

RESOLUTION NO. 2293-08

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
TO VACATE A PORTION OF LOS AMIGOS ROAD**

WHEREAS, the Town has received a request to vacate a portion of the Los Amigos Road right of way; and

WHEREAS, the requested vacation consists of two parcels, one originally purchased by the State of California for construction of Highway 101, and the other dedicated to the County of Sonoma as part of the Lakewood Hills Subdivision and subsequently transferred to the Town upon incorporation, both parcels being commonly known as portions of Los Amigos Road; and

WHEREAS, pursuant to Section 8312 of the Streets and Highways Code cities and towns may vacate a street or a portion thereof, upon posting and publishing public notice and holding a public hearing; and

WHEREAS, a finding was made in Resolution 351-01 that the vacation is not inconsistent with the Town's adopted General Plan; and

WHEREAS, said portion of street will no longer be needed for street or highway purposes; and

WHEREAS, the entire area to be vacated will be reserved as a public utility, sewer and water easement and emergency vehicle access easement; and

WHEREAS, the vacation is subject to certain conditions set forth by the Town;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Windsor pursuant to Section 8312 of the Streets and Highways Code that the following portions of the street known as Los Amigos Road shall be vacated; provided, however, that said vacation shall occur only after the conditions stated hereinafter have been satisfied:

1. That Property in the Town of Windsor, State of California, (Area A – Billa Parcel) as fully described in Exhibit I-A & I-B hereto; and
2. That Property in the Town of Windsor, State of California, (Area B – Rogers & Young Parcel) as fully described in Exhibit II-A & II-B hereto;

and provided, however, that the Town of Windsor shall reserve and retain over the entirety of said vacated portions of Los Amigos Road the following: 1) public utility, sewer, water, and storm drain easements, 2) an emergency vehicle access easement, and 3) an easement to provide the right of public vehicular traffic to traverse the parking lot to be constructed on said vacated portions of Los Amigos Road from the existing intersection of Brooks Road South and Los Amigos Road to the northerly hotel parking lot access to realigned Los Amigos Road. Said public utility, sewer, water, and storm drain easements shall include the rights to construct, use, maintain, operate, inspect, alter, add to, repair, replace, and/or remove facilities of the type specified and appurtenances thereto in, under, and along the lands of said easements. Said public utility, sewer, water, and storm drain easements shall also include the rights to excavate said easements for their full width and to the depth necessary for the purposes granted, and to enter upon said land with vehicles, tools, implements, and other materials, for the maintenance, inspection,

repair, replacement, or operation of the facilities described herein by the Town, its officers, agents, and employees and by persons under contract with it and their employees whenever and wherever necessary.

BE IT FURTHER RESOLVED THAT the Town Clerk is authorized and directed to cause a certified copy of this Resolution of Vacation, attested by said Clerk, under seal, to be recorded without acknowledgement, Certificate of Acknowledgement or further proof in the office of the Recorder of Sonoma County, after the following conditions have been met:

1. The developer of the Hampton Inn and Suites shall have completed to the satisfaction of the Town Engineer the construction of the Los Amigos Road improvements (with the exception of the pedestrian/bicycle bridge improvements) as shown on the improvement plans of Hampton Inn and Suites Subdivision.
2. The developer of the Hampton Inn and Suites shall have paid to the Town the amount of \$167,000 for Area A as shown on Exhibit A.

BE IT FURTHER RESOLVED THAT the Town Council authorizes the Town Manager, after the conditions herein are met, including but not limited to the receipt of \$167,000 from developer, to execute and record with the Office of the County recorder, any necessary deeds for the vacated portions of Los Amigos Road excepting and reserving the easements described hereinabove.

PASSED, APPROVED AND ADOPTED this 4th day of June, 2008 by the following vote:

AYES: COUNCILMEMBERS ALLEN, PARKER, SALMON AND MAYOR FUDGE
NOES: NONE
ABSTAIN: NONE
ABSENT: VICE MAYOR GOBLE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachments:

- Exhibit I-A – Legal Description, Billa**
- Exhibit I-B – Plat, Billa**
- Exhibit II-A – Legal Description, Rogers & Young**
- Exhibit II-B – Plat, Rogers & Young**

