

RESOLUTION NO. 2827-11

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR**

**ACCEPTING THE EXISTING CALETTI AVENUE BRIDGE OVER PRUITT CREEK INTO
THE TOWN'S PUBLIC ROADWAY SYSTEM UPON COMPLETION OF BRIDGE
MAINTENANCE REPAIRS AND SEISMIC IMPROVEMENTS TO THE SATISFACTION OF
THE PUBLIC WORKS DIRECTOR/ TOWN ENGINEER AND THE PAYMENT OF \$125,000
TO THE TOWN TOWARDS FUTURE BRIDGE MAINTENANCE AND FUTURE
REPLACEMENT**

WHEREAS, on June 25, 1992, the Sonoma County Project Review and Advisory Committee (PRAC) approved a Minor Subdivision for the property located at 340 Standard Avenue which included a condition for the replacement of the existing timber bridge on Caletti Avenue when and if required by the Public Works Director and for right-of-way dedications to be rejected pending completion of a roadway system; and

WHEREAS, on July 1, 1992, the Town of Windsor incorporated; and

WHEREAS, on July 14, 1993, the Town Council approved a modification to the Sonoma County PRAC conditions of approval to include the requirement for a note to be added to the parcel map (MNS 91-919) stating that the streets offered for dedication to the Town would not be accepted until the entry roadway and bridge are constructed to public roadway standards, unless approved otherwise by the Town; and

WHEREAS, on July 21, 2004, the developer, Shiloh Oaks Company, LLC entered into an Acquisition Agreement with the Town where the Town agreed to accept and reimburse the developer for improvements to Pruitt Avenue and Caletti Avenue immediately north and south of the bridge; and

WHEREAS, the reimbursement was paid for by the Mitchell-Shiloh-Conde (MSC) Assessment District which was formed to finance and construct certain infrastructure improvements in the MSC area including the improvements on Pruitt Avenue and Caletti Avenue immediately north and south of the bridge; and

WHEREAS, the Shiloh Oaks property is assessed annually for the cost of the improvements; and

WHEREAS, on February 15, 2006, the roadway improvements on Pruitt Avenue and Caletti Avenue immediately north and south of the bridge were completed and accepted by the Town; and

WHEREAS, in order to facilitate the acceptance of improvements on Pruitt Avenue and Caletti Avenue, Shiloh Oaks Company, LLC entered into a Bridge Modification Agreement and Bridge Maintenance Agreement for the replacement of the Caletti Avenue Bridge within 5 years of acceptance of improvement and for maintenance of the bridge until replacement; and

WHEREAS, in accordance with Bridge Modification Agreement and Bridge Maintenance Agreement Shiloh Oaks Company, LLC furnished Letters of Credit in the amount of \$960,000 and \$100,000 as a guarantee of performance and maintenance; and

WHEREAS, on November 4, 2009, the Town Council approved a 3 year extension to the Bridge Modification Agreement for the replacement of the bridge; and

WHEREAS, on July 8, 2010, Shiloh Oaks Company, LLC sent a letter to the Public Works Director/Town Engineer requesting that the Town Council accept the existing bridge into the Town's public roadway system thus releasing them from the requirement to replace the bridge; and

WHEREAS, the July 8, 2010 Shiloh Oaks Company LLC letter stated a number of reasons as to why the Town should consider accepting the bridge. Some of the reasons stated include that there was no deterioration of the bridge, that the bridge would operate effectively for another 25 to 50 years, due to the current economic climate tearing down the bridge was not practical, and in accordance with the Shiloh Oaks Master Plan, the future Pruitt Avenue extension to Shiloh Road at Conde Lane would become the primary point of access from Shiloh Road downgrading Caletti Avenue to a secondary point of access; and

WHEREAS, Town staff met with Mr. Caletti, Managing Member of Shiloh Oaks Company, LLC and agreed to inspect the bridge and prepare a bridge evaluation report to address and verify statements in the July 8, 2010 letter; and

WHEREAS, URS Corporation was hired by the Town to inspect the bridge and prepare a bridge evaluation report; and

WHEREAS, the URS Corporation bridge evaluation report identified the need for bridge maintenance repairs and seismic improvements and the evaluation estimated the remaining useful life span of the bridge to be at least 25 years with proper maintenance; and

WHEREAS, the Town considered the following 3 options regarding the bridge:

- (1) Vacate Town ownership of Pruitt Avenue and Caletti Avenue. Ownership of the streets would revert back to Shiloh Oaks Company, LLC and the Caletti Avenue Bridge would continue to remain under Shiloh Oaks Company, LLC ownership.
- (2) Replace the existing bridge.
- (3) Accept the existing bridge into the Town's public roadway system.

WHEREAS, the Public Works Director/Town Engineer recommends acceptance of the existing Caletti Avenue Bridge based on the following:

- (1) The existing bridge has an estimated remaining life span of at least 25 years with proper maintenance.
- (2) In accordance with the Shiloh Oaks Master Plan, Pruitt Avenue is planned to be extended to Shiloh Road at Conde Lane. This connection would then become the primary point of access to the Shiloh Oaks industrial subdivision from Shiloh Road and Caletti Avenue would become a secondary point of access.
- (3) Shiloh Oaks Company, LLC has agreed to make the necessary maintenance repairs and seismic improvements identified in the URS Corporation bridge evaluation report prior to the acceptance of the bridge and to pay the Town the amount of \$125,000 towards future bridge maintenance and future replacement.

NOW THEREFORE, BE IT RESOLVED the Town Council of the Town of Windsor has considered the documentation provided by Town staff and hereby accepts the existing Caletti Avenue

Bridge over Pruitt Creek into the Town's public roadway system upon satisfaction of the following: (1) Completion of bridge maintenance repairs and seismic improvements to the satisfaction of the Public Works Director/Town Engineer; and (2) Payment of \$125,000 to the Town towards future bridge maintenance and future replacement; and

BE IT FURTHER RESOLVED THAT that the Town Council of the Town of Windsor hereby relieves Shiloh Oaks Company, LLC of all obligations outlined in the Bridge Modification Agreement, dated February 16, 2006 and the Bridge Maintenance Agreement, dated February 16, 2006 upon acceptance of the Caletti Avenue Bridge; and

BE IT FURTHER RESOLVED THAT the Town Council of the Town of Windsor authorizes the release of the Letters of Credit in the amount of \$960,000 and \$100,000 upon acceptance of the Caletti Avenue Bridge.

PASSED, APPROVED AND ADOPTED this the 17th day of August 2011, by the following vote:

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



STEVE ALLEN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK