

**RESOLUTION NO. 2900-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
APPROVING A THREE (3) YEAR EXTENSION TO THE SUBDIVISION  
IMPROVEMENT AGREEMENT FOR PARCEL MAP 05-27, AND AUTHORIZING  
THE TOWN MANAGER TO EXECUTE SAID AGREEMENT EXTENSION  
(AMENDMENT NO. 1) ON BEHALF OF THE TOWN.**

**WHEREAS**, on August 28, 2007, the Town Planning Commission adopted Resolution No. 522-07, approving a Tentative Map to subdivide a 0.94 acre parcel into a two lot residential subdivision; and

**WHEREAS**, Parcel Map 05-27 qualified for a waiver of allocations per Section 16-4-125.b.2. of the Town's Municipal Code; and

**WHEREAS**, on March 4, 2009, the Town Council adopted Resolution 2436-09, which approved Parcel Map 05-27, and authorized the Town Manager to execute a Subdivision Improvement Agreement on behalf of the Town; and

**WHEREAS**, the Subdivision Improvement Agreement was executed on March 5, 2009; and

**WHEREAS**, Parcel Map 05-27 and the Subdivision Improvement Agreement were recorded on April 21, 2009 in the Sonoma County Records' Office; and

**WHEREAS**, the subdivider was granted a three (3) year term with the original Subdivision Improvement Agreement due to economic conditions at that time; and

**WHEREAS**, on November 7, 2011, the Town received a letter from the subdivider requesting an extension to the initial three (3) year term of the Subdivision Improvement Agreement; and

**WHEREAS**, the subdivider informed the Town that the adverse economic conditions have made pursuing the project improvements financially infeasible at this time; and

**WHEREAS**, pursuant to Part III of the Subdivision Improvement Agreement, the Town Engineer has the authority to extend the term of the Subdivision Improvement Agreement for delays caused by riots, strikes, lockouts, fires, earthquakes, flood and conditions resulting therefrom, but extension of the term for the Subdivision Improvement Agreement for any other cause can only be made by the Town Council; and


**WHEREAS**, considering the current economic condition, staff is recommending that the Town Council adopt a resolution approving a three (3) year extension to the Subdivision Improvement Agreement for Parcel Map 05-27, and authorizing the Town Manager to execute said agreement extension (Amendment No. 1) on behalf of the Town.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council hereby approves the subdivider's request for a three (3) year extension to the three (3) year term of the Subdivision Agreement (Amendment No. 1) for Parcel Map 05-27 effective March 5, 2012; and

**BE IT FURTHER RESOLVED**, that the Town Council authorizes the Town Manager to execute said agreement extension (Amendment No.1) on behalf of the Town.

**PASSED, APPROVED AND ADOPTED** this 21st day of March 2012, by the following vote:

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

  
DEBORA FUDGE, MAYOR

**ATTEST:**

  
J. MATTHEW MULLAN,  
DEPUTY TOWN CLERK