EXHIBIT I-A

VACATION OF THOSE PORTIONS OF THE LANDS OF
THE TOWN OF WINDSOR AND A PORTION OF
(OLD) LOS AMIGOS ROAD

ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF WINDSOR, COUNTY OF SONOMA, STATE OF CALIFORNIA, AND BEING A PORTION OF THE LANDS OF THE TOWN OF WINDSOR, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND WELL MONUMENT AT THE INTERSECTION OF BROOKS ROAD SOUTH WITH GLEN MILLER DRIVE AS SHOWN ON THAT MAP ENTITLED "BROOKS CREEK SUBDIVISION PHASE 3" FILED AUGUST 28, 1997 IN BOOK 567 OF MAPS AT PAGES 46 THROUGH 49, SONOMA COUNTY RECORDS; THENCE ALONG THE CENTERLINE OF BROOKS ROAD SOUTH, SOUTH 00°33'17" WEST 653.16 FEET TO A FOUND WELL MONUMENT AS SHOWN ON SAID MAP; THENCE CONTINUING ALONG SAID CENTERLINE, AS SHOWN ON THAT MAP ENTITLED "PARCEL MAP NO. MS-8263 FILED IN BOOK 374 OF MAPS AT PAGES 9 THROUGH 11, SONOMA COUNTY RECORDS, ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 731.00 FEET, THROUGH A CENTRAL ANGLE OF 16°08'30", A DISTANCE OF 205.94 FEET (MAP 205.93); THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 750.00 FEET, THROUGH A CENTRAL ANGLE OF 18°33'01", A DISTANCE OF 242.82 FEET TO THE CENTERLINE INTERSECTION WITH EDGEWOOD PLACE (FORMERLY LOS AMIGOS ROAD); THENCE ALONG THE CENTERLINE OF EDGEWOOD PLACE SOUTH 55°51'26" WEST 64.21 FEET (MAP=SOUTH 55°23'00" WEST 61.21 FEET); THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 300.00 FEET, THROUGH A CENTRAL ANGLE OF 26°52'24", A DISTANCE OF 140.71; THENCE LEAVING SAID CENTERLINE SOUTH 07°16'10" EAST 30.00 FEET TO A POINT ON THE SOUTHERLY LINE OF EDGEWOOD PLACE (FORMERLY LOS AMIGOS ROAD); THENCE ALONG SAID LINE ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS NORTH 07°16'10" WEST 330.00 FEET, THROUGH A CENTRAL ANGLE OF 20°54'55", A DISTANCE OF 120.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS NORTH 13°38'45" EAST 330.00 FEET, THROUGH A CENTRAL ANGLE OF 34°14'58", A DISTANCE OF 197.26 FEET; THENCE NORTH 42°06'17" WEST 57.22 FEET; THENCE NORTH 43°34'30" WEST 178.42 FEET; THENCE LEAVING SAID LINE NORTH 46°25'30" EAST 2.96 FEET; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS THAT BEARS NORTH 21°54'38" EAST 73.00 FEET, THROUGH A CENTRAL ANGLE OF 61°54'23", A DISTANCE OF 78.87 FEET TO THE NORTH LINE OF SAID FORMERLY LOS AMIGOS ROAD; THENCE ALONG SAID LINE SOUTH 43°40'00" EAST 66.74 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 5046.47 FEET, THROUGH A CENTRAL ANGLE OF 01°27'31", A DISTANCE OF 128.47 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 265.00 FEET, THROUGH A CENTRAL ANGLE OF 55°03'41", A DISTANCE OF 254.66 FEET; THENCE LEAVING SAID LINE SOUTH 07°16'10" EAST 5.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID DOCUMENT NUMBER 85037827; THENCE ALONG SAID LINE ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS NORTH 07°16'10" WEST 270.00 FEET, THROUGH A CENTRAL ANGLE OF 55°09'46", A DISTANCE OF 259.95 FEET; THENCE LEAVING SAID LINE SOUTH 47°53'36" WEST 2.47 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS SOUTH 47°47'11" WEST 5039.00

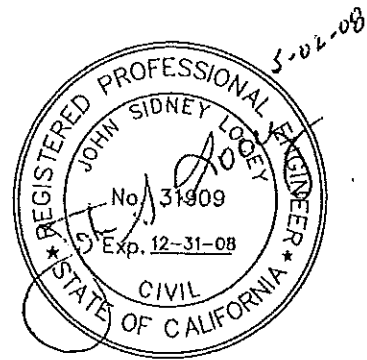
FEET, THROUGH A CENTRAL ANGLE OF 00°12'49", A DISTANCE OF 18.79 FEET;
THENCE SOUTH 42°00'00" EAST 166.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.51 ACRES, MORE OR LESS

DATE: May 1, 2008

PREPARED BY: BRELJE & RACE, CONSULTING ENGINEERS

JOB NO.: 2275.1

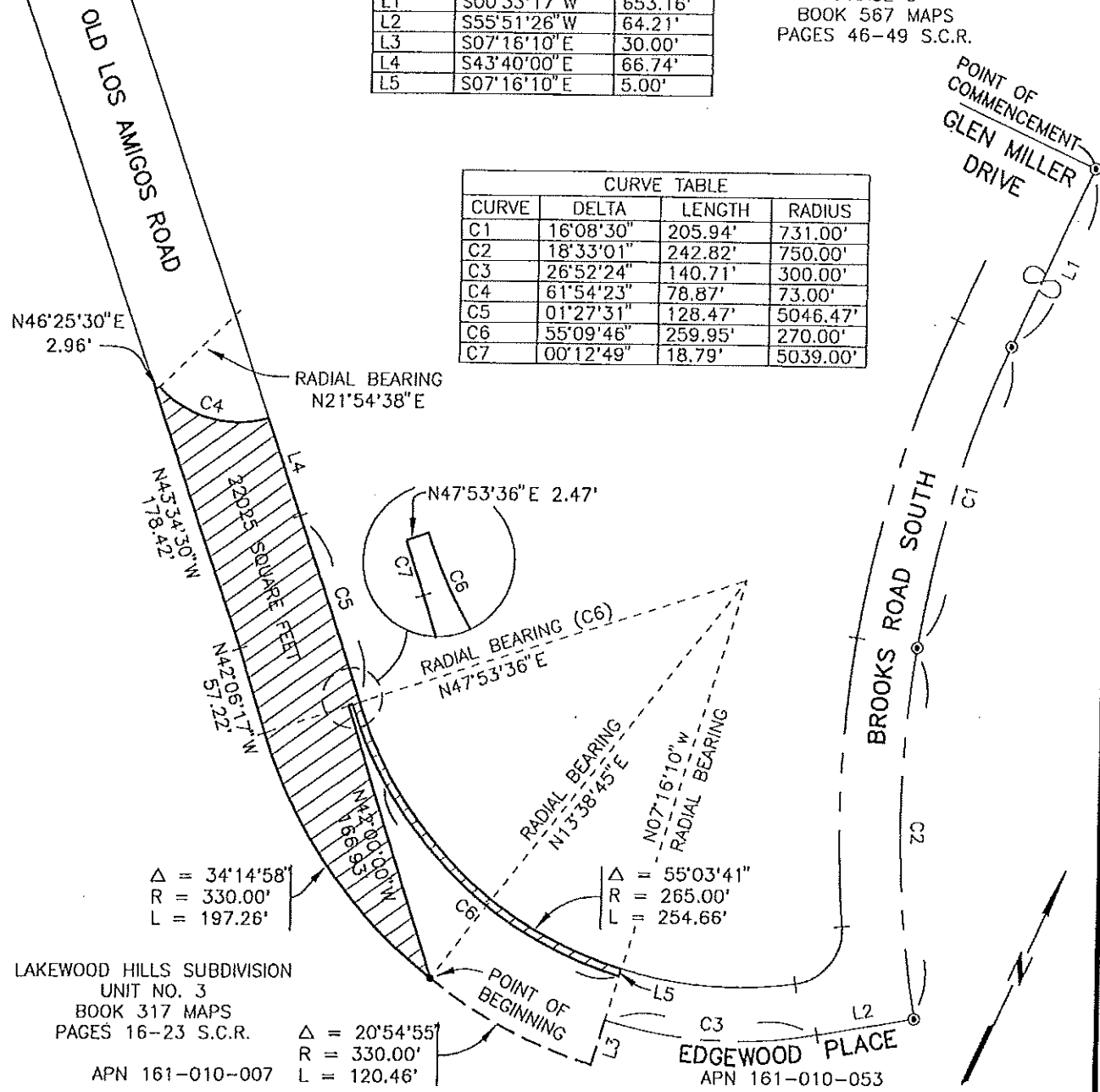


04-11-08 story 2275.1\dwg\22751-R-SHT-abandonment REV 041008.dwg TAB: LAYOUT1 VIEW: PS1

| LINE TABLE | | |
|------------|-------------|---------|
| LINE | DIRECTION | LENGTH |
| L1 | S00°33'17"W | 653.16' |
| L2 | S55°51'26"W | 64.21' |
| L3 | S07°16'10"E | 30.00' |
| L4 | S43°40'00"E | 66.74' |
| L5 | S07°16'10"E | 5.00' |

BROOKS CREEK SUBDIVISION
 PHASE 3
 BOOK 567 MAPS
 PAGES 46-49 S.C.R.

| CURVE TABLE | | | |
|-------------|-----------|---------|----------|
| CURVE | DELTA | LENGTH | RADIUS |
| C1 | 16°08'30" | 205.94' | 731.00' |
| C2 | 18°33'01" | 242.82' | 750.00' |
| C3 | 26°52'24" | 140.71' | 300.00' |
| C4 | 61°54'23" | 78.87' | 73.00' |
| C5 | 01°27'31" | 128.47' | 5046.47' |
| C6 | 55°09'46" | 259.95' | 270.00' |
| C7 | 00°12'49" | 18.79' | 5039.00' |

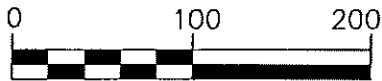


LAKEWOOD HILLS SUBDIVISION
 UNIT NO. 3
 BOOK 317 MAPS
 PAGES 16-23 S.C.R.
 APN 161-010-007

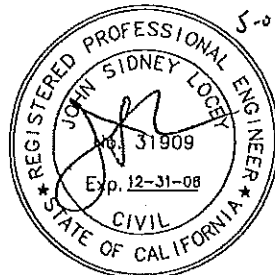
$\Delta = 20°54'55"$
 $R = 330.00'$
 $L = 120.46'$

$\Delta = 55°03'41"$
 $R = 265.00'$
 $L = 254.66'$

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION.



SCALE IN FEET
 1" = 100 Ft.



JOHN SIDNEY LACEY RCE 31909

EXHIBIT I-B

ABANDONMENT OF THOSE PORTIONS OF THE TOWN OF WINDSOR AND OLD LOS AMIGOS ROAD

OWNER: BILLA LLC

DOC. NO. 2006-005780 A.P.N. 161-560-038

PREPARED BY
BRELJE & RACE

CONSULTING CIVIL ENGINEERS
 5570 SKYLANE BLVD. SANTA ROSA CA 95403 707/576-1322

JOB NO. 2275.1

DATE: 05-02-08

EXHIBIT II-A

VACATION OF THOSE PORTIONS OF THE LANDS OF
THE TOWN OF WINDSOR AND A PORTION OF
(OLD) LOS AMIGOS ROAD

ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF WINDSOR, COUNTY OF SONOMA,
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DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND WELL MONUMENT AT THE INTERSECTION OF BROOKS ROAD SOUTH
WITH GLEN MILLER DRIVE AS SHOWN ON THAT MAP ENTITLED "BROOKS CREEK SUBDIVISION
PHASE 3" FILED AUGUST 28, 1997 IN BOOK 567 OF MAPS AT PAGES 46 THROUGH 49,
SONOMA COUNTY RECORDS; THENCE ALONG THE CENTERLINE OF BROOKS ROAD SOUTH, SOUTH
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CONTAINING 10,081 SQUARE FEET, MORE OR LESS

DATE: May 1, 2008

PREPARED BY: BRELJE & RACE, CONSULTING ENGINEERS

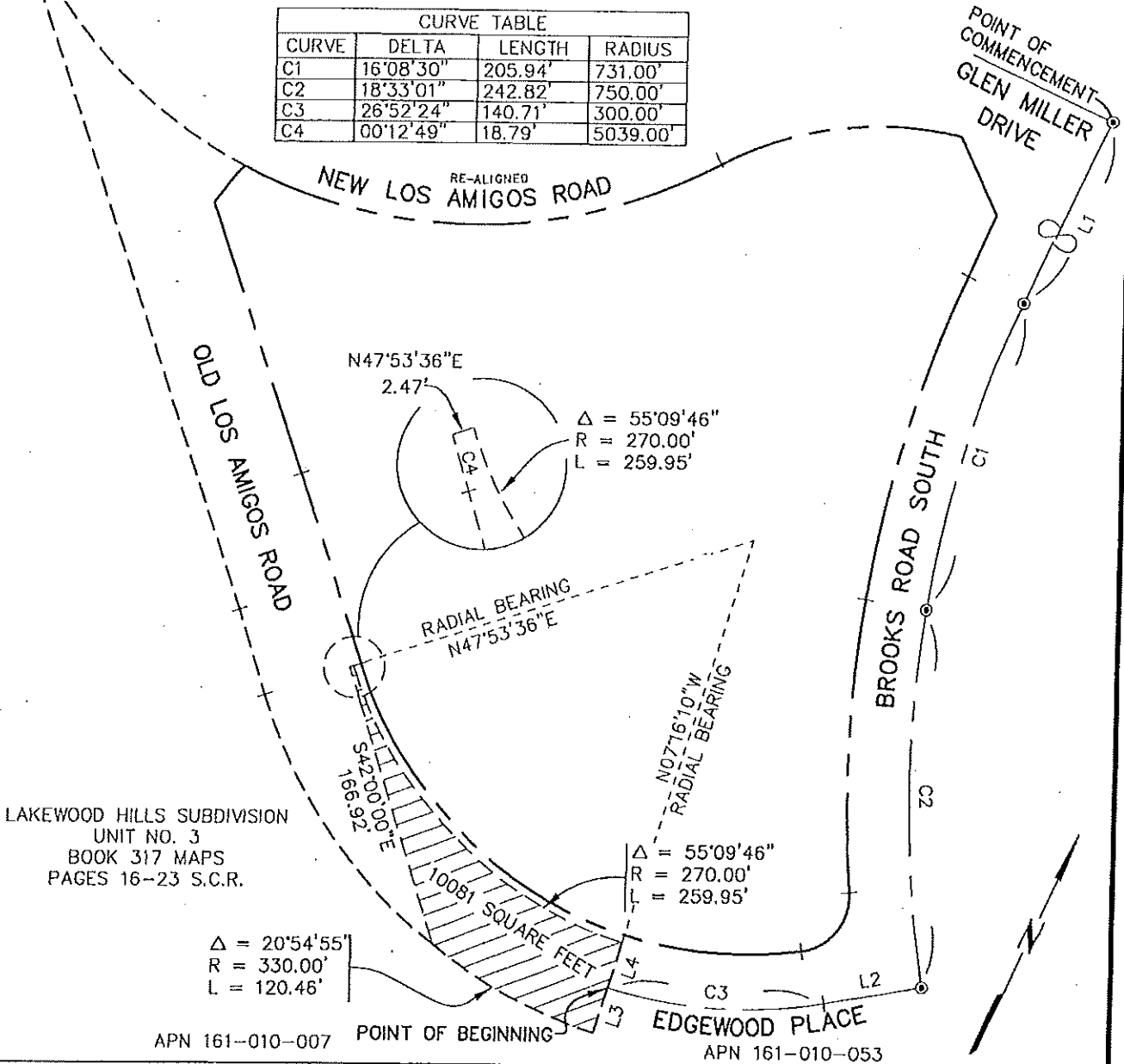
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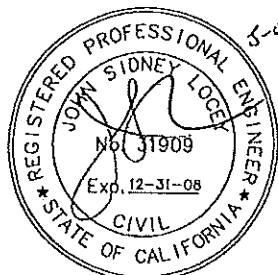
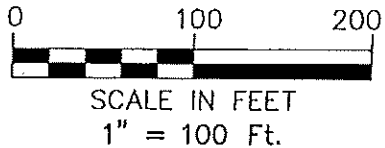
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APN 161-010-007 POINT OF BEGINNING APN 161-010-053

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John S. Locey
 JOHN SIDNEY LOCEY RCE 31909

EXHIBIT II-B
 TOWN OF WINDSOR
 TO
 ROGERS AND YOUNG

OWNER: TOWN OF WINDSOR

DOC. NO. 2006-005780 APN 161-560-038

PREPARED BY
BRELJE & RACE

CONSULTING CIVIL ENGINEERS
 5570 SKYLANE BLVD. SANTA ROSA CA 95403 707/576-1322

JOB NO. 2275.1

03-17-08 stary 2275.1.dwg 22751-R-SHT-TOW To Roger & Young.dwg TAB: LAYOUT1 VIEW: PS1

DATE: 03-17-08