

RESOLUTION NUMBER R- 296474

ADOPTED ON MAY 07 2002

WHEREAS, Walgreen Company has acquired 3005 Midway Drive, which is located at the intersection of Rosecrans Street and Midway Drive, and proposes to construct a 14,490 square foot Walgreens Pharmacy; and,

WHEREAS, in conjunction with this development, Evergreen Devco, Inc., developer of the Walgreen's project, has agreed to enter into a reimbursement agreement to construct street improvements which will include the construction of a right-turn lane on the south side of Midway Drive, relocation and/or replacement of a traffic signal, relocation and/or replacement of a storm drain and catch basin and other public utilities, relocation and/or replacement of a raised median, traffic lane striping, and the installation of sidewalk, curbs and gutters, and landscaping; and,

WHEREAS, Evergreen Devco, Inc. has completed design of the street improvements and is willing to absorb the design costs beyond their fair share Development Impact Fee of \$23,000; and

WHEREAS, Evergreen Devco, Inc. is having the property owner dedicate the street frontage at no cost to the City; and

WHEREAS, due to their construction crews being on-site, the constructed street improvements will be accomplished more expeditiously and at less cost to the City; and

WHEREAS, consistent with Graydon v. Pasadena Redevelopment Agency, 104 Cal. App. 3d 631 (1980), competitive proposals would be unavailing or would not produce an advantage, and the advertisement for competitive bids would thus be undesirable and impractical, and are therefore not required in this instance.

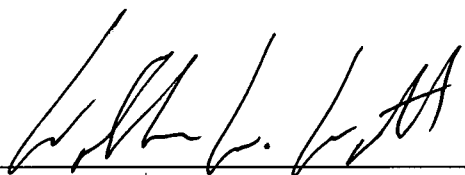
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Manager is authorized and empowered to execute, for and on behalf of said City, a Reimbursement Agreement with Evergreen Devco, Inc., for the construction of street improvements at the southwest corner of Rosecrans Street and Midway Drive [Project], under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 296474.

2. That the City Council finds the Competitive Bid Solicitation requirements are not applicable to the Project, because competitive proposals would be unavailing, would not produce an advantage, and the advertisement for competitive bids would be undesirable, impractical, or impossible. The requirement for solicitation of competitive bids does not apply to the Project based upon the following relevant facts: (a) developer has completed design of the project and is willing to absorb the costs of design beyond the fair share Development Impact Fee of \$23,000; (b) developer is having property owner dedicate the street frontage at no cost to the City; and (c) due to crews being on-site, the constructed street improvements will be accomplished more expeditiously and at less cost to the City. The improvements to be constructed are not required under Evergreen Devco, Inc.'s permit, nor could they be an exaction.

3. That the City Auditor and Comptroller are authorized to appropriate and expend an amount not to exceed \$275,000 for project reimbursement subject to Reimbursement Agreement conditions.

APPROVED: CASEY GWINN, City Attorney

By 
for Kristin Schenone
Deputy City Attorney

KS:mm
04/25/02
Aud.Cert:2201060
Or.Dept:Plan.Dept.
R-2002-1487
Form=auagr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE AC 2201060

ORIGINATING
DEPT. NO.: 38978

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: \$275,000.00 Fund: 79505/38978

Purpose: Authorizing the appropriation and expenditure of funds to construct street improvements on the Southwest corner of the intersection of Rosecrans street and Midway Drive.

Date: April 24, 2002

By: *Yasli Beyeneh*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	79505			9544					\$53,000.00
02	0	38978			9544					222,000.00
TOTAL AMOUNT										\$275,000.00

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										

FUND OVERRIDE

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