

RESOLUTION NO. 2937-12

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE ANNUAL ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT DIAGRAM AND THE ANNUAL ASSESSMENT AMOUNTS, AND
AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL
YEAR 2012-13 FOR THE WINDSOR LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT No. 2
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

WHEREAS, the Town Council of the Town of Windsor intends to levy and collect assessments within the Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2) during FY 2012-13, the area of land to be assessed being located in the Town of Windsor, Sonoma County; and

WHEREAS, an annual Engineer's Report must be prepared and filed outlining the proposed budgets, assessments, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, on March 7, 2012, the Town Council adopted a resolution appointing Coastland Civil Engineering as the Engineer of Work for the LLAD-2, directing the preparation and filing of the annual Engineer's Report and describing the potential changes for FY 2012-13; and

WHEREAS, the Engineer of Work prepared and filed the annual Engineer's Report with the Town Clerk as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, on May 2, 2012, the Town Council adopted a Resolution of Intention to levy and collect annual assessments during FY 2012-13, preliminarily approved the annual Engineer's Report for FY 2012-13 as filed and set the time and date of the public hearing pursuant to section 22624 of the Streets and Highways Code; and

WHEREAS, for FY 2012-13, the total annual assessment for each Zone is proposed as follows:

Zone 101 (Shiloh Oaks)	\$26,236.70
Zone 102 (Miscellaneous Supplemental Parks)	\$301.25
Zone 103 (Windsor Redwoods)	\$7,798.85
Zone 104 (Manzanita Subdivision)	\$1,553.53
Zone 105 (G&C Auto Body)	\$1,194.30

WHEREAS, in order to keep up with inflation, the maximum annual assessments at build out for Zones 101, 102, 103, 104 and 105 are proposed to be increased by the 2011 CPI of +2.60%, the annual CPI is based on the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics; and

WHEREAS, there are no annexations proposed; and

WHEREAS, Zone 106, 705 Shiloh Road (Gas Station) is proposed for dissolution and the single parcel transferred into Zone 102 for park component benefit only; and

WHEREAS, any remaining funds in Zone 106, are to be transferred to the General Fund and reimbursed to the property owner; and

WHEREAS, notice of the public protest hearing was given by publication in accordance to the Landscaping and Lighting Act of 1972; and

WHEREAS, on June 20, 2012, the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual Engineer's Report either in writing or orally, and the Town Council has considered each comment; and

WHEREAS, as in previous years, publicly owned property will not be assessed during FY 2012-13 since it has been determined these properties receive no special benefit from the LLAD-2; and

WHEREAS, this Resolution is adopted pursuant to Section 22631 of the California Streets and Highways Code.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby:

1. Approves the FY 2012-13 Annual Engineer's Report for the Windsor Landscaping and Lighting Assessment District No. 2 as prepared and filed.
2. Authorizes the transfer of the property from Zone 106 (705 Shiloh Road) to Zone 102 (Miscellaneous Supplemental Parks) of the Windsor Landscaping and Lighting Assessment District No. 2 as specified in the Engineer's Report.
3. Authorizes the dissolution of Zone 106 (705 Shiloh Road) in accordance with Section 22610 of the Streets and Highways code, and any remaining revenue is to be transferred to the General Fund.
4. Authorizes reimbursement of the Zone 106 remaining revenue from the General Fund to the property owners.
5. Confirms the assessment diagram, the annual assessments, assessment maximums and CPI increases to the assessment maximums as set forth in the annual Engineer's Report and authorizes the levy and collection of assessments as set forth in said report for FY 2012-13 for each of the Zones:
 - Zone 101 – Shiloh Oaks
 - Zone 102 – Miscellaneous Supplemental Parks
 - Zone 103 – Windsor Redwoods
 - Zone 104 – Manzanita Subdivision
 - Zone 105 – G & C Auto Body
6. Adopts this resolution pursuant to Section 22631 of the Street and Highways Code.

PASSED, APPROVED AND ADOPTED this 20th day of June 2012 by the following vote:

AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON, SCHOLAR AND
MAYOR FUDGE

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:




MARIA DE LA O, TOWN CLERK