

RESOLUTION NUMBER R- 296265

ADOPTED ON APR 09 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE APPLICATION FOR AND EXPENDITURE OF STATE GRANT FUNDS TO ACQUIRE PROPERTY IN THE EAST ELLIOT COMMUNITY PLANNING AREA.

WHEREAS, the California State Legislature enacted AB 471 (Chapter 106 of the Statutes of 1989), the Environmental Enhancement and Mitigation Program, to provide \$10 million each year for a period of 10 years in grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and authorizing the State's Resources Agency to administer the Program; and

WHEREAS, the City has identified approximately twenty acres of open space in the East Elliot Community Planning Area that meets the eligibility criteria for funding under the grant program because it would serve as mitigation for construction on the nearby State Route 125 [the East Elliot Acquisition Project]; and

WHEREAS, matching funds are available if the grant funding is received; and

WHEREAS, the State of California's Resources Agency has established procedures for its grant program that require that the City Council approve the City's application for grant funds and require the City to enter into a contract with the State of California for use of the grant funds on its Project; NOW THEREFORE,

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

1. That the Council approves the filing of an application for grant funds from the Environmental Enhancement and Mitigation Program for grant assistance for the East Elliot Acquisition Project.
2. That the Council understands and agrees that it will make adequate provision for the operation and maintenance of the Project pursuant to the terms of the grant funding contract.
3. That the Council authorizes the City Manager or designee to take all necessary actions to secure and accept grant funds for the acquisition of property for the East Elliot Acquisition Project, including negotiating and entering into a grant funding agreement.
4. That, if the grant funds are secured, the Council appropriates and authorizes the City Manager or designee to expend the grant funds in accordance with the terms and conditions set forth in the grant funding agreement to acquire the property for the Project.

5. That, upon receipt of a fully executed grant agreement, the Council authorizes the City Auditor and Comptroller to establish a special interest-bearing fund for the grant funds.

APPROVED: CASEY GWINN, City Attorney

By



Carrie L. Gleeson
Deputy City Attorney

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