

RESOLUTION NO. 2666-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING A REIMBURSEMENT AND AUTHORIZING THE TOWN MANAGER ON BEHALF OF THE TOWN TO MAKE PAYMENT TO DEVELOPER IN THE AMOUNT OF \$278,234.67 FOR THE PEDESTRIAN/BIKE BRIDGE OVER WINDSOR CREEK 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 consists 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 the Developer for engineering design and construction costs associated with the pedestrian/bike bridge as outlined in that agreement, in an amount determined by the Town; and

WHEREAS, the construction of pedestrian/bike bridge has been completed by the Developer and accepted by the Town; and

WHEREAS, the Developer has submitted to the Town documentation of its costs for design and construction of the pedestrian/bike bridge; 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 pedestrian/bike bridge is \$278,234.67; and

WHEREAS, the North Coast Regional Water Quality Control Board has requested that annual monitoring and reporting be performed regarding the plantings around the bridge/creek area; and

WHEREAS, the annual monitoring for next year has been estimated at \$3,600 and has been determined by Town staff to be an eligible cost for reimbursement.

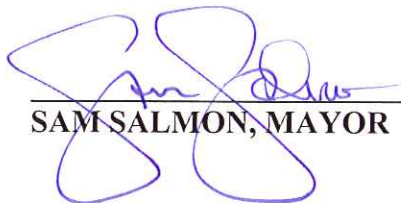
NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor authorizes the Town Manager on behalf of the Town to make payment of Traffic Impact Fee credits to Bhadare/White Windsor, LLC, and Billa Enterprises, LLC, or their duly authorized successors or assigns in the total amount of \$278,234.67 as full and complete compensation for the design and construction of the pedestrian/bike bridge, 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; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor authorizes the Town Manager on behalf of the Town to hold \$3,600 of Traffic Impact Fee credits to be paid to the Developer as reimbursement for annual monitoring and reporting as required by the North Coast Regional Water Quality Control Board after the work is performed and supporting documentation and invoices are submitted and approved by the Town Engineer; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor authorizes the Director of Administrative Services to pay the Developer for approved invoices for monitoring and reporting not to exceed \$3,600.

PASSED, APPROVED AND ADOPTED this 21st day of April 2010, by the following vote:

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



SAM SALMON, MAYOR

ATTEST:



BRIGITTE GRAHAM, DEPUTY TOWN CLERK