

RESOLUTION NO. 2797-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING AN IN LIEU AGREEMENT WITH G&C AUTO BODY IN THE
AMOUNT OF \$84,883.41 FOR UNDERGROUNDING OF UTILITIES AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON
BEHALF OF THE TOWN**

WHEREAS, on August 26, 2008, the Town adopted Resolution 552-08 approving a Use Permit for the G&C Auto Body project, file UP 06-57, located at 10661 Old Redwood Highway at the intersection of Old Redwood Highway and the Arata southbound ramps; and

WHEREAS, on August 5, 2009, the Town Council approved a Deferred Improvement Agreement for the G&C Auto Body project by Resolution 2518-09; and

WHEREAS, the Conditions of Approval for G&C Auto Body require that all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages contiguous to the site, shall be placed underground, or as approved by the Town Engineer, not including surface mounted transformers, pedestal mounted terminal boxes and meter cabinets; and

WHEREAS, on August 25, 2010, the Developer requested that the Town accept in lieu fees for construction of improvements in accordance with Town Ordinance 2003-171 and Section 16-2-210 of the Town Municipal Code; and

WHEREAS, the Deferred Improvement Agreement requires that the Developer execute an In Lieu Agreement if in lieu fees are to be accepted for construction of improvements, and

WHEREAS, the Town Engineer prepared and approved an estimate of the cost of the Underground Utilities based on Town Municipal Code Section 16-2-210 and the cost estimates provided by the participating utility companies; and

WHEREAS, the Town Engineer determined that the amount of the in lieu fees for the Underground Utilities is \$84,883.41; and

WHEREAS, on September 9, 2010 the Developer executed the In Lieu Agreement and paid the in lieu fees totaling \$84,883.41.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby approves and authorizes the Town Manager to execute an In Lieu Agreement on behalf of the Town for undergrounding of utilities by G & C Auto Body.

PASSED, APPROVED AND ADOPTED this 15th day of June 2011, by the following vote:

**AYES: COUNCILMEMBERS GOBLE, SALMON, SCHOLAR AND
VICE MAYOR FUDGE**

NOES: NONE

ABSTAIN: NONE

ABSENT: MAYOR ALLEN


DEBORA FUDGE, VICE MAYOR

ATTEST:


**J. MATTHEW MULLAN,
DEPUTY TOWN CLERK**