

RESOLUTION NO. 63,763–N.S.

APPROVING THE ANNUAL ASSESSMENT REPORT FOR THE ELMWOOD THEATER BUSINESS IMPROVEMENT AREA FOR FY 07; DECLARING AN INTENT TO LEVY ASSESSMENTS IN THE AREA FOR FY 08; AND SETTING A PUBLIC HEARING ON THE LEVY OF ASSESSMENTS FOR JULY 31, 2007

WHEREAS, on July 20, 1993, the City Council adopted Resolution No. 57,086–N.S., Overruling Protests, Establishing Elmwood Theater Business Improvement Area, and Levying Assessments for Fiscal Year 1994; and

WHEREAS, on the same date the City Council adopted Resolution No. 57,086A–N.S., Authorizing Execution of a Loan Agreement with the Elmwood Theater Foundation, to be repaid through a levy of special assessments in the Elmwood Theater Business Improvement Area; and

WHEREAS, the City Clerk has received an Annual Assessment Report from the Advisory Board for the Elmwood Theater Business Improvement Area for the fourteenth year of the assessments, FY 07; and

WHEREAS, said Annual Assessment Report on file with the City Clerk discusses the successful operation of the Elmwood Theater as a motion picture theater and community meeting hall during FY 2007 (the “activity” financed in the Area); and

WHEREAS, the Annual Assessment Report and materials attached to it on file with the City Clerk contain a detailed description of the boundaries of the Elmwood Theater Business Improvement Area as well as the Core Benefit Zone and the Broad Benefit Zone established within it (including a map entitled “Boundaries of Elmwood Theater Business Improvement Area”); and

WHEREAS, said Annual Assessment Report and exhibits on file with the City Clerk also contain information on the method and basis for levying the assessment.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Annual Assessment Report for the Elmwood Theater Business Improvement Area for FY 2007 is hereby approved.

BE IT FURTHER RESOLVED the City Council declares its intent to levy real property assessment for FY08 upon the same properties and at the same rates as it did for FY 1994 through 2007. The City Council declares its further intent to levy business license assessments on businesses in the Core Area according to the same method of calculation as it did for FY 1994 through 2007 with the changes or potential changes specified in the appropriate section of the Annual Assessment Report.

BE IT FURTHER RESOLVED the activity financed in the Area is the purchase of the Elmwood Theater and its preservation as an operating motion picture theater and

community meeting hall through a loan by the City of Berkeley to the Elmwood Theater Foundation, a nonprofit corporation, in the amount of \$215,000 as authorized by Resolution No. 57,086–N.S. of July 20, 1993. The amount of this loan, together with interest at the rate of six percent (6%) per annum on the unpaid balance thereof, is being recovered over a term of twenty (20) years through the annual levy of special assessments on business licenses of businesses operated within the Area and on real property within the Area classified as Commercial (3x Series) or Improved Commercial (8x or 9x Series) under the two-digit use code system of the Alameda County Assessor's Office.

BE IT FURTHER RESOLVED the Elmwood Theater Business Improvement Area is located in Berkeley, California, within 1,600 feet of the Elmwood Theater at 2966 College Avenue, excepting property with addresses on Telegraph Avenue and Claremont Avenue. The Annual Assessment Report and materials attached to it on file with the City Clerk contain a detailed description of the boundaries of the Elmwood Theater Business Improvement Area as well as the Core Benefit Zone and the Broad Benefit Zone established within it (including a map entitled "Boundaries of the Elmwood Theater Business Improvement Area"), and information on the method and basis for levying the assessments within these Zones.

BE IT FURTHER RESOLVED the City Council will conduct a hearing on this proposal on Tuesday, July 31, 2007 in the Chambers of the City Council, 2134 Martin Luther King Jr. Way, Berkeley, California. Council meetings begin at 7:00 p.m. a protest may be made orally or in writing by any interested person. Written protests shall be filed with the City Clerk at or before the time fixed for the public hearing. Each written protest shall contain a description of the business or property in which the person subscribing the protest is interested sufficient to identify the business or property.

The foregoing Resolution was adopted by the Berkeley City Council on July 10, 2007 by the following vote:

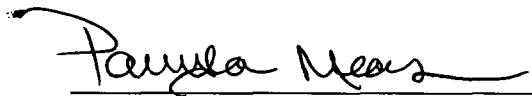
Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Pamyla Means, MMC, City Clerk