

OCT 13 1980

WHEREAS, City is interested in and involved in the floodplain management program for San Diego River/Mission Valley; and

WHEREAS, this floodplain management program includes the development of pilot channel programs in cooperation with property owners to assist in maintaining the conveyance of the designated floodway to reduce flooding problems; and

WHEREAS, the San Diego River Pilot Channel is not owned by the City and none of the work which is done pursuant to the Memorandum of Understanding shall constitute a City project; and

WHEREAS, the City's sole reason for participating in the project is to facilitate, coordinate and expedite the project for the property owners and lessees involved; and

WHEREAS, the parties acknowledge and agree that their properties are located in a floodplain and that their respective properties are subject to recurring flooding problems; and

WHEREAS, the parties acknowledge and agree that in no event shall City be held responsible and/or liable for any future flooding and related damages that may occur during the period that the Memorandum of Understanding is in effect or at any time after the completion of the channel; and

WHEREAS, all efforts which are necessary to maintain the channel and keep it functioning are the responsibility of the individual property owners and lessees; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

01355

1. That Resolution No. 250337 (R. 80-611) adopted on October 1, 1979, is hereby rescinded in its entirety.

2. That the City Manager is hereby directed to:

a. Expedite the design and processing of the San Diego River Pilot Channel Project;

b. Execute the Memoranda of Understanding agreements and addenda with the following property owners and lessees:

(1) Atlas Hotel, Inc. 500 Hotel Circle,  
San Diego, CA 92110

(2) Warner Ranch Development Co., 2440 Hotel  
Circle W., San Diego, CA 92108

(3) Stardust Hotel, 950 Hotel Circle,  
San Diego, CA 92110

(4) Shapell Industries of San Diego, Inc.,  
3270 Rosecrans Street, San Diego, CA 92110

(5) YMCA of San Diego & San Diego County,  
7510 Clairemont Mesa Blvd., Suite 204, San Diego,  
CA 92111

on file in the City Clerk's office as Document Nos. RR-252880-1,  
RR-252880-2, RR-252880-3, RR-252880-4 and  
RR-252880-5.

c. Accept the cash contribution from property owners and lessees in the amount of \$85,811 for deposit in Trust Fund Account No. 63021 for the sole purpose of constructing a pilot channel in this reach of the San Diego River.

BE IT FURTHER RESOLVED, that existing CIP 12-022, San Diego River Pilot Channel, for \$46,500 in the fiscal 1981 budget be retained.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to transfer \$8,483 from CIP No. 90727, Flood Control and Storm Drain Bond Fund Unallocated Reserve to CIP No. 12-022, and \$85,811 from Trust Fund Account No. 63021 to CIP No. 12-022, SAN DIEGO RIVER PILOT CHANNEL.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$140,794 is hereby authorized from CIP No. 12-022, Flood Control Storm Drain Bond Fund 30727, solely and exclusively for the purpose of executing this contract and related costs.

APPROVED: JOHN W. WITT, City Attorney

By   
Janis Sammartino Gardner  
Deputy City Attorney

JSS:vl:404.2  
9/30/80 Rev. 12/4/80  
Or. Dept.: E&D & Clerk  
Aud. Cert. # 81230

R-252880

Passed and adopted by the Council of The City of San Diego on OCT 13 1980  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Bevard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 252880 Adopted OCT 13 1980