

**RESOLUTION NO. 3141-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
APPROVING AN ADDITIONAL TWO (2) YEAR EXTENSION TO THE SUBDIVISION  
IMPROVEMENT AGREEMENT FOR PARCEL MAP 07-22, 850 MITCHELL LANE, AND  
AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT  
EXTENSION (AMENDMENT NO.3) ON BEHALF OF THE TOWN**

**WHEREAS**, on December 11, 2007, the Town Planning Commission adopted Resolution No. 526-07, approving a Tentative Map to divide a 2.60 acre parcel into two light industrial parcels; and

**WHEREAS**, on November 19, 2008, the Town Council adopted Resolution 2385-08, which approved Parcel Map 07-22, 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 November 20, 2008; and

**WHEREAS**, Parcel Map 07-22 and the two (2) year term Subdivision Improvement Agreement were recorded on December 4, 2008, in the Sonoma County Recorders' Office; and

**WHEREAS**, on May 17, 2010, the Town received a letter from the subdivider requesting an extension to the initial two (2) year term of the Subdivision Improvement Agreement due to the economic situation at that time; and

**WHEREAS**, on August 4, 2010, the Town Council adopted Resolution 2723-10, which approved an extension to the initial two (2) year term of the Subdivision Improvement Agreement for Parcel Map 07-22 which expired on November 20, 2012; and

**WHEREAS**, on August 9, 2012, the Town received a letter from the subdivider requesting an additional two (2) year extension to the first Subdivision Improvement Agreement Extension due to the current economic conditions making completion of the improvements financially infeasible at this time; and

**WHEREAS**, on October 3, 2012, the Town Council adopted Resolution 2957-12, which approved the second extension to the initial two (2) year term of the Subdivision Improvement Agreement for Parcel Map 07-22, which will expire on November 20, 2014; and

**WHEREAS**, on August 22, 2014, the Town received a letter from the subdivider requesting a final additional two (2) year extension to the Subdivision Improvement Agreement; and

**WHEREAS**, the subdivider informed the Town that the project is moving forward and it is out for bid and the subdivider plans to have the public improvements completed by the summer of 2015; 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. 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 subdivider's intent to complete the public improvements by the summer of 2015, staff is recommending that the Town Council adopt a resolution approving a final, additional two (2) year extension to the second Subdivision Improvement Agreement for Parcel Map 07-22, and authorizing the Town Manager to execute said agreement extension (Amendment No.3) on behalf of the Town.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council hereby approves the subdivider's request for an additional two (2) year extension to the term of the Subdivision Improvement Agreement (Amendment No. 3) for Parcel Map 07-22 effective November 20, 2014, and expiring on November 20, 2016.

**BE IT FURTHER RESOLVED** that the Town Council authorizes the Town Manager to execute said agreement extension (Amendment No. 3) on behalf of the Town.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of October 2014, by the following vote:

**AYES:** COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND  
MAYOR OKREPKIE

**NOES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

  
BRUCE OKREPKIE, MAYOR

**ATTEST:**

  
MARIA DE LA O, TOWN CLERK