

RESOLUTION NO. 2504-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE ANNUAL ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT DIAGRAM AND THE ANNUAL ASSESSMENT AMOUNTS, AND
AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL
YEAR 2009-10 FOR THE WINDSOR LANDSCAPING AND LIGHTING SPECIAL
ASSESSMENT DISTRICT (LLAD-1)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

WHEREAS, the Town Council of the Town of Windsor intends to levy and collect assessments within the Windsor Landscaping and Lighting Assessment District (LLAD-1) during FY 2009-10, the area of land to be assessed being located in the Town of Windsor, Sonoma County; and

WHEREAS, an Engineer's Report must be prepared and filed outlining the proposed budgets, assessments, the proposed improvements and/or changes to the Assessment District in order to levy and collect assessments any following fiscal year; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, on March 18, 2009, the Town Council adopted a resolution appointing Coastland Civil Engineering as the Engineer of Work for the Windsor Landscaping and Lighting Assessment District (LLAD-1), directing the preparation and filing of the annual Engineer's Report and describing the potential changes for FY 2009-10; and

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

WHEREAS, on May 20, 2009 the Town Council adopted a Resolution of Intention to levy and collect annual assessments during FY 2009-10, preliminarily approved the annual Engineer's Report for FY 2009-10 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 2009-10 the annual assessments to levy and collect in Zones 1, 2, 3, 4, 5 and 6 are proposed to stay the same as levied and collected during FY 2008-09; and

WHEREAS, for FY 2009-10 annexations are proposed only into Zone 2 of the Assessment District; 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 proposed for annexation into the Assessment District; and

WHEREAS, on June 8, 2009 Town staff held the required public information meeting; and

WHEREAS, on June 15, 2009 the Town Council conducted a public hearing and gave every interested person an opportunity to make a protest to the annual 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 inclusion of those subdivisions and areas as specified in the Engineer's Report for annexation into the Assessment District have not been made by the impacted property owners representing the land to be assessed; and


WHEREAS, as in previous years, publicly owned property will not be assessed during FY 2009-10 since it has been determined these properties receive no special benefit from the Landscaping and Lighting Assessment District (LLAD-1); and

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

1. Approves the annual FY 2009-10 Engineer's Report as prepared and filed.
2. Confirms the assessment diagram and the annual assessments as set forth in the annual Engineer's Report and authorizes the levy and collection of assessments as set forth in the said report for FY 2009-10 for each of the following Zones:
 - Zone 1 – Parks
 - Zone 2 – Street Lights
 - Zone 3 – Street Landscaping
 - Zone 4 – Bluebird & Starr View Street Lights
 - Zone 5 - Shadetree Drive Park
 - Zone 6 – Senior Center
3. Authorizes the annexation of properties into Zone 2 of the Assessment District as specified in the Engineer's Report.
4. Adopts this resolution pursuant to Section 22631 of the Street and Highways Code.

PASSED, APPROVED AND ADOPTED this 15th day of July 2009, by the following vote:

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



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK