

RESOLUTION NUMBER R- 289741

ADOPTED ON FEB 7 1998

WHEREAS, the private construction of a seawall is in progress at the end of Pescadero Avenue in San Diego to protect the integrity of the cliff and bluff, and thereby protect the health and safety of the residents of Casa de la Playa condominiums adjacent to the cliff and bluff; and

WHEREAS, the City desires to construct beach access at Pescadero Avenue where seawall construction is occurring; and

WHEREAS, to maximize the structural integrity of both the seawall and any beach access, the seawall and any pathway or other access to the beach should be engineered and constructed together; and

WHEREAS, the engineer and contractor for the private construction have incorporated a beach access pathway as an integral part of the seawall, but the private financiers of the seawall are unwilling to pay for the design and construction of the beach access; and

WHEREAS, failure to construct the beach access as part of the seawall will foreclose this opportunity to incorporate beach access; and

WHEREAS, to capitalize on this opportunity the City must act immediately to ensure beach access construction; and

WHEREAS, competitive bidding of the beach access would be unavailing and not produce any advantage because competitive bidding will not result in selection of a contractor in time to integrate beach access into the seawall; NOW, THEREFORE,

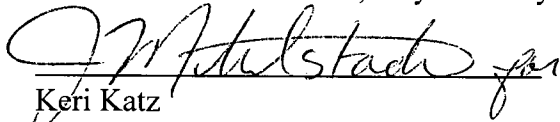
BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with the Casa de la Playa Geologic Hazard Abatement District and/or the Casa de la Playa Homeowner Association, for the design and construction of the Pescadero Avenue beach access, and its incorporation into the Pescadero Avenue seawall, upon terms and conditions that the City Manager shall deem to be in the best interests of the City and for an amount not to exceed \$64,000. Upon execution, the Agreement shall be on file in the office of the City Clerk as Document No. RR- 289741.

BE IT FURTHER RESOLVED, that the Agreement shall provide that the City will defend, indemnify and hold harmless the Casa de la Playa Geologic Hazard Abatement District and/or the Casa de la Playa Homeowner Association, the contractor and engineer from any and all claims arising out of the Pescadero Avenue beach access.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$64,000 from CIP 52.545.0, Annual Allocation - Coastal Erosion Affecting City Streets (Fund 30303), is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: CASEY GWINN, City Attorney

By


Keri Katz
Deputy City Attorney

KK:JM:pev:cdk
02/11/98
02/13/98COR.COPY
Aud.Cert:9800948
Or.Dept:E&CIP
R-98-850

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9800948
DEPT. NO.: 547

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.

64,000.00 Fund 30244 / 30303

Purpose Authorizing the transfer and expenditure of funds for the Pescadero Avenue Beach Access.

Date February 11, 1998 By: *Rebecky Weber*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1		30244	30244	107	4279	525450		30303		\$64,000.00
TOTAL AMOUNT										\$64,000.00

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 money 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 \$ _____

Vendor _____

Purpose _____

Date _____ 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										

AC-361 (REV 2-92)

FUND OVERRIDE

R 289741

FEB 17 1998

AC 9800948