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OFFICE OF THE CITY CLERK
OAKLAND

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Approved as to form and legality

M. Mowden
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 84310 C.M.S.

RESOLUTION APPROVING THE ANNUAL REPORTS OF THE KOREATOWN/NORTHGATE COMMUNITY BENEFIT DISTRICT OF 2007 THE DOWNTOWN OAKLAND COMMUNITY BENEFIT DISTRICT OF 2008 THE LAKE MERRITT/UPTOWN COMMUNITY BENEFIT DISTRICT OF 2008 AND THE FRUITVALE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2011 ADVISORY BOARDS; CONFIRMING THE CONTINUING ANNUAL ASSESSMENT FOR EACH APPLICABLE DISTRICT FOR FISCAL YEAR 2013/14; AND AUTHORIZING PAYMENT OF THE CITY'S CUMULATIVE FISCAL YEAR 2013/14 FAIR SHARE ASSESSMENT FOR CITY-OWNED PROPERTIES IN THE KOREATOWN/NORTHGATE DISTRICT, THE DOWNTOWN OAKLAND DISTRICT, THE LAKE MERRITT/UPTOWN DISTRICT AND THE FRUITVALE DISTRICT

WHEREAS, the City of Oakland Business Improvement Management District (BIMD) Ordinance allows for the formation of business improvement management districts (Chapter 4.48, Ordinance 12190. 1999); and

WHEREAS, affected property owners petitioned to form the Koreatown/Northgate Community Benefit District of 2007 ("Koreatown CBD"), the Downtown Oakland Community Benefit District of 2008 ("Downtown CBD"), the Lake Merritt/Uptown Community Benefit District of 2008 ("Lake Merritt CBD"), and the Fruitvale Property Business Improvement District of 2011 ("Fruitvale BID") (together, the "Districts") under said legislation to undertake the Management Plans for the Districts ("Plans") which are on file with the City Clerk; and

WHEREAS, the Plans provide for enhanced services such as new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, and marketing activities with the intent of creating a positive atmosphere in the District areas (as more specifically identified in their respective Plans); and

WHEREAS, the Plans were prepared in accord with the provisions of the law overseeing the formation of the Districts as referenced above, and have been filed with the City; and

WHEREAS, each of the approved Plans provide for an annual adjustment not to exceed five percent more than the previous year's assessment, and

WHEREAS, pursuant to the requirements of the law the Districts were established as follows:

- the Koreatown CBD on July 17, 2007 pursuant to Resolution No. 80788 C.M.S.;
- the Downtown CBD on July 15, 2008 pursuant to Resolution No. 81479 C.M.S.,
- the Lake Merritt CBD on July 15, 2008 pursuant to Resolution No. 81478 C.M.S.;
- the Fruitvale BID on July 19, 2011 pursuant to Resolution No. 83500 C.M.S.; and

WHEREAS, the Annual Reports (attached in **Exhibit A**) have been prepared by the District Advisory Boards and filed with the City Clerk; and

WHEREAS, the Annual Report for the Koreatown CBD includes a determination and recommendation by the District Advisory Board for a permitted 3% increase in the amount of the annual assessment beginning in fiscal year 2013/14 for the Koreatown CBD; and

WHEREAS, the Annual Report for the Downtown CBD includes a determination and recommendation by the District Advisory Board for a permitted 5% increase in the amount of the annual assessment beginning in fiscal year 2013/14 for the Downtown Oakland CBD; and

WHEREAS, the Annual Report for the Lake Merritt CBD includes a determination and recommendation by the District Advisory Board for a permitted 2.9% increase in the amount of the annual assessment beginning in fiscal year 2013/14 for the Lake Merritt CBD; and

WHEREAS, the City Council desires to approve and confirm the Reports, and the continuing annual assessments for the Districts for fiscal year 2013/14; and

WHEREAS, the City owes a cumulative fiscal year 2013/14 fair share assessment of \$200,512.23 for the following City-owned properties:

