

RS

RESOLUTION NO. 2868-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING A REQUEST FROM THE MICHAEL S. AND JUDITH M. TELFER FAMILY REVOCABLE TRUST AND TELFER/SHELDON, A CALIFORNIA GENERAL PARTNERSHIP, REGARDING VACATION OF PUBLIC RIGHT-OF-WAY AND REIMBURSEMENT FOR PUBLIC IMPROVEMENTS INSTALLED BY THE BELL VILLAGE PROJECT

WHEREAS, the Town Council is considering approval of a Use Permit and Tentative Map application for the Bell Village Project, UP/MJS 09-17, owned by Bell Village, L.P., a California limited partnership and OakmontSL of Alameda, L.P., a California limited partnership (“Developer”); and

WHEREAS, as part of the Bell Village Project, the Developer is required to construct off site public improvements, in Old Redwood Highway, Windsor Road and Market Street to effectively and safely manage the projected vehicle, bicycle and pedestrian traffic; and

WHEREAS, the design and construction of the public improvements and roundabout in the area of Windsor Road/Old Redwood Highway intersection requires dedication of public rights-of-way and grants of temporary construction easements by the Michael S. and Judith M. Telfer Family Revocable Trust (“Trust”), APN’s 161-060-036 & 055 and Telfer/Sheldon, a California General Partnership (“Telfer/Sheldon”), APN 161-060-038; and

WHEREAS, the Developer, the Trust and Telfer/Sheldon have entered into an Easements Agreement in which the Developer has agreed to construct the public improvements at no cost to the Trust and Telfer/Sheldon, and the Trust and Telfer/Sheldon have agreed to provide dedication of rights-of-way and temporary construction easements at no cost to the Developer; and

WHEREAS, the Trust and Telfer/Sheldon, as a condition of the Easements Agreement, are requesting assurances from the Town that, upon development of the Trust and Telfer/Sheldon parcels, the owners or developers of said parcels will not be required to contribute to the cost of the construction for the public improvements installed by the Developer within Windsor Road and Old Redwood Highway as part of the Bell Village project; and

WHEREAS, the Trust and Telfer/Sheldon further request, as a condition of the Easements Agreement, that in the event that the Bell Village Project does not proceed with approval of improvement plans, recordation of a final map or the Bell Village Project is withdrawn, the right-of-way dedications and temporary construction easements, as dedicated by the Trust and Telfer/Sheldon, be vacated or returned to the Trust and Telfer/Sheldon, or then current owner.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby agrees not to request reimbursement from the Trust and/or Telfer/Sheldon, or then current owner, for public improvements constructed by the Developer within Windsor Road and Old Redwood Highway as part of the Bell Village Project; and

BE IT FURTHER RESOLVED that in the event that the Bell Village Project does not proceed with approval of improvement plans or recordation of a final map, or if the Bell Village Project is withdrawn, the right-of-way dedications and temporary construction easements, as dedicated by the Trust and Telfer/Sheldon, shall be vacated and returned to the Trust and Telfer/Sheldon, or then current owner(s); and

BE IT FURTHER RESOLVED that upon development of the Trust and/or Telfer/Sheldon parcels, the current owner at time of development shall be responsible for a proportionate cost of long term maintenance of the roundabout improvements at the Windsor Road/Old Redwood Highway intersection, as it provides a benefit to the Trust and Telfer/Sheldon parcels.

PASSED, APPROVED AND ADOPTED this 7th day of December 2011, by the following vote:

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


DEBORA FUDGE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK