

RESOLUTION NUMBER R- 294687

ADOPTED ON MAR 27 2001

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to negotiate and execute, for and on behalf of the City, a Participation Agreement with the La Jolla High School Facilities Expansion Foundation, a non profit entity, for the Fay Avenue Realignment Project [Foundation Agreement], which will contain substantially the same terms as the sample on file in the office of the City Clerk as Document No. RR- 294687.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to negotiate and execute, for and on behalf of the City, an agreement and all documents necessary for an exchange of property for the Fay Avenue Realignment Project, with the San Diego Unified School District, under the terms and conditions described in the Foundation Agreement, provided that environmental review is completed prior to executing these documents and/or agreements and that the City Auditor certifies the availability of any funds required prior to the execution of these documents and/or agreements.

BE IT FURTHER RESOLVED, that the Fiscal Year Capital Improvement Budget, is hereby amended by adding CIP No. 52-690.0, Fay Avenue Realignment.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to deappropriate \$150,000, from Fund No. 30300, CIP No. 52-583.0, La Jolla Shores/

Torrey Pines Road/Ardath Road/Hidden Valley Road, and appropriate \$150,000 to CIP No. 52-690.0, Fay Avenue Realignment.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to expend an amount not to exceed \$150,000, from Fund No. 30300, CIP No. 52-690.0, Fay Avenue Realignment, for the purpose of the storm drain and roadway realignment and upgrades where necessary engineering and related City obligations of the Foundation Agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to expend an amount not to exceed \$138,750, from Fund No. 41506, CIP No. 44-001.0, Annual Allocation for Sewer Mains, for the purpose of realigning, and improving where necessary, the City's sewer utilities, engineering and related City obligations of the Foundation Agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to expend an amount not to exceed \$691,200, from Fund No. 41500, CIP No. 70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, for the purpose of realigning, and improving where necessary, the City's water utilities, engineering and related City obligations of the Foundation Agreement.

BE IT FURTHER RESOLVED, that the temporary closure of Fay Avenue is approved, from June 2001 to September 2001, for the purpose of constructing the Fay Avenue Realignment Project.

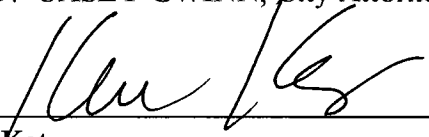
BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to accept funds from the Foundation to reimburse the City for design and other costs related to the Fay

*R-294687*

Avenue Realignment Project, under the terms and conditions set forth in the Foundation

Agreement, and on file in the Office of the City Clerk as Document No. RR-294687

APPROVED: CASEY GWINN, City Attorney

By   
Keri Katz  
Deputy City Attorney

KK:mr:pev  
03/15/01  
03/23/01 CorCopy  
Or.Dept:Eng&CP  
R-2001-1267

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING AC 2100991  
DEPT. NO.: 547/760/773

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 979,950.00 Fund 30300,41500,41506

Purpose Auhtorizing the appropriation and expenditure of funds for the Fay Avenue Realignment - Participation Agreement

Date March 16, 2001 By: *Burd*  
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	30244	30244	107	4279	525830		30300		\$150,000.00
2	0	41500	760	391	4278	186240				691,200.00
3	0	41506	773	960	4278	176400				138,750.00
TOTAL AMOUNT										\$979,950.00

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										

FUND OVERRIDE

**MAR 27 2001**

*R-294687*