

RESOLUTION NO. 2338-08

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR ORDERING THE FORMATION OF THE
WINDSOR 1982 ACT BENEFIT ASSESSMENT DISTRICT, APPROVING THE
ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND
THE ASSESSMENT AMOUNTS AND AUTHORIZING THE ANNUAL LEVY
AND COLLECTION OF ASSESSMENTS
(Pursuant to the Benefit Assessment Act of 1982)**

WHEREAS, on March 19, 2008 the Town Council approved Resolution No.2246-08 appointing the Engineer of Work, authorized the formation of an assessment district to fund the operation and maintenance of flood control improvements associated with the Shiloh Oaks Subdivision, pursuant to the Benefit Assessment Act of 1982 (Government Code Sections 54703-54719), and directed the preparation of an Engineer's Report for the formation of this district; and

WHEREAS, on June 4, 2008 the Town Council approved Resolution No.2296-08 indicating intention to levy and collect annual assessments and preliminarily approving the Engineer's Report; and

WHEREAS, the assessments are for the operation, maintenance and other incidental costs associated with the flood control improvements associated with the Shiloh Oaks Subdivision (identified as Zone 101 in the Engineer's Report); 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 the Zone and the proposed assessments upon assessable lots and parcels of land within the Assessment District for Fiscal Year 2008-09; and

WHEREAS, for Fiscal Year 2008-09, the annual assessment for Zone 101 as identified in the Engineer's Report is proposed at \$1,467.03 per acre and the estimated future annual assessment due to anticipated reduced overall acreage is proposed at \$1,933.26 per acre; and

WHEREAS, in order to take the annual Consumer Price Index (CPI) into account, this assessment district, including Zone 101 shall include an allowance for an annual increase or decrease to 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 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 30, 2008 Town staff held the required public information meeting; and

WHEREAS, on August 6, 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 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 54716 of the California Government Code;

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

1. Approves the formation of the new Windsor 1982 Act Benefit Assessment District.
2. Approves the FY 2008-09 Engineer's Report as prepared and filed.
3. Confirms the assessment diagram and the assessments as set forth in the Engineer's Report and authorizes the annual levy and collection of assessments as set forth in said report.
4. Authorizes the boundaries of Zone 101 of the Assessment District as specified in the Engineer's Report.
5. Authorizes annual increases or decreases to annual assessments in proportion to the previous year's annual increase/decrease of the All Urban Consumers (San Francisco Area) CPI from the U. S. Department of Labor, Bureau of Labor Statistics, in order to account for annual CPI adjustments.
6. Adopts this resolution pursuant to Section 54716 of the California Government Code.

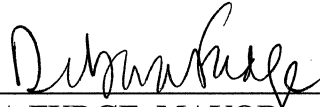
PASSED, APPROVED AND ADOPTED this 6th day of August 2008, by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK