

RESOLUTION NO. 2446-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO MAKE PAYMENT OF TRAFFIC
IMPACT FEE CREDITS FOR LOS AMIGOS ROAD IMPROVEMENTS FOR THE
SUBDIVISION IDENTIFIED AS PARCEL MAP 00-52 HAMPTON INN AND SUITES
SUBDIVISION**

WHEREAS, on June 21, 2001, the Town of Windsor Planning Commission approved Resolution No. 351-01, approving the tentative subdivision map for the hotel, restaurant and office/retail building project located at 9150 Brooks Road South. The tentative map approval was for the Windsor Homewood Suites Project which is now the Hampton Inn & Suites Project. The hotel, restaurant, and office/retail building project consist of a proposed minor subdivision of a single parcel into three commercial parcels and one common parcel; and

WHEREAS, On June 18, 2008, the Town Council adopted Resolution No. 2305-08, authorizing the Town Manager to execute a Subdivision Improvement and Occupancy Agreement for the Hampton Inn and Suites Subdivision ("Subdivision Agreement"), said agreement subsequently executed by the Town of Windsor ("Town") and Bhadare/White Windsor, LLC and Billa Enterprises, LLC (collectively "Developer") on June 19, 2008; and

WHEREAS, Part XXXVIII of the Subdivision Agreement provided that the Developer shall receive Traffic Impact Fee credits and reimbursements (as defined in Town Council Resolution 985-01) in an amount equal to the fair and reasonable cost paid by Developer for specific costs associated with the design and construction of the Los Amigos Road Improvements as outlined in that agreement, in an amount determined by the Town; and

WHEREAS, the construction of Los Amigos Road improvements has been completed by the Developer; and

WHEREAS, the Developer has submitted to the Town documentation of its costs for design and construction of the Los Amigos Road Improvements; and

WHEREAS, on the basis of the documentation submitted by the Developer, Town staff has determined the fair and reasonable amount eligible under the provisions of the Subdivision Agreement for specific costs associated with the design and construction of the Los Amigos Road Improvements. is \$291,165.31;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor authorizes the Town Manager to make payment of Traffic Impact Fee credits to Bhadare/White Windsor, LLC, and Billa Enterprises, LLC, or their duly authorized successors or assigns in the total amount of \$291,165.31 as full and complete compensation for the design and construction the Los Amigos Road improvements, in accordance with the terms of the Subdivision Agreement executed between the Town of Windsor and Bhadare/White Windsor, LLC, and Billa Enterprises, LLC on June 19, 2008.

PASSED, APPROVED AND ADOPTED this 18th day of March 2009, by the following vote:

AYES: COUNCILMEMBER ALLEN, FUDGE, SALMON, SCHOLAR AND
MAYOR GOBLE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK