

**RESOLUTION NO. 2312-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ORDERING THE FORMATION OF THE WINDSOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 2, APPROVING THE INITIAL ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND THE ASSESSMENT AMOUNTS, AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-09 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

**WHEREAS**, the Town Council of the Town of Windsor intends to form the new Windsor Landscaping and Lighting Assessment District No. 2; and

**WHEREAS**, the Town intends to levy and collect assessments within the new Windsor Landscaping and Lighting Assessment District No. 2 (Assessment District) during FY 2008-09, the area of land to be assessed being located in the Town of Windsor, Sonoma County; and

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

**WHEREAS**, pursuant to Section 22622 of the Streets and Highways Code, on May 7, 2008, the Town Council adopted a resolution initiating the formation of a new assessment district, appointing Coastland Civil Engineering as the Engineer of Work for the Windsor Landscaping and Lighting Assessment District No. 2, directing the preparation and filing of the Initial Engineer's Report for FY 2008-09; and

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

**WHEREAS**, on May 7, 2008, the Town Council adopted a Resolution of Intention to form the Assessment District, levy and collect assessments during FY 2008-09, preliminarily approved the Initial Engineer's Report for FY 2008-09 as filed and set the times and dates of the public information meeting and public hearing pursuant to section 22624 of the Streets and Highways Code; and

**WHEREAS**, for FY 2008-09 the new Assessment District consists of Zone 101 – Shiloh Oaks Development; and

**WHEREAS**, for FY 2008-09 the assessments to levy and collect for Zone 101 are proposed to be \$304.24 per acre for the streets component plus \$128.42 per Equivalent Single Family Dwelling Unit (ESD) for the parks component; and

**WHEREAS**, to account for inflation, future increases to the estimated maximum annual assessments at build-out will be allowed to any existing and future Zones of the Assessment District, in proportion to the previous year's increase in the Consumer Price Index (CPI); and

**WHEREAS**, the estimated maximum annual assessments at build-out for Zone 101 are proposed to be \$1,957.00 per acre for the streets component plus \$193.00 per ESD for the parks component for FY 2008-09 plus any future CPI increases; and

**WHEREAS**, publicly owned property will not be assessed since it has been determined these properties receive no special benefit from the Landscaping and Lighting Assessment District No. 2; and

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

**WHEREAS**, pursuant to Proposition 218, notices and ballots were also mailed out to those property owners whose properties are within the new Assessment District boundaries; and

**WHEREAS**, on June 2, 2008 Town staff held the required public information meeting; and

**WHEREAS**, on July 2, 2008 the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest on the formation of the new Assessment District and the Initial 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 formation of the new Assessment District and annual assessments as specified in the Engineer's Report have not been made by the impacted property owners representing the land to be assessed; and

**WHEREAS**, this resolution is adopted pursuant to Section 22631 of the Streets and Highways Code of the State of California;

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

1. Approves the formation of the new Windsor Landscaping and Lighting Assessment District No. 2
2. Approves the FY 2008-09 Initial Engineer's Report as prepared and filed.
3. Confirms the assessment diagram and the assessments as set forth in the Initial Engineer's Report and authorizes the levy and collection of assessments as set forth in the said report for FY 2008-09.
4. Authorizes the boundaries of Zone 101 of the Assessment District as specified in the Engineer's Report.

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 22631 of the Street and Highways Code.


**PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of July 2008, by the following vote:**

**AYES: COUNCILMEMBERS ALLEN, GOBLE, PARKER, SALMON AND  
MAYOR FUDGE**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: NONE**

  
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**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**