

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
OVERRULING PROTESTS AND ORDERING THAT THE
ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT
ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA
CLARA PARKING MAINTENANCE DISTRICT NO. 122 AND
APPROVING, CONFIRMING AND ADOPTING DIRECTOR'S
REPORT FOR FISCAL YEAR 2018/19**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Chapter 16.10, Article VI, Sections 16.10.490 and 16.10.500 of the Santa Clara City Code ("City Code"), on April 18, 2000, Council adopted Resolution No. 7026, "A Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessment be made Applicable to City of Santa Clara Parking Maintenance District No. 122, Providing for Notice of Hearing Thereon, Approving Director's Report and Providing for Notice of Hearing on Director's Report;"

WHEREAS, the Council did declare in Resolution No. 7218 its intention to order that the amount necessary to pay the costs and expenses of the maintenance and operation of the public automobile parking places, covered pedestrian lanes and walkways, fountains and landscaping in the District be raised by an annual special benefit assessment apportioned according to benefits among the several lots or parcels of property within the City of Santa Clara Parking Maintenance District ("District") in accordance with the formula therefore, and more particularly set forth in the Resolution of Intention in accordance with and pursuant to the provision for the alternative method for the levy of benefit assessments in maintenance districts in City as provided in the City Code;

WHEREAS, the Council shall decide whether or not the costs of maintenance and operation of public improvements shall be borne wholly or partially by the property owners within the Parking Maintenance District;

WHEREAS, notice of hearing any and all protests in relation to the alternative method for the levy of benefit assessments and the formula and Report was given by causing a copy of the

Resolution of Intention to be duly posted, published and mailed in the time, form and manner

Resolution Ordering that Alternative Method for the Levy of Benefit Assessments for PMD No. 122 and Adopting the Director's Report

Rev: 02-06-14; Typed: 4/18/18

provided by in the Code all as more particularly appears from the certificates and affidavits thereof on file in the office of the City Clerk; whereupon the hearing thereon was duly and regularly held at the time and place advertised in the Resolution of Intention;

WHEREAS, Resolution No. 18-8512 provided that this Council shall, in addition to all other taxes, annually fix and levy a special assessment tax upon the real property (land and improvements) within the Parking Maintenance District as therein provided, sufficient to raise a determined amount of money to pay all or part of said costs of maintenance and operation;

WHEREAS, the Director of Public Works ("Director") did cause a written report ("Report") to be prepared and filed with the City Clerk of the City, which provides the basis for the levy of benefit assessments for the cost and expenses of maintenance and operation on all lots or parcels of property within the District which the Report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property by a legal description, assessor's parcel number or other description sufficient to identify the same, and the amount of the assessment to be levied for the fiscal year 2018/19 against each lot or parcel of property;

WHEREAS, Proposition 218 passed on November 5, 1996, added Articles XIIC and XIID to the State of California Constitution which requires the property owners within a Maintenance District to approve the continuation of the Maintenance District, and annually approve any increase in assessments. On June 24, 1997, a sufficient vote of ballots was received as revised in order to approve the continuation of the Maintenance District;

WHEREAS, procedures of approval require the preparation of a report on how the assessments were prepared and based, but this year a written ballot need not be returned to the Director's Office in order to determine the approval of the proposed assessment for the Maintenance District because this year's assessment is not greater than the greatest previously approved assessment amount;

WHEREAS, persons interested, objecting thereto, filed written protests with the Director at or

before the time set for hearing, and all persons interested, desiring to be heard were given an opportunity to be heard and all matters and things pertaining thereto were fully heard and considered by the Council;

WHEREAS, the Council has remedied and corrected any errors or informalities in the Director's Report and has revised and corrected any of the acts or determinations of the various City officials as contained therein, and is fully informed of the contents; and,

WHEREAS, said Council is fully informed in the matter.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That a weighted vote, based on the assessment to each property, was not needed to approve the proposed annual assessments for said District because this year's assessment is less than the greatest previously approved assessment.
2. That all written protests, objections and other written communications regarding the amount of the assessment, the use of the alternative method for the levy of benefit assessment, the formula for the assessment levy, and the Director's Report were read at a noticed public hearing and all persons desiring to be heard were fully heard, and each of them are hereby overruled.
3. That the public interest and convenience require that the cost and expenses of acquiring, constructing, reconstructing, installing, extending, enlarging, repairing, improving, maintaining, and operating public automobile parking places, covered pedestrian lanes and walkways, fountains and landscaping therein now existing or hereafter to be constructed in and for the District and of benefit to the District, but not of benefit to the City as a whole, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, and of all additions, improvements and enlargements thereto which may hereafter be made, be raised by an annual special benefit assessment in accordance with and pursuant to the provisions for the

alternative method for the levy of benefit assessments in maintenance districts in said City as provided in Chapter 16.10, Article VI, of the Code on all lots or parcels of property within the District.

4. That the costs and expenses of maintaining and operating public improvements within the District shall annually be assessed either partly or wholly upon the several lots and parcels of property within the District benefited thereby by apportioning the costs and expenses according to benefits among the several lots or parcels of property within the District in accordance with the following formula:

Each assessment shall be determined on the basis of the gross floor area of the building located upon the lot or parcel of property assessed.

For the purposes of the formula herein, gross floor area shall mean that area computed from the outside dimensions of the building, including all and not excluding corridors and other design features, and aggregated for each additional story or mezzanine floor and any basement area.

5. That the formula for the apportionment of benefits in the annual assessment levies be, and it is hereby, finally approved, confirmed and adopted by this Council.

6. That the Director's Report and assessment roll, and each of the assessments therein as duly revised and corrected be, and they are hereby, approved, confirmed and adopted.

7. That the special benefit assessments shall be levied and collected annually upon the last equalized secured and utility tax rolls upon which ad valorem property taxes are collected. They shall be in addition to all other ad valorem property taxes levied, and shall be collected together with, and not separate therefrom, and enforced in the same manner and by the same person and at the same time and with the same penalties and interest as are said ad valorem property taxes. All laws applicable to the collection and enforcement of ad valorem property taxes shall be applicable to the special benefit assessment levy, and the assessed lot or parcel of property, if sold for taxes, shall be subject to redemption in the same manner as such real property is

redeemed from the sale for ad valorem property taxes, and if not redeemed, shall in like manner pass to the purchaser.

8. That the Report together with the certificate of the City Clerk as to the fact and date of approval, confirmation and adoption by this Council, shall forthwith be delivered to the Director of Finance of this City who shall thereafter deliver the Report to the officer of the County of Santa Clara designated by law to extend ad valorem property taxes upon the tax roll, and the proper County officer shall cause to be posted to the tax rolls, in the column provided therefor, the amount of each of the special benefit assessments proposed to be levied and collected for said fiscal year as set forth in said Report as confirmed.

9. That the City Clerk shall forward a certified copy of this Resolution to the Director of Finance of the City and to the officer designated by law to extend ad valorem property taxes upon the tax roll on which they are collected.

10. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

//

11. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE CITY OF SANTA CLARA, AT A REGULAR MEETING THEREOF
HELD ON THE ____ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Director's Report FY 2018/19