

RESOLUTION NO. R2016.56

RESOLUTION APPROVING THE FY2016-2017 ANNUAL ASSESSMENT FOR THE CITY OF TEMPE DOWNTOWN TEMPE ENHANCED SERVICES IMPROVEMENT DISTRICT; RULING ON OBJECTIONS; MAKING CORRECTIONS; APPROVING A NEW DISTRICT MAP; AND APPROVING MODIFIED ASSESSMENTS.

WHEREAS, the City of Tempe formed the Downtown Tempe Enhanced Services Improvement District (the "District") by the adoption of Resolution No. 93.35 (the "Resolution of Intention"), as amended by Resolution No. 98.68, Resolution No. 2003.30, and Resolution 2008.38; and

WHEREAS, the Mayor and Council have made a statement and estimate of the expenses of the District for the fiscal year commencing July 1, 2016 and ending June 30, 2017 and completed the assessment of the total sum upon the several lots within the District; and

WHEREAS, the Mayor and Council intend to approve a new District boundary map as set forth in *Exhibit "B"* attached hereto to change the zone designations within the District; and

WHEREAS, the owners of property within the District were given notice of the assessments and the opportunity to protest the assessments of the District, a copy of which notice is attached hereto as *Exhibit "A"*; and

WHEREAS, June 9, 2016 was set as the date for hearing and passing on the assessment and all prior proceedings relating thereto and on any protests; and

WHEREAS, the notice of such hearing was published as required by and in accordance with applicable law; and

WHEREAS, no written objections to the assessment and no protests to continuation of the District have been filed with the City Clerk; and the Mayor and Council provided an opportunity to hear each and every objection and protest and no such objections or protests were presented; and

WHEREAS, the Superintendent of Streets, or his designee, has calculated the current assessments as shown on *Exhibit "B"*, and has presented the Annual Assessment to the Mayor and Council; and

WHEREAS, said assessment in all respects complies with the laws providing for such assessments and under which said District was created.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

Section 1. The FY2016-2017 Annual Assessment for Downtown Tempe Enhanced Services Improvement District, together with all prior proceedings related thereto, be and the same are, hereby fully and finally confirmed and approved.

Section 2. No protests were filed against the new District map and the same is hereby fully and finally confirmed and approved.

Section 3. All acts of the Clerk, the Superintendent of Streets and any person acting for such officials in setting the date for the hearing on the assessment and protests and causing notice thereof to be mailed and published is hereby ratified and confirmed.

PASSED AND ADOPTED by the Mayor and Council of the City of Tempe, Arizona, on this _____ day of _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

Approved as to form:

Judith R. Baumann, City Attorney