RESOLUTION NO. 3977-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING A THREE-YEAR EXTENSION OF THE PERFORMANCE PERIOD UNDER THE SUBDIVISION IMPROVEMENT AGREEMENT FOR 19TH HOLE DRIVE SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT (APN 164-350-008) (MJS/UP/DR 19-14)

WHEREAS, a Subdivision Improvement Agreement was executed by the Mayor on October 6, 2021, for the 19th Hole Subdivision requiring that public improvements be completed in two years; and

WHEREAS, the improvements have not been completed in the two years and a request has been made by the Subdivider to extend the performance period by three years; and

WHEREAS, the Subdivider has stated in an email dated October 22, 2024, that due to high interest rates and an extraordinary increase in inflation the construction was not completed as initially planned; and

WHEREAS, the Subdivider is now ready to commence construction as soon as the agreement is extended; and

WHEREAS, pursuant to Part III of the Subdivision Improvement Agreement, the Town Engineer has the authority to extend the term of the Subdivision for delays caused by riots, strikes, lockouts, fires, earthquakes, flood and conditions resulting therefrom; and

WHEREAS, extension of the term for the Subdivision Improvement Agreement for any other cause can only be made by the Town Council; and

WHEREAS, a resolution has been passed that allows the Town Council to extend the time to complete the required work even if the original two-year period has passed and no request for extension has been granted; and

WHEREAS, considering the subdivider's intent to complete the public improvements, Staff is recommending that the Town Council adopt a resolution approving an additional three years to the performance term of the Subdivision Improvement Agreement.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby approves the subdivider's request for an additional three-year extension to the performance term of the Subdivision Improvement Agreement effective October 6, 2023, and continuing until October 6, 2026; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor authorizes the Mayor to execute the agreement extension, Amendment No. 1, on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 6th day of November 2024, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO WERBY, TOWN CLERK