

RESOLUTION NO. 3295-16

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE FISCAL YEAR 2016-17 ENGINEER'S REPORT FOR WINDSOR
1982 ACT BENEFIT ASSESSMENT DISTRICT, CONFIRMING THE ASSESSMENT
DIAGRAMS AND THE ASSESSMENT AMOUNTS AND AUTHORIZING THE
ANNUAL LEVY AND COLLECTION OF ASSESSMENTS (82-AAD)
(Pursuant to the Benefit Assessment Act of 1982)**

WHEREAS, on August 6, 2008, by Resolution No. 2338-08, the Town Council formed the Windsor 1982 Act Benefit Assessment District (82-AAD) pursuant to the Benefit Assessment Act of 1982 (Government Code Sections 54703-54719) which consisted of one Zone; and

WHEREAS, on March 2, 2016, the Town Council approved Resolution No. 3260-16 appointing the Engineer of Work of the Windsor 1982 Act Benefit Assessment District (82-AAD), pursuant to the Benefit Assessment Act of 1982, and directed the preparation of an Engineer's Report for the annexation of new zones into the Windsor 1982 Act Benefit Assessment District (82-AAD) pursuant to Government Code Section 54716; and

WHEREAS, Victoria Oaks is slated for annexation as a new Zone 113 into the Windsor 1982 Act Benefit Assessment District (82-AAD); and

WHEREAS, Coastland Civil Engineering has prepared and filed with the Town the Engineer's Report as required by Section 54716 of the Government Code; and

WHEREAS, all interested persons are referred to that Engineer's Report for a full and detailed description of the improvements, the boundaries of all Zones and the basis and schedule of the proposed assessments upon assessable lots and parcels of land within the Windsor 1982 Act Benefit Assessment District (82-AAD); and

WHEREAS, for Fiscal Year (FY) 2016-17, the annual assessments for Zones 101, 103, 104, 108, 109, 110 and 111 as identified in the Engineer's Report are proposed to remain at or below the established maximum annual assessments for each zone plus allowed annual Consumer Price Index (CPI) increases; and

WHEREAS, for FY 2016-17, the assessment for Zone 113 is proposed to be \$844.88 per parcel unit, the annual maximum assessment until buildout is proposed to be \$2,795.57 per parcel unit and the estimated maximum annual assessment upon full buildout is \$13,764.00 or \$154.65 per parcel unit per 89 anticipated units; and

WHEREAS, in order to take inflation into account, this assessment district, including new Zone 113, shall include an allowance for an annual increase the estimated annual assessments by the annual CPI; and

WHEREAS, publicly owned property will not be assessed since it has been determined these properties receive no special benefit from the Assessment District; and

WHEREAS, notice of the public protest hearing was given by publication in accordance to the Benefit Assessment Act of 1982; and

WHEREAS, pursuant to California Constitution Article XIID, Section 4, notices and ballots were mailed out to those property owners whose properties are within the new Assessment District boundaries; and

WHEREAS, on May 23, 2016, Town staff held the required public information meeting; and

WHEREAS, on June 15, 2016, the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the new assessments and the Engineer's Report either in writing or orally, and the Town Council has considered each protest; and

WHEREAS, the Town Council finds that a majority written protest against the annexations as specified in the Engineer's Report and annual assessments as specified in the Engineer's Report and as revised here for Zone 113 have not been made by the impacted property owners representing the land to be assessed; and

WHEREAS, this resolution is adopted pursuant to Section 54716 of the California Government Code.

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

1. Approves the FY 2016-17 Engineer's Report for the Windsor 1982 Act Benefit Assessment District (82-AAD) as prepared, filed and revised here.
2. Authorizes the creation of new Zone 113 with allowed annual CPI increases to the maximum annual assessments in order to keep up with inflation.
3. Authorizes the annexation of properties into Zone 113 as specified in the Engineer's Report.
4. Confirms the assessment diagrams, 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 each of the Zones:
 - a. Zone 101 – Shiloh Oaks
 - b. Zone 103 – Windsor Redwoods
 - c. Zone 104 – Manzanita Subdivision
 - d. Zone 108 – Bell Village Commercial
 - e. Zone 109 – Bell Village Residential
 - f. Zone 110 – Holiday Inn
 - g. Zone 111 – Evans/Drew Industrial Subdivision Phase 2
 - h. Zone 113 – Victoria Oaks
5. Authorizes annual increases to annual assessments in proportion to the previous year's annual increase of the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics, in order to keep up with inflation.

6. Adopts this resolution pursuant to Section 54716 of the California Government Code.

PASSED, APPROVED AND ADOPTED this 15th day of June 2016, by the following vote:

**AYES: COUNCILMEMBERS OKREPKIE, SALMON,
VICE MAYOR FUDGE, AND MAYOR MILLAN**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER FOPPOLI



MARK MILLAN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK