

RESOLUTION NO. 2783-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING THE WAIVER OF WATER AND RECYCLED WATER AND
WASTEWATER CAPACITY FEES FOR THE KEISER PARK PHASE I PROJECT**

WHEREAS, the acceptance of Keiser Park Phase I Project was approved by Resolution No. 2774-11 by the Town Council of the Town of Windsor on March 16, 2011; and

WHEREAS, the Keiser Park Phase I Project required connections to the Town's water, recycled water systems and connections to the Town's wastewater system; and

WHEREAS, the Keiser Park Phase I Project fees are calculated to be; (1) water capacity fee of \$24,606, and (2) recycled water capacity fee of \$32,952, and (3) wastewater capacity fee of \$12,215, for a combined total fee of \$69,773.; and

WHEREAS, the Town Council, in its discretion, may waive the applicability of the fee to certain development constructed or to be constructed by a public entity on land having a General Plan land use designation of Public/Quasi-Public/Institutional upon findings of the Town Council that such a waiver is in the interest of the public health, safety, and/or welfare, for reasons specified in the findings. Such reasons may include, but are not limited to, that the fee, as it would apply to such development by a public entity, will be sufficiently recovered in whole or in part from residential development the residents of which may constitute the primary users of the public entity development; and

WHEREAS, per Resolution No. 916-00, page 9, section 6b, the Town Council, in its discretion, may waive the applicability of the water capacity fee; and

WHEREAS, per Resolution No. 1738-05 WWD, page 9, section 5b, the Town Council, in its discretion, may waive the applicability of the recycled water capacity fee; and

WHEREAS, per Resolution No. 960-00, page 17, section 6b, the Town Council, in its discretion, may waive the applicability of the wastewater capacity fee.

WHEREAS, Resolution No. 916-00, Resolution No. 1738-05 WWD, and Resolution No. 960-00 were in effect at the time the Keiser Park Phase I Project was accepted by the Town Council.

BE IT NOW, THEREFORE RESOLVED, that the Town Council, in its discretion, has waived the applicability of the fee to the Keiser Park Phase I Project due upon findings of the Town Council that such a waiver is in the interest of the public health, safety, and/or welfare, for reasons specified in the findings. Such reasons are that the fee, as it would apply to such development by a public entity, will be sufficiently recovered in whole or in part from residential development the residents of which may constitute the primary users of the public entity development.

PASSED, APPROVED AND ADOPTED this 20th day of April 2011, by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



STEVE ALLEN, MAYOR

ATTEST:



J. MATTHEW MULLAN, DEPUTY TOWN CLERK