

RESOLUTION NO. 2324-08 RDA

**A RESOLUTION OF THE TOWN OF WINDSOR REDEVELOPMENT
AGENCY AUTHORIZING THE USE OF \$13,691,000 OF TAX
INCREMENT FUNDS FOR PUBLIC IMPROVEMENTS OF BENEFIT
TO THE TOWN OF WINDSOR AND MAKING FINDINGS REQUIRED
BY CALIFORNIA HEALTH & SAFETY CODE SECTION 33445, AND
APPROVING EXECUTION OF REIMBURSEMENT AGREEMENTS
RELATED TO SUCH COSTS**

WHEREAS, the Town of Windsor Redevelopment Agency (the “Agency”) is responsible for carrying out redevelopment of the Redevelopment Project Area (the “Project Area”) in the Town of Windsor (the “Town”) in accordance with the Redevelopment Plan and California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) (the “CRL”), including the construction and installation of public improvements consistent with the Redevelopment Plan; and

WHEREAS, the Town proposes to purchase certain real property owned by the Windsor Water District (the “WWD”) and to pay all or a portion of the cost of the planning, design and construction of new fire station facilities thereon (the “Project”) for the Windsor Fire Protection District (the “WFPD”), pursuant to a Purchase and Sale Agreement (the “Purchase Agreement”) and a Loan Agreement (the “Loan Agreement”) between the Town and WWD; and

WHEREAS, the Town proposes to use redevelopment funds in the amount of Thirteen Million Two Hundred Thousand Dollars (\$13,200,000) to reimburse the Town for base rental payments and any additional expenditure made by the Town to construct and finance the Project; and

WHEREAS, the Town proposes to use redevelopment funds in the amount of Four Hundred and Ninety-One Thousand Dollars (\$491,000) for acquisition of the Property and financing costs payable under the Loan Agreement; and

WHEREAS, the Agency will enter into a Reimbursement Agreement for Base Rental Payments with the Town to reimburse all of the base rental payments and additional costs, if any, made by the Town; and

WHEREAS, the Agency will enter into a Reimbursement Agreement for Acquisition Costs with the Town to reimburse the Town for all costs expended by the Town under the Loan Agreement for acquiring and financing the Property; and

WHEREAS, CRL Section 33445 provides that a redevelopment agency may, with the consent of the legislative body of the benefited public entity, pay for the cost of buildings, facilities and other improvements which are publicly owned if the legislative body determines all of the following:

1. The buildings, facilities or improvements are of benefit to the project area or the immediately surrounding neighborhood;
2. No other reasonable means of financing the buildings, facilities or improvements are available; and

3. The payment of funds for the acquisition of land or the cost of buildings, facilities or other improvements will assist in the elimination of one or more blighting conditions inside the project area, and will be consistent with the implementation plan adopted by the redevelopment agency; and

WHEREAS, the acquisition of the Property and construction of the Project will (i) benefit the Project Area by enabling the WFPD to provide enhanced levels of fire protection services and emergency medical responses to the Project Area in addition to areas outside the Project Area, (ii) provide a newly designed station that is ADA accessible, and (iii) provide a newly designed station with adequate space for existing and new firefighting staff and equipment, including new equipment that is necessary to ensure sufficient fire protection for taller buildings that have been constructed in the Project Area; and

WHEREAS, a Summary Report ("**Report**") has been prepared pursuant to the provisions of the Health and Safety Code 33679 describing the findings required by Health and Safety Code Section 33445 and is on file with the Town Clerk; and

WHEREAS, notice of the public hearing and the availability of the Report was posted in four locations within the Project Area and published in the Windsor Times, a newspaper of general circulation in the Town of Windsor, as required by Section 33679 of the Community Redevelopment Law; and

WHEREAS, as more fully described in the Report, the Town has no other reasonable means of financing acquisition of the Property or construction of the Project thereon, in that there is no unrestricted general fund revenue available for such purposes without a reduction in other vital community services, fire impact fees will generate insufficient funds to meet the capital needs of the WFPD, and property tax revenue from the recent special tax measure known as Measure K is not available for use on capital facilities such as a new fire station; and

WHEREAS, the expenditure of tax increment funds for the Project will benefit the Project Area and help to eliminate blighting conditions, identified in the Five Year Implementation Plan adopted by the Agency as including the presence of deteriorated and dilapidated structures that have not been maintained over the years and traffic circulation inadequacies which, coupled with increased density and construction of taller buildings, requires improved fire protection service levels and response times;

WHEREAS, the Project will promote economic development opportunities and facilitate private investment in the Project Area and thereby lead to further blight alleviation; and

WHEREAS, the Agency has duly considered all of the terms and conditions of the proposed Reimbursement Agreements and believes that they will of benefit to the Project Area;

WHEREAS, the Town Council has heretofore authorized by resolution the expenditure of redevelopment funds for the Project finding that (i) the Project will be a benefit to the Project Area, (ii) no other reasonable means of financing the Project is available to the Town, and (iii) the expenditure accomplishes the goal of eliminating one or more blighting conditions inside the Project Area;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WINDSOR REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Pursuant to CRL Section 33445, the Town of Windsor Redevelopment Agency finds that: (i) the expenditure of tax increment funds to undertake the Project will be of benefit to the Project Area; (ii) no other reasonable means of financing the public improvements is reasonably available; (iii) completion of the Project will assist in the elimination of blighting conditions in the Project Area; and (iv) completion of the Project is consistent with the Implementation Plan adopted for the Project Area.

Section 2. The expenditure of Thirteen Million Six Hundred and Ninety-One Thousand Dollars (\$13,691,000) in tax increment funds for the Project described herein is approved.

Section 3. The Executive Director of the Town of Windsor Redevelopment Agency is authorized to execute the Reimbursement Agreement for Acquisition Costs and the Reimbursement Agreement for Base Rental Payments, substantially in the forms on file with the Agency Secretary, with such revisions as approved by Agency Counsel which do not substantially or materially alter the Agency's obligations thereunder, and to execute such other documents and take such other actions as necessary or appropriate to implement the Acquisition Reimbursement Agreement and the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 16th day of July 2008, by the following vote:

- AYES: MEMBERS PARKER, SALMON AND CHAIR FUDGE**
- NOES: NONE**
- ABSTAIN: NONE**
- ABSENT: MEMBERS ALLEN AND GOBLE**



DEBORA FUDGE, CHAIR

ATTEST:



MARIA DE LA O, SECRETARY