

RESOLUTION NUMBER R- 300287

ADOPTED ON APR 04 2005

RESOLUTION OF INTENTION TO RENEW THE  
DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT  
DISTRICT AND TO LEVY AND COLLECT FISCAL YEAR  
2006 ANNUAL ASSESSMENTS ON DOWNTOWN  
PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

BE IT RESOLVED, by the Council of the City of San Diego, that the Council hereby proposes the renewal of a business improvement assessment district to be designated the Downtown Property and Business Improvement District [District] pursuant to California Streets and Highways Code sections 36600 et seq.

BE IT FURTHER RESOLVED, that the Council proposes and intends to levy and collect assessments to pay a prescribed portion of the cost of future activities, improvements, maintenance and/or services of those items described in the Engineer's Report and Management Plan for the Downtown Property and Business Improvement District [Report], located within the boundaries of the District, in the City under the provisions of Article XIII D, section 4 of the California Constitution and California Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6 [collectively referred to herein as the Law].

BE IT FURTHER RESOLVED, that the proposed improvements, activities, maintenance and or services for the District [Activities and Improvements] consist in general of those items described in the Report. "Activities" means, but is not limited to, all of the following: promotion of public events which benefit businesses or real property in the district; furnishing of music in any public place within the district; promotion of tourism within the district; marketing and economic development, including retail retention and recruitment; providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to

those normally provided by the municipality; and activities which benefit businesses and real property located in the district. "Improvement" means, but is not limited to, the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following: parking facilities; benches, booths, kiosks, display cases, pedestrian shelters and signs; trash receptacles and public restrooms; lighting and heating facilities; decorations; parks; fountains; planting areas; closing, opening, widening, or narrowing of existing streets; facilities or equipment, or both, to enhance security of persons and property within the area; ramps, sidewalks, plazas, and pedestrian malls; rehabilitation or removal of existing structures.

BE IT FURTHER RESOLVED, that the District shall have a term not to exceed 10 years.

BE IT FURTHER RESOLVED, that the District is described as all that real property in the City of San Diego included within the exterior boundary lines of the map [Map] designated as the District, filed in the Office of the City Clerk under Document No. R-300287, excepting therefrom all public streets, roads, alleys, avenues, and highways. Reference is hereby made to the Map for a further and more particular description of the District, so on file, shall govern for all details as to the extent of the District.

BE IT FURTHER RESOLVED, that the cost and expense of the contemplated Activities and Improvements are made chargeable upon the District, and the City Council does declare that certain properties within the District as identified in the Report receive special benefit by the proposed Activities and Improvements.

BE IT FURTHER RESOLVED, that the City Council proposes to assess those properties within the District which receive a special benefit from the proposed Activities and Improvements for the total amount of costs of such Activities and Improvements to be provided

in the District, plus the incidental expenses thereto, to be received by the individual parcels of real property within the District. The estimated expenses, revenues and reserves for fiscal year 2006 are as follows:

**Estimated Expenditure, Revenue, and Reserves**

	FY 2006	Maximum Authorized
<b>REVENUES</b>		
Assessments	\$5,803,550.00	\$5,803,550.00
Interest	<u>\$15,000.00</u>	<u>\$15,000.00</u>
<b>TOTAL REVENUES</b>	<b>\$5,818,550.00</b>	<b>\$5,818,550.00</b>
<b>EXPENDITURES</b>		
Personnel	\$2,513,106.00	\$2,513,106.00
Contractual	\$388,000.00	\$388,000.00
Incidental	\$2,228,030.00	\$2,228,030.00
Utilities	\$535,000.00	\$535,000.00
Contingency Reserve	<u>\$139,414.00</u>	<u>\$139,414.00</u>
<b>TOTAL EXPENDITURES</b>	<b>\$5,803,550.00</b>	<b>\$5,803,550.00</b>
<b>BALANCE</b>	<b>\$15,000.00</b>	<b>\$15,000.00</b>

The Council may order a portion of the costs of Activities and Improvements to be paid by the City from appropriate funds. A statement of the proposed assessments levied against the several lots or parcels of land as shown on the Map referred to above, is on file in the Office of Community and Economic Development.

BE IT FURTHER RESOLVED, that the Report, prepared by an assessment engineer pursuant to the Law and has been duly considered by this Council, submitted in connection with the District, and filed in the Office of the City Clerk as Document No. RR - 300287, be and the same is hereby preliminarily approved for purposes of this hearing.

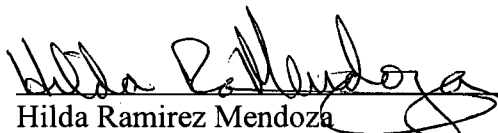
BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to set a date for a public hearing for the proposed assessments within at least forty-five days after the mailing of assessment ballots. Such hearing shall be held JUN 14 2005 at 10:00 a.m.

in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California, and is the day, hour and place for the hearing when any person interested may object to the proposed Activities and Improvements or the amount of the assessment. This hearing may be continued from time to time. Failure to make objections at the time of the hearing, or any continuance thereof, will be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages. Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing or continuance thereof. Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Special Projects Administrator at 600 B Street, Suite 400, San Diego, California 92101-4506 or telephone (619) 533-4246.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five days before the date of the hearing, postage prepaid, to all property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the Law.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Hilda Ramirez Mendoza  
Deputy City Attorney

HRM:cfq  
03/18/05  
Or.Dept:C&ED  
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