

RESOLUTION NO. 2592-09 RDA

**A RESOLUTION OF THE TOWN OF WINDSOR
REDEVELOPMENT AGENCY APPROVING THE PRELIMINARY
REPORT FOR THE PROPOSED FIFTH AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE WINDSOR REDEVELOPMENT
PROJECT AND AUTHORIZING ITS TRANSMITTAL TO THE
AFFECTED TAXING AGENCIES**

WHEREAS, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project (“Redevelopment Plan” or “Plan”); and

WHEREAS, jurisdiction of the Windsor Redevelopment Project Area (“Project Area”) was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“Agency”) by a Transfer Agreement dated February 24, 1993, and effective July 1, 1993, prepared pursuant to Health and Safety Code Section 33215; and

WHEREAS, the Agency, a public body corporate and politic, is a redevelopment agency duly organized pursuant to Community Redevelopment Law [(“CRL”)] (California Health and Safety Code Section 33000 et seq.) and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Project Area and to formulate a redevelopment project or projects within the Town of Windsor; and

WHEREAS, the Redevelopment Plan has been amended four times (as amended, the “Existing Plan”) to, among other things, conform the limits as required by Assembly Bill 1290, increase the financial limits, extend eminent domain and add public improvements, extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1045 by one year for payments made to the Education Revenue Augmentation Fund (“ERAF”) in fiscal year 2003/04, and to extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1096 for two years for payments made to the ERAF in fiscal years 2004/05 and 2005/06; and

WHEREAS, the Agency again desires to amend the Existing Plan (“Fifth Amendment” or “Amendment”) to: 1) extend plan effectiveness by 10 years; 2) extend the time period for collection of tax increment/repayment of debt by 10 years; 3) increase the tax increment limit; 4) increase the bond debt limit; 5) repeal the debt establishment limit; 6) re-establish eminent domain over non-residential uses; 7) add certain public improvements and facilities to the list to eligible projects and facilities the Agency may undertake; 8) add territory; and 9) make certain technical corrections to the Redevelopment Plan; and

WHEREAS, on August 19, 2009, by Resolution No. 2531-09, the Town Council designated a redevelopment survey area and directed the Planning Commission of the Town of Windsor (“Planning Commission”) to select the boundaries of the area to be added to the Project Area from within the boundaries of the redevelopment survey area and formulate a preliminary plan for the Redevelopment Plan of the proposed added areas; and

WHEREAS, on August 25, 2009, the Planning Commission of the Town of Windsor (“Planning Commission”), by Resolution No. 573-09, selected and designated the boundaries of the area proposed to be included within the Project Area (“Fifth Amendment Added Area” or “Added Area”), approved a Preliminary Plan and submitted said Preliminary Plan to the Agency; and

WHEREAS, on October 21, 2009, the Agency, by Resolution No. 2561-09 RDA, accepted the Preliminary Plan and directed preparation of a Preliminary Report for the Fifth Amendment; and

WHEREAS, the Agency has prepared a proposed Amended and Restated Redevelopment Plan (“Amended and Restated Redevelopment Plan”) incorporating the Fifth Amendment; and

WHEREAS, pursuant to CRL Sections 33344.5, 33344.6, 33451.5(c) and 33333.11(e), the Agency has prepared a preliminary report (the “Preliminary Report”) on the proposed Fifth Amendment for transmittal to the affected taxing agencies; and

WHEREAS, the CRL requires the Agency to consult with affected taxing entities about the proposed Fifth Amendment.

NOW, THEREFORE BE IT RESOLVED:

Section 1. The foregoing recitals are true and correct.

Section 2. The Preliminary Report on the proposed Fifth Amendment, in the form currently on file with the Agency Secretary, is hereby approved. In the event that it may be necessary for clarification purposes, to make minor technical changes to the Preliminary Report before it is transmitted as set forth in Section 3, the Agency finds and determines that such minor, technical changes for clarification purposes do not materially affect the contents of the Preliminary Report and shall not require further Agency approval.

Section 3. The Executive Director is hereby authorized and directed to transmit a copy of the Preliminary Report on the proposed Fifth Amendment to all affected taxing entities, the Department of Finance (“DOF”), the Department of Housing and Community Development (“HCD”), and to other interested persons and organizations.

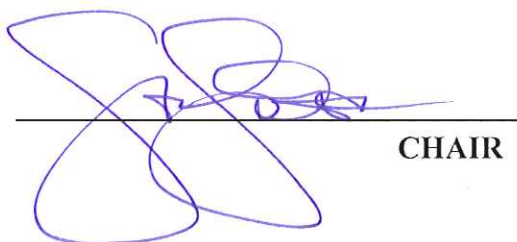
PASSED, APPROVED AND ADOPTED this 2nd day of December 2009, by the following vote:

AYES: MEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND CHAIR SALMON

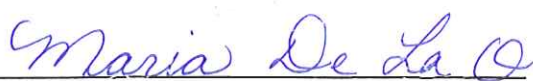
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


CHAIR

ATTEST


MARIA DE LA O, SECRETARY