

(R-89-224)

RESOLUTION NUMBER R- **271643**  
ADOPTED ON **AUG 08 1988**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA, APPROVING AND  
AUTHORIZING EXECUTION OF CERTAIN AGREEMENTS IN  
A SPECIAL ASSESSMENT DISTRICT.

(Assessment District No. 4019 [Otay International Center, Phase II])

WHEREAS, the City Council of The City of San Diego, California is considering the formation of a special assessment district under the terms and provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, for the acquisition of certain public works of improvement in a special assessment district, said assessment district known and designated as ASSESSMENT DISTRICT NO. 4019 (OTAY INTERNATIONAL CENTER, PHASE II) (hereinafter referred to as the "Assessment District"); and

WHEREAS, the Streets and Highways Code of the State of California, specifically the "Municipal Improvement Act of 1913," expressly authorizes the acquisition of any improvements that are authorized to be constructed under said law, and the property owner, in order to proceed in a timely way with his development, desires to commence construction and/or cause the construction of certain of the works of improvement prior to the formation of the Assessment District; and

WHEREAS, at this time there has been submitted to this City Council for review and approval, certain consulting agreements,

an Acquisition/Financing Agreement and a Reimbursement Agreement setting forth certain terms and conditions for consulting services to be performed and advances to be made in connection with this Assessment District; NOW, THEREFORE,

BE IT RESOLVED, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. That this legislative body hereby accepts from Otay International Center, a general partnership, the sum of \$72,000.00 as a cash advance for consulting services and City advances.

Section 3. That the Assessment District Reimbursement Agreement, as submitted herewith, Document No. D2276-2, by and between the City and Otay International Center, a general partnership, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

Section 4. That the Acquisition/Financing Agreement, as submitted herewith, Document No. D2276-3, by and between the City and Otay International Center, a general partnership, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

Section 5. That the Agreement for Assessment Engineering Services, as submitted herewith, Document No. D2276-5, by and between the City and Willdan Associates, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

Section 6. That the Agreement for Financial Consultant Services, as submitted herewith, Document No. D2276-6, by and


between the City and Kadie-Jensen & Johnson, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

Section 7. That the Special Counsel Agreement for Bond Counsel Services, as submitted herewith, Document No. D2276-4, by and between the City and Brown & Diven, Attorneys at Law, is hereby approved, and the City Attorney is hereby authorized to execute said Agreement on behalf of the City.

Section 8. That the Auditor/Comptroller is hereby authorized to establish the Otay International Center, Phase II, Special Assessment Fund No. 79400, and to make appropriate payments therefrom.

APPROVED: John W. Witt, City Attorney

By



John K. Riess  
Deputy City Attorney

JKR:wk  
07/25/88  
Or.Dept:E&D  
Aud.Cert:8900148  
R-89-224  
Form=r.none

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 6900148

ORIGINATING DEPT. NO.: 540

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_, 19\_\_\_\_ By: \_\_\_\_\_  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 40,000.00

Vendor GREAT AMERICAN DEVELOPMENT COMPANY / H. F. WHIPPLE / BROWN & DIVEN

Purpose Authorizing the expenditure of funds for acceptance of petition

International Business Center Assessment District

Date July 26, 19 88 By: \_\_\_\_\_  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			79470		4118	001020				\$25,000.00
2			79470		4114	001010				12,000.00
3			79470		4151	001030				3,000.00
TOTAL AMOUNT										\$40,000.00

FUND OVERRIDE

*R* - 271643

AUG 08 1988

AC 6900148

128 (b)

**AUG 08 1988**

Passed and adopted by the Council of The City of San Diego on.....,  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHENTICATED BY:**

.....  
**MAUREEN O'CONNOR**  
Mayor of The City of San Diego, California.

.....  
**CHARLES G. ABDELNOUR**  
City Clerk of The City of San Diego, California.

(Seal)

By *Raymond L. Pillemer* ..... Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R- 271643** Adopted **AUG 08 1988**

RECEIVED  
CITY CLERK'S OFFICE

1988 JUL 27 PM 4: 15

SAN DIEGO, CALIF.

JUL 27 1988