District	APN	Site Description	Annual Assessment
Downtown CBD	3-65-9-2	551 16th Street (250 Frank Ogawa Plaza Building area)	\$ 25,900.56
Downtown CBD	3-67-1	1 Frank H Ogawa Plz. (City Hall)	\$ 30,155.45
Downtown CBD	3-67-2	1414 Clay Street (Clay Street Garage)	\$ 11,435.76
Downtown CBD	8-619-8-1	150 Frank H Ogawa Plz (L. Wilson Building)	\$ 28,661.55
Downtown CBD	1-201-10	822 Washington Street	\$ 2,831.70
Downtown CBD	8-620-9-3	524 16 th Street	\$ 2,257.02
Downtown CBD	8-641-8-5	540 17 th Street (Oakland Ice Rink)	\$ 22,590.81
LakeMerritt CBD	8-623-6-1	1731 Franklin St. (Franklin St. Garage)	\$ 7,165.42
Lake Merritt CBD	8-655-6	Grand Avenue	\$ 2,099.78
Lake Merritt CBD	10-768-4	200 Grand Avenue (Veteran's Memorial Bldg.)	\$ 8,444.45
Lake Merritt CBD	8-649-5	2025 Broadway (Paramount Theatre)	\$ 4,573.78
Lake Merritt CBD	8-635-1	274 19 th Street (Snow Park)	\$ 23,999.42
Lake Merritt CBD	8-668-4	2315 Valdez St.	\$ 2,199.01
Lake Merritt CBD	8-668-9-7	2330 Webster St.	\$ 3,180.11
Koreatown CBD	8-648-16-3	2100 Telegraph Avenue	\$ 9,785.00
Fruitvale BID	25-722-26	Josie de la Cruz Park	\$ 6,674.00
Fruitvale BID	33-2130-35-2	3510 International Blvd.	\$ 646.00
Fruitvale BID	33-2135-26-2	Foothill Blvd	\$ 3,937.76
Fruitvale BID	32-2084-51	3600 Foothill Blvd	\$ 850.00
Fruitvale BID	32-2115-37-1	3566 Foothill Blvd	\$ 523.28
Fruitvale BID	25-719-7-1	3050 International Blvd	\$ 2,601.36
		CITY TOTAL	\$200,512.23

and

WHEREAS, it is possible that additional properties will be transferred to City ownership during fiscal year 2013/14, thus increasing the City's fair share assessments; and

WHEREAS, funds to pay the assessments of affected City-owned property located in the Koreatown CBD, the Downtown CBD, the Lake Merritt CBD, and the Fruitvale BID will be budgeted in:

General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments (53511)/Undetermined Project (0000000)/IP50
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Central District Projects Fund (5610)/Central District Redevelopment Organization (02445)/ Taxes and Assessments (53511)/ Downtown Capital Project (C339410)/SC13
Multipurpose Reserve Fund (1750)/Central District Redevelopment Organization (02445)/Taxes and Assessments (53511)/Undetermined Project (0000000)/SC13
Central District Projects Fund (5610)/Central District Redevelopment Organization (02445)/Taxes and Assessments (53511)/Oakland Ice Center Project (P131210)/SC13

and

WHEREAS, until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Districts in Miscellaneous Trusts Fund (7999)/Treasury Operations (08721)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000); **now therefore be it**

RESOLVED that the City of Oakland does hereby find that the Advisory Boards for the Koreatown CBD, the Downtown CBD, the Lake Merritt CBD, and the Fruitvale BID were duly appointed by Resolutions of the City Council and have filed their Annual Reports for the 2012/13 fiscal year as required by law; and be it

FURTHER RESOLVED that the Annual Reports and the continuing annual assessments for the Koreatown CBD, the Downtown CBD, the Lake Merritt CBD, and the Fruitvale BID for the 2012/13 and the 2013/14 fiscal year are hereby approved, adopted, and confirmed and the City Council does hereby levy and direct the collection of the assessments for the 2013/14 fiscal year in accordance with the assessment formulas as provided for in the four Annual Reports and the Plans on file with the City Clerk; and be it

FURTHER RESOLVED that the Annual Report and the continuing annual assessments for the Koreatown CBD for the 2013/14 fiscal year are hereby approved, adopted, and confirmed, including a 3% increase in the amount of annual assessments recommended by the Koreatown CBD Advisory Board, beginning in fiscal year 2013/14 and the City Council does hereby levy and direct the collection of the assessments for the 2013/14 fiscal year in accordance with the assessment formula as provided for in the Annual Reports and the Plans on file with the City Clerk; and be it

FURTHER RESOLVED that the Annual Report and the continuing annual assessments for the Downtown CBD for the 2013/14 fiscal year are hereby approved, adopted, and confirmed, including a 5% increase in the amount of annual assessments recommended by the Downtown CBD Advisory Board, beginning in fiscal year 2013/14 and the City Council does hereby levy and direct the collection of the assessments for the 2013/14 fiscal year in accordance with the assessment formula as provided for in the Annual Reports and the Plans on file with the City Clerk; and be it

