

RESOLUTION NO. 2007-555

Adopted by the Sacramento City Council

July 24, 2007

DECLARING THE RESULTS OF THE MAJORITY-PROTEST PROCEEDINGS AND RENEWING THE NORTH FRANKLIN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

BACKGROUND:

- A. The owners of property within the boundaries of the North Franklin Property and Business Improvement District (PBID), formerly known as the Franklin Boulevard PBID, have submitted petitions asking that the City Council renew the PBID. Included with the petitions was a management district plan (The North Franklin PBID 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) a security coordination effort program to support police and property owner crime prevention efforts; (2) a maintenance program to increase the frequency of litter and debris removal, pressure washing of sidewalks, and graffiti removal; (3) image enhancement and advocacy to promote business interests and allow the business community to speak with one voice. The North Franklin PBID Management District Plan is on file with the City Clerk and made reference to. Attached, as Exhibit A, is a map of the exterior boundaries of the PBID and is part of this resolution.
- B. The property owners who signed the petitions to support the district will collectively pay more than 50% of the proposed total assessment. Accordingly, on June 5, 2007, the City Council adopted Resolution No. 2007-357, entitled "Resolution of Intention to Renew the Franklin Boulevard 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 24, 2007, at 2:00 p.m. in the City Council's chambers, New City Hall, 915 "I" Street (first floor), Sacramento, California. The Resolution of Intention also states the City Council's finding that the North Franklin PBID Management District Plan satisfies all requirements of Streets and Highways Code section 36622.
- C. A portion of the property proposed to be assessed lies within the unincorporated portion of the County of Sacramento. The consent of the County of Sacramento, through its Board of Supervisors, is granted to the City on June 12, 2007 to authorize the renewal of the North Franklin Property and Business Improvement District and the assessment of property within the boundary of the proposed district.

- D. The properties within the exterior boundaries of the PBID will be benefited by the activities and improvements to be funded by the proposed assessment.
- E. On June 6, 2007, the City Clerk mailed to each record owner of each parcel within the Districts 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.
- F. At 2:00 p.m. on July 24, 2007, in the City Council's chambers, New City Hall, 915 "I" Street (first floor), Sacramento, California, the City Council held a public hearing regarding the renewal of the North Franklin PBID and the levy of the assessment. During the public hearing, the City Council heard and received all objections and protests to the renewal 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.
- G. All actions and proceedings described in Recitals A through F were undertaken and completed in accordance with the Property and Business Improvement District Law of 1994.

BASED ON THE FOREGOING RECITALS, THE CITY COUNCIL OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

Section 1. The City Council finds that Recitals A through G are true and adopts them as findings.

Section 2. Renewal of the North Franklin Property and Business Improvement District.

- (a) The PBID is renewed for a five-year term that will expire on December 31, 2012.
- (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 North Franklin 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 will not be issued.

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

Section 5. The City Manager (or his designee) is directed to take all necessary actions to complete the renewal 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.

Section 6. Exhibit A is part of this resolution.

Table of Contents:

Exhibit A: North Franklin PBID Boundary Map

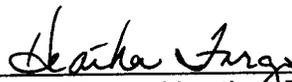
Adopted by the City of Sacramento City Council on July 24, 2007 by the following vote:

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

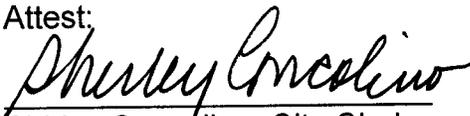
Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:


Shirley Concolino, City Clerk

EXHIBIT A

North Franklin Property and Business Improvement District

