

ORDINANCE NO. 3333 C.S.

AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS THE "NORTH FREMONT STREET BUSINESS IMPROVEMENT DISTRICT".

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1. This ordinance is adopted pursuant to Resolution 03 - 129 C.S., the Resolution of Intent to Establish the North Fremont Street Business Improvement District, adopted on the 7th day of October, 2003, which set forth the intent of the Monterey City Council to establish a business and improvement area to be known as the "North Fremont Street Business Improvement District".

SECTION 2. Pursuant to said Resolution of Intent, a Public Hearing was held, protests heard, and evidence taken for and against the formation of said proposed North Fremont Street Business Improvement District by the Monterey City Council on October 7, 2003, in the City Council Chambers, City Hall, Monterey, California. No finding of a majority protest against the proposed business improvement district was found by the City Council following said public hearing. A "majority protest", pursuant to California Streets and Highways Code Section 36525, would have consisted of written protests received from the business owners which will pay 50% or more of the proposed assessment.

SECTION 3. The City Council hereby finds that the business and property within the District will be benefited by the improvements and activities to be funded by the assessments to be levied.

SECTION 4. Therefore, the City Council hereby establishes a Business Improvement Area to be known as the North Fremont Street Business Improvement District.

SECTION 5. The boundaries of said North Fremont Street Business Improvement District are shown on attached Map 1 which is made a part of this ordinance and is described below:

Starting at the corner of Garden Road and North Fremont Street and proceeding east to the City limit, the North Fremont Street Business Improvement District includes all parcels abutting North Fremont Street. Individual parcels not fronting North Fremont Street, but included in the Business Improvement District area, include: 645 Casanova Avenue (APN: 013-151-019); 351 Kolb Street (APN: 013-132-015); 345 Kolb Street (APN: 013-132-016), and 575 Hannon Avenue (APN: 013-132-017).

SECTION 6. All businesses in the District shall be subject to an annual tax in the amount equivalent to 25% of the annual business license tax for each business located within the proposed District, up to a maximum assessment of \$500 per business. Businesses, which are lawfully exempt from business license taxation, shall be requested to voluntarily make equitable contributions. These fees shall be assessed and collected annually as part of the City's business license renewal process.

SECTION 7. The following improvements and activities within the District shall be funded by the levy of assessments described in Section 6 above:

- a. Promotion of public events within the area and undertaking of various promotional activities to benefit businesses within the Business Improvement District.
- b. Funding of public improvements and decorations to improve the physical appearance and attractiveness of the area.
- c. Administration of the North Monterey Business Association, undertaking of other promotional activities and special events which benefit the area, as well as other permitted uses for such funds as set forth in the Parking and Business Improvement Area Law of 1989.

The revenue from the levy of assessments within the District shall not be used to provide improvements or activities outside the area or for any purpose other than those specified in the Resolution of Intent No. 03-129 C.S., adopted by the City Council on the 7th day of October 2003.

SECTION 8. Businesses in the North Fremont Street Business Improvement District established by this ordinance shall be subject to any amendments to the Parking and Business Improvement Area Law of 1989 (at Streets and Highways Code Section 36500 et. seq.).

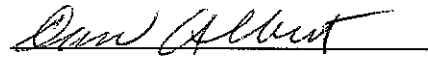
SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. This ordinance shall take effect and be in force thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 18th day of November 2003, by the following vote:

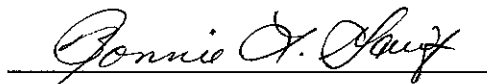
AYES:	5	COUNCILMEMBERS:	ALBERT, CANEPA, DELLA SALA,
NOES:	0	COUNCILMEMBERS:	ROBERSON, VREELAND
ABSENT:	0	COUNCILMEMBERS:	

APPROVED:



Mayor of said City

ATTEST:



City Clerk thereof