

RESOLUTION NUMBER R- 294301

ADOPTED ON NOV 27 2000

WHEREAS, Montana Mirador is a 633.03-acre tract of land located within the City of San Diego, adjacent to Black Mountain Park in the Rancho Peñasquitos Community of the City of San Diego; and

WHEREAS, pursuant to City Council authorization, the City entered into a purchase option on August 11, 1997, to acquire the property for dedication as open space habitat to facilitate implementation of the City's MSCP; and

WHEREAS, the City has previously acquired 94.8 acres of Montana Mirador as mitigation for private development projects and an additional 538.23 acres is eligible for acquisition under the purchase option; and

WHEREAS, the County Water Authority [CWA] wishes to acquire 325 acre of the property to satisfy the requirements of the Biological Opinion issued by the U.S. Fish and Wildlife Service [USFWS] to the CWA for the proposed Emergency Storage Project; and

WHEREAS, the CWA is willing to provide funding in the amount of \$4,424,875 to the City pursuant to the per acre value specified in the purchase option; and

WHEREAS, City staff has simultaneously been working with the California Wildlife Conservation Board [WCB] to secure the remaining funds (\$3,391,460) necessary to complete the purchase option; and

WHEREAS, together the CWA and WCB grant funds would complete the purchase of the Montana Mirador property and the City could retain ownership of the property to serve as a natural expansion of the existing City Black Mountain Park; and

WHEREAS, the City Manager is recommending that the City Council authorize the City Manager, or designee, to negotiate and enter into an agreement with the CWA to accept \$4,424,875 in funds for the purpose of acquiring 325 acres of open space under the Montana Mirador purchase option and then these funds would allow the City to leverage additional open space funds under the Proposition 12 (Parks and Open Space Bond), as administered by the WCB, to complete the acquisition of Montana Mirador; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager, or designee, is authorized and empowered to negotiate and execute an agreement with the County Water Authority to accept \$4,424,875 in funds for the purpose of acquiring approximately 325 acres of open space from the area in which the City has an Option Agreement known as Montana Mirador, under the terms and conditions set forth in the Letter of Understanding on file in the office of the City Clerk as Document No. RR-294301.

BE IT FURTHER RESOLVED, that upon execution of an agreement with the CWA for the purchase of Montana Mirador, the City Manager is directed to exercise the existing purchase option for and on behalf of said City and to add CIP 29-426.09, Montana Mirador Open Space Acquisition, to the FY 2001 Capital Improvements Program.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to accept \$4,424,875 from CWA into CIP 29-426.09 and to expend that same amount from CIP 29-426.09 for the acquisition of Montana Mirador Open Space.


BE IT FURTHER RESOLVED, that the City Manager, or designee, is authorized and empowered to submit an application to the State Wildlife Conservation Board to obtain the funding for the balance (\$3,391,460) of the Montana Mirador purchase price.

BE IT FURTHER RESOLVED, that the City Manager, or designee, on behalf of the City of San Diego, is authorized and empowered to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the exercise of the aforementioned Option Agreement and the acquisition of Montana Mirador Open Space.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized and empowered to accept, and appropriate monies if grants are awarded by WCB into CIP 29-426.09 for the balance in the amount of \$3,391,460 needed for the acquisition of the total 538.23 acres comprising the full Montana Mirador Open Space Acquisition.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to expend an amount not to exceed \$7,816,335 (\$4,424,875 from the CWA and \$3,391,460 from the WCB) from CIP 29-426.09, Montana Mirador Open Space Acquisition, for the purpose of acquiring approximately 538.23 acres of open space and related costs.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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