FURTHER RESOLVED that the Annual Report and the continuing annual assessments for the Lake Merritt CBD for the 2013/14 fiscal year are hereby approved, adopted, and confirmed, including a 2.9% increase in the amount of annual assessments recommended by the Lake Merritt CBD Advisory Board, beginning in fiscal year 2013/14

and the City Council does hereby levy and direct the collection of the assessments for the 2013/14 fiscal year in accordance with the assessment formula as provided for in the Annual Reports and the Plans on file with the City Clerk; and be it

FURTHER RESOLVED that the proposed method and basis of levying the assessments to be levied against each property in the Districts have not been changed, increased, or modified and are those specified in the Plans and Annual Reports on file with the City Clerk which were previously adopted after holding the required public meetings and public hearings and protest procedures as provided for by law; and be it

FURTHER RESOLVED that the assessments shall be attached to the property and collected with the annual county property taxes, and in certain cases, as specified in the Plans, through a special municipal billing; and be it

FURTHER RESOLVED that the boundaries of the Districts shall remain the same as specified in the Plans on file with the City Clerk and there are no changes to the boundaries or benefit zones; and be it

FURTHER RESOLVED that the types of the improvements and activities proposed to be funded by the levy of assessments on property in the BIDs are those described in the Plans and the Annual Reports on file with the City Clerk. There are no substantial changes in the improvements or activities for the Districts; and be it

FURTHER RESOLVED that the 2013/14 fiscal year assessments for the Districts are as follows:

- Approximately \$286,124.89 for the Koreatown CBD; and
- Approximately \$980,953.18 the Downtown CBD; and
- Approximately \$1,175,635.65 for the Lake Merritt CBD; and
- Approximately \$324,713 for the Fruitvale BID; and be it

FURTHER RESOLVED that the amount chargeable to each parcel in each District shall be as determined by the Plans and Annual Reports on file in the Office of the City Clerk; and be it

FURTHER RESOLVED that the City shall pay a cumulative fiscal year 2013/14 fair share assessment of an aggregate amount not to exceed \$200,512.23 for City-owned property as more specifically described in the recitals above from the General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments (53511)/Undetermined Project (0000000)/IP50 and the Central District Projects Fund (5610)/Central District Redevelopment Organization (02445)/ Taxes and Assessments (53511)/ Downtown Capital Project (C339410)/SC13 and the Multipurpose Reserve Fund (1750)/Central District Redevelopment Organization (02445)/Taxes and Assessments (53511)/Undetermined Project (0000000)/SC13 and the Central District Projects Fund (5610)/Central District Redevelopment Organization (02445)/Taxes and Assessments (53511)/Oakland Ice Center Project (P131210)/SC13; and be it

FURTHER RESOLVED that the City Administrator is authorized to pay the fair share assessments from the funds listed above for any additional properties located in any of the Districts that are transferred to City ownership during fiscal year 2013/14; and be it

FURTHER RESOLVED that the City Administrator is hereby authorized to enter into annual contracts and related amendments with any nonprofit corporation comprised of the assessee themselves designated by the owners to conduct or contract for the security, marketing, maintenance, or other activities and improvements for the District, or at the request of the owners through the Advisory Board to conduct or contract for such services and improvements as provided for in the BIMD Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, **APR 16 2013**, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and
PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

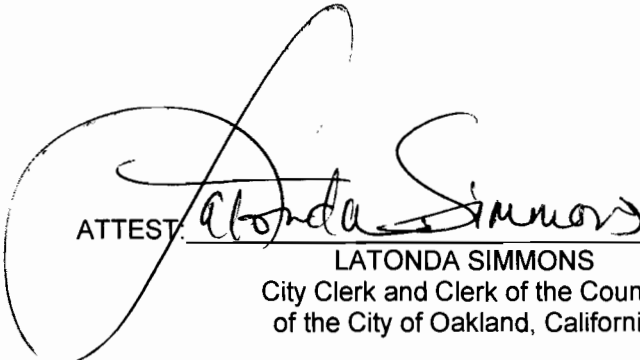
ATTEST 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A

To the Resolution Approving The Annual Reports Of The Koreatown/Northgate Community Benefit District Of 2007 The Downtown Oakland Community Benefit District Of 2008 The Lake Merritt/Uptown Community Benefit District Of 2008 And The Fruitvale Property Business Improvement District Of 2011 Advisory Boards; Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2013/14; And Authorizing Payment Of The City's Cumulative Fiscal Year 2013/14 Fair Share Assessment For City-Owned Properties In The Koreatown/Northgate District, The Downtown Oakland District, The Lake Merritt/Uptown District And The Fruitvale District

Annual Reports for:

- Koreatown/Northgate Community Benefit District of 2007
- Downtown Oakland Community Benefit District of 2008
- Lake Merritt/Uptown Community Benefit District of 2008
- Fruitvale Property Business Improvement District of 2011