

ORDINANCE NUMBER O- 18963 (NEW SERIES)

ADOPTED ON JUL 23 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
DIEGO REGARDING THE ACQUISITION AND
ESTABLISHMENT OF A JOINT VERNAL POOL PRESERVE
IN THE TORREY HIGHLANDS COMMUNITY AREA.

WHEREAS, as part of the State Route 56 Project, the City of San Diego is required to mitigate for vernal pool impacts; and

WHEREAS, Len-Greystone Torrey Highlands, LLC, is also required to mitigate for vernal pool impacts resulting from their development in the vicinity of State Route 56 and the Camino Ruiz Interchange; and

WHEREAS, based on the recommendations of the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, the City of San Diego and Len-Greystone Torrey Highlands, LLC, will create a joint vernal pool preserve [Project]; and

WHEREAS, the Project will be located near the north east quadrant of the State Route 56 and Camino Ruiz Interchange and will provide the required mitigation for each parties' respective vernal pool impacts, of which 73 percent of the vernal pool habitat in the Project will be for the State Route 56 project; NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute, on behalf of the City of San Diego, an Agreement for the Acquisition and Establishment of a Joint Vernal Pool Preserve [Agreement] with Len-Greystone Torrey Highlands, LLC, a Delaware limited liability company

[Greystone], for the Project, under the terms and conditions of the Agreement on file in the Office of the City Clerk as Document No. OO- 18963 - 1.

Section 2. That the City accepts \$107,083 from Greystone for the Project and authorizes the City Auditor and Comptroller to establish a separate interest bearing account (Fund 39226).

Section 3. That the City Auditor and Comptroller is authorized to amend the Capital Improvement Program [CIP] budget by increasing appropriations in the amount of \$107,083 to the Fiscal Year 2001 CIP to be utilized for the Project, CIP 52-463.0.

Section 4. That the expenditure of an amount not to exceed \$145,653 from Fund 10515 is authorized, solely and exclusively, for the acquisition of property rights, labor, title escrow, and miscellaneous costs related to the Project, CIP 52-463.0.

Section 5. That the City Manager is authorized to execute, on behalf of the City of San Diego, an Agreement between the City of San Diego and EDAW, Inc., for Consulting Services [Consulting Agreement] for providing professional consulting services to the City for the Project, under the terms and conditions of the Consulting Agreement on file in the Office of the City Clerk as Document No. OO- 18963-2.

Section 6. That the expenditure of an amount not to exceed \$167,796 from Fund 10515 is authorized, solely and exclusively, for the purpose of providing funds for the above mentioned professional consulting services agreement for the Project, CIP 52-463.0.

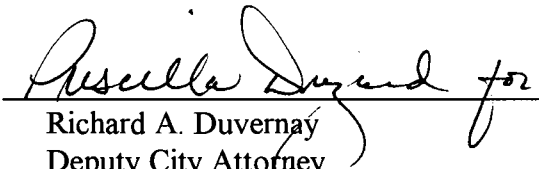
Section 7. That the City Manager is authorized to execute, on behalf of the City of San Diego, a Conservation Easement Deed to the United States of America, in favor of the U.S. Army Corps of Engineers, or agent approved by the U.S. Army Corps of Engineers, describing the property reserved for the Vernal Pool Preserve, if necessary. A copy of the Conservation Easement Deed is on file in the Office of the City Clerk as Document No. OO- 18963-3.

Section 8. That the expenditure of an amount not to exceed \$107,083 from Fund 39226 is authorized, solely and exclusively, for the purpose of providing funds for the Project, CIP 52-463.0, upon certification by the Auditor and Comptroller of funds being available.

Section 9. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 10. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By  for
Richard A. Duvernay
Deputy City Attorney

RAD:lc
06/12/01
06/28/01 COR.COPY
Or.Dept:Eng.&Cap.Proj.
Aud.Cert:2101260
O-2001-168
Form=o&t.fin

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2101260
 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.

Amount 252,736.00 Fund 10515/39226

Purpose Authorizing the expenditure of funds for the acquisition of property rights, labor, title escrow & miscellaneous costs related to SR-56.

Date June 12, 2001

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	0	10515			9544					\$145,653.00
2	0	39226			9544					107,083.00 *
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 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 \$ 167,796.00

Vendor EDAW, Inc.

Purpose Authorizing the expenditure of funds for professional environmental services for SR-56.

Date June 12, 2001

By: 
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
3	0	10515			9544					\$167,796.00
TOTAL AMOUNT										\$420,532.00

FUND OVERRIDE

AC-361 (REV 2-92)

* Contingent upon a fully executed agreement with Len-Greystone Torrey Highlands, LCC., and receipt of funds.

AC 2101260

0-18963

JUL 24 2001