

RESOLUTION NO. 2595-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
FINDING AND DETERMINING THAT A PROJECT AREA COMMITTEE NEED NOT
BE FORMED IN RELATION TO THE PROPOSED fifth AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE WINDSOR REDEVELOPMENT PROJECT**

WHEREAS, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project (“Redevelopment Plan” or “Plan”); and

WHEREAS, jurisdiction of the Windsor Redevelopment Project Area (“Project Area”) was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“Agency”) by a Transfer Agreement dated February 24, 1993, and effective July 1, 1993, prepared pursuant to Health and Safety Code Section 33215; and

WHEREAS, the Agency, a public body corporate and politic, is a redevelopment agency duly organized pursuant to Community Redevelopment Law [(“CRL”)] (California Health and Safety Code Section 33000 et seq.), and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Project Area and to formulate a redevelopment project or projects within the Town of Windsor; and

WHEREAS, the Redevelopment Plan has been amended four times (as amended, the “Existing Plan”) to, among other things, conform the limits as required by Assembly Bill 1290, increase the financial limits, extend eminent domain and add public improvements, extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1045 by one year for payments made to the Education Revenue Augmentation Fund (“ERAF”) in fiscal year 2003/04, and to extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1096 for two years for payments made to the ERAF in fiscal years 2004/05 and 2005/06; and

WHEREAS, the Agency again desires to amend the Existing Plan (“Fifth Amendment” or “Amendment”) to: 1) extend plan effectiveness by 10 years; 2) extend the time period for collection of tax increment/repayment of debt by 10 years; 3) increase the tax increment limit; 4) increase the bond debt limit; 5) repeal the debt establishment limit; 6) re-establish eminent domain over non-residential uses; 7) add certain public improvements and facilities to the list to eligible projects and facilities the Agency may undertake; 8) add territory; and 9) make certain technical corrections to the Redevelopment Plan; and

WHEREAS, Section 33385.3 of the California CRL requires that a Project Area Committee (“PAC”) be formed in connection with a redevelopment plan amendment if the proposed amendment would do either of the following:

- (1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low and moderate income persons reside; or

- (2) Add territory in which a substantial number of low and moderate income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory.

WHEREAS, the proposed Fifth Amendment would authorize the Agency to use eminent domain within the existing Project Area and proposed Fifth Amendment Added Area for 12 years from the date of adoption of the Fifth Amendment, but would not permit the use of eminent domain to acquire real property that is occupied as a residence.

NOW, THEREFORE BE IT RESOLVED that

Section 1. The Town Council of the Town of Windsor hereby finds and determines that, because the proposed Fifth Amendment does not contain authority for the Agency to use eminent domain to acquire properties occupied as a residence, a PAC need not be formed in connection with the proposed Fifth Amendment.

Section 2. The Town Council hereby directs that the proposed Fifth Amendment be provided to residents, property owners, business owners, and existing civic and business organizations and that Agency staff consult with and obtain the advice of such persons and organizations concerning policy matters affecting the residents of the Project Area.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2009, by the following vote:

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



SAM SALMON, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK