

RESOLUTION NO. 2957-12

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING AN ADDITIONAL TWO (2) YEAR EXTENSION TO THE SUBDIVISION
IMPROVEMENT AGREEMENT FOR PARCEL MAP 07-22, 850 MITCHELL LANE, AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT
EXTENSION (AMENDMENT NO.2) ON BEHALF OF THE TOWN**

WHEREAS, on December 11, 2007, the Town Planning Commission adopted Resolution No. 526-07, approving a Tentative Map to divide a 2.60 acre parcel into two light industrial parcels; and

WHEREAS, on November 19, 2008, the Town Council adopted Resolution 2436-09, which approved Parcel Map 07-22, and authorized the Town Manager to execute a Subdivision Improvement Agreement on behalf of the Town; and

WHEREAS, the Subdivision Improvement Agreement was executed on November 20, 2008; and

WHEREAS, Parcel Map 07-22 and the two (2) year term Subdivision Improvement Agreement were recorded on December 4, 2008, in the Sonoma County Recorders' Office; and

WHEREAS, on May 17, 2010, the Town received a letter from the subdivider requesting an extension to the initial two (2) year term of the Subdivision Improvement Agreement due to the economic situation at that time; and

WHEREAS, on November 20, 2010, the Town Council adopted Resolution 2385-08, which approved an extension to the initial two (2) year term of the Subdivision Improvement Agreement for Parcel Map 07-22 which will expire on November 20, 2012; and

WHEREAS, on August 9, 2012, the Town received a letter from the subdivider requesting an additional two (2) year extension to the first Subdivision Improvement Agreement Extension due to the current economic conditions making completion of the improvements financially infeasible at this time; and

WHEREAS, pursuant to Part III of the Subdivision Improvement Agreement, the Town Engineer has the authority to extend the term of the Subdivision Improvement Agreement for delays caused by riots, strikes, lockouts, fires, earthquakes, flood and conditions resulting therefrom. Extension of the term for the Subdivision Improvement Agreement for any other cause can only be made by the Town Council; and

WHEREAS, considering the current economic condition, staff is recommending that the Town Council adopt a resolution approving an additional two (2) year extension to the first Subdivision Improvement Agreement for Parcel Map 07-22, and authorizing the Town Manager to execute said agreement extension (Amendment No.2) on behalf of the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Council hereby approves the subdivider's request for an additional two (2) year extension to the term of the Subdivision Improvement Agreement (Amendment No.2) for Parcel Map 07-22 effective November 20, 2012, and expiring on November 20, 2014.

BE IT FURTHER RESOLVED that the Town Council authorizes the Town Manager to execute said agreement extension (Amendment No 2) on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 3rd day of October 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