

RESOLUTION NO. ##,###-N.S.

RESOLUTION OF INTENTION TO ESTABLISH THE DOWNTOWN BERKELEY
PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et Seq., hereafter the "Act") authorizes cities to fund property related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from those assessments; and

WHEREAS, in accordance with the Act and City of Berkeley legislation to implement it (Berkeley Municipal Code Chapters 7.84 and 7.94), property owners in Downtown Berkeley have presented petitions asking the City of Berkeley to initiate special assessments proceedings to establish a new Downtown Berkeley Property and Business Improvement District for the ten-year period beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten calendar year period beginning January 1, 2017 and ending December 31, 2026, for the purpose of undertaking and implementing the services described in Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to Streets and Highways Code Section 36600 et seq. and Berkeley Municipal Code Chapter 7.84, the City Council declares its intent to consider the establishment of a property and business improvement district to be named the Downtown Berkeley Property and Business Improvement District for the ten-year period beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten calendar year period beginning January 1, 2017 and ending December 31, 2026.

Section 2. The proposed boundaries of the District be established and as set forth in the description and map that are included in Exhibit A.

Section 3. The improvements and activities proposed are as provided in the summary included in Exhibit A, and as are available in the complete Management District Plan that is available to all property owners at the address specified in Exhibit A.

Section 4. Council intends to levy assessments on property within the boundaries of the District according to the method and basis described in Exhibit B.

Section 5. A public hearing shall be held before the City Council on May 31, 2016 in the School District Board Room, 1231 Addison Street, Berkeley, California in compliance with Resolution 66,576-N.S.. Following the hearing, the Council will consider adoption of a resolution reestablishing the District. At this hearing the Council will hear all interested persons for or against the reestablishment of the District, the extent of the District, and the furnishing of specified types of improvements and activities. If written protests are received from the owners of properties in the proposed District that constitute a majority

(50%+1) of weighted ballots cast, no further proceedings to establish the District shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated. Any person having a question regarding the hearing proceedings may telephone (510) 981-6900. Any person having a question regarding the establishment and operation of the proposed District may telephone (510) 981-7532.

Section 6. The City Clerk is directed to give notice of said hearings as provided in section 36623 of the Act and section 53753 of the Government Code, which requires that the agency shall give notice by mail to the record owner of each identified parcel. The public hearing shall be held not less than 45 days after the adoption of this Resolution.

Section 7. The City Clerk shall certify to the passage of this Resolution and cause the same to be published in accordance with the Act.

Exhibits

A: Management District Plan

B: Engineer's Report