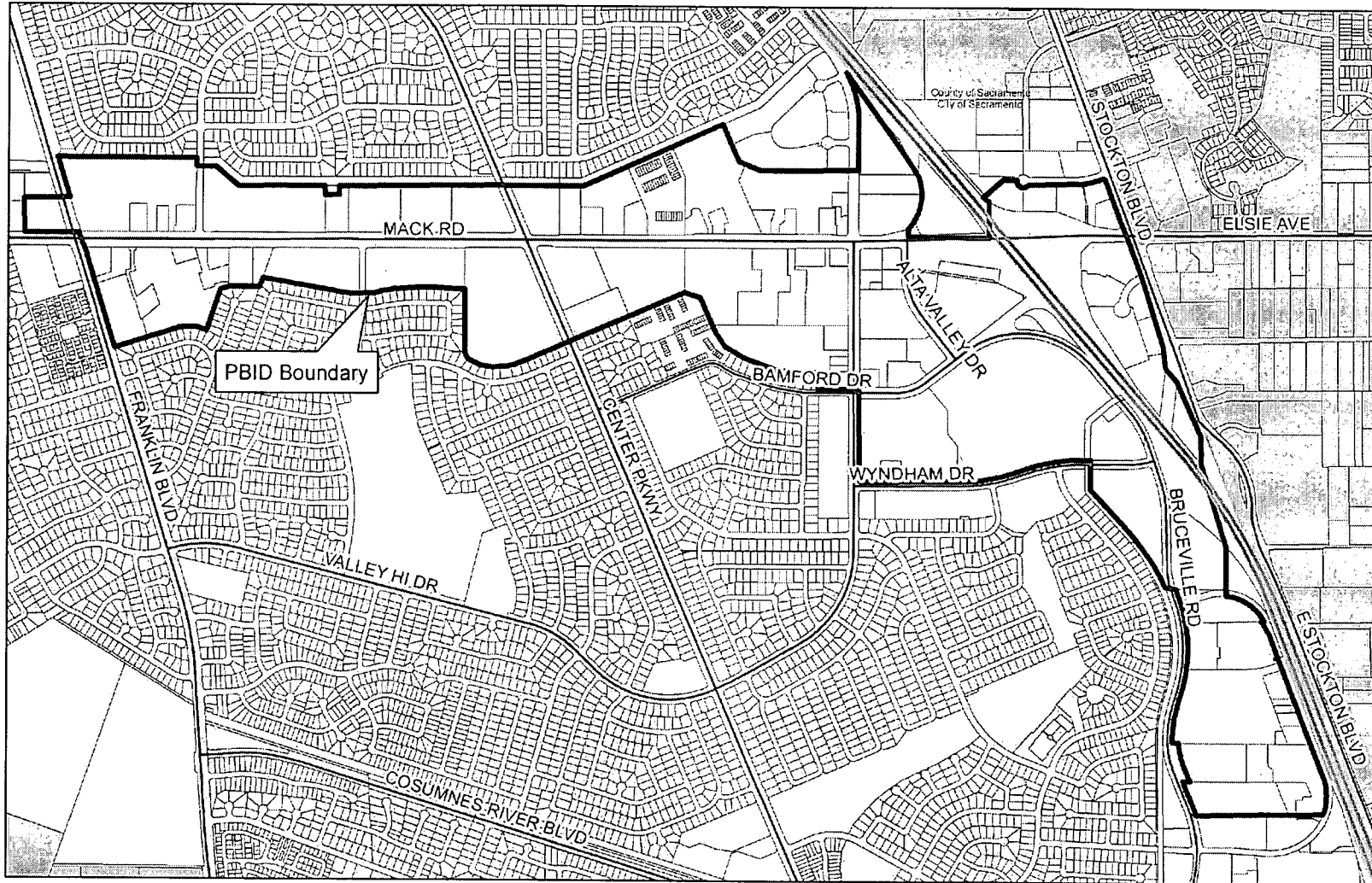
Attest:


Shirley Concolino, City Clerk

**EXHIBIT A
MANAGEMENT PLAN INSERT**

Mack Road Property and Business Improvement District No. 2010-02

EXHIBIT B



August 5, 2010

Resolution 2010-454