

RESOLUTION NUMBER R- 297499

ADOPTED ON DEC 10 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT FOR CONSTRUCTION, OPERATION, MAINTENANCE, AND LEASE OF TURFED FIELDS AND RECREATIONAL FACILITIES AT LEWIS MIDDLE SCHOOL WITH THE SAN DIEGO UNIFIED SCHOOL DISTRICT; AUTHORIZING AN AGREEMENT FOR PARTIAL ASSIGNMENT OF THE AGREEMENT FOR CONSTRUCTION, OPERATION, MAINTENANCE, AND LEASE OF TURFED FIELDS AND RECREATIONAL FACILITIES AT LEWIS MIDDLE SCHOOL; AMENDING THE CIP BUDGET; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF \$62,000 FROM CIP 29-597.0, LEWIS MIDDLE SCHOOL-JOINT USE IMPROVEMENTS, FOR DEVELOPMENT OF A TURFED FIELD IN THE JOINT USE AREA.

WHEREAS, Lewis Middle School is located in the Allied Gardens community; and

WHEREAS, the proposed joint use agreement between the City of San Diego and the San Diego Unified School District for the development and use of turfeded fields on approximately 1.8 acres of currently undeveloped land at Lewis Middle School would contribute to meeting the recreational needs of the Allied Gardens, Navajo, and Del Cerro communities; and

WHEREAS, pursuant to the proposed Joint Use Agreement, the City will be responsible for developing 1.8 acres of undeveloped joint use area into turfeded field [the Project]; and

WHEREAS, Shera Crockett, Inc., dba The Pacific Group [Shera], has donated clean soil fill materials for the Project; and

WHEREAS, the estimated remaining costs of the Project are \$561,809, and except for \$212,000 to be contributed by City, Shera has agreed to donate all of the remaining costs, labor, and materials necessary to complete the Project, pursuant to the proposed Agreement for Partial Assignment of Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities at Lewis Middle School [Development Agreement]; and

WHEREAS, adoption of this Resolution authorizing execution of the Joint Use Agreement and the Development Agreement will enable construction to begin on the Project as soon as the Joint Use Agreement is executed by the School District, and pending adoption of the companion ordinance; if the ordinance is not adopted, the Joint Use Agreement shall expire after four and one-half years; and

WHEREAS, funds in the amount of \$212,000 for the Project are available as follows: \$150,000 in CIP 29-597.0, Lewis Middle School–Joint Use Area Improvements and previously appropriated; \$59,000 from Infrastructure Improvement Fund–Allied Gardens Community Park, Fund No.10529; and \$3,000 from Park and Recreation Matching Funds, Fund No.10365;

NOW THEREFORE,

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

1. That the Council authorizes the City Manager or designee to execute, for and on behalf of the City, an Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreational Facilities at Lewis Middle School [Joint Use Agreement] with the San Diego Unified School District of San Diego County, California, for the construction, operation, maintenance, and lease of turf-ed multi-purpose fields and recreational facilities at Lewis Middle School on 1.8 acres of currently undeveloped property, under the terms and

conditions set forth in the Joint Use Agreement on file in the Office of the City Clerk as Document No. OO- 19138.

2. That the Council authorizes the City Manager or designee to execute, for and on behalf of the City, an Agreement for Partial Assignment of Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreational Facilities at Lewis Middle School with the Shera Crockett, Inc., dba The Pacific Group, for the development of turfed fields on 1.8 acres of the joint use area, under the terms and conditions set forth in the Joint Use Agreement on file in the Office of the City Clerk as Document No. RR 297499, for an estimated \$400,000 in-kind contribution for CIP No. 29-597.0, Lewis Middle School-Joint Use Area Improvements.

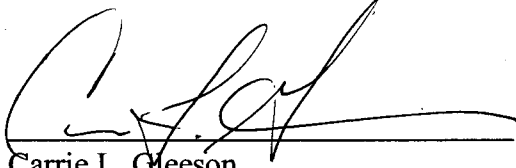
3. That the Auditor and Comptroller is authorized to amend the Fiscal Year 2002 Capital Improvements Projects Budget by increasing CIP No. 29-597.0, Lewis Middle School-Joint Use Area Improvements, in the amount of \$59,000 from Infrastructure Improvement Fund-Allied Gardens Community Park Fund (No.10529); and \$3,000 from Park and Recreation Matching Funds (No.10365).

4. That upon receipt of a fully executed Joint Use Agreement and a fully executed Development Agreement, the Auditor and Comptroller is authorized to appropriate and expend, in addition to the \$150,000 amount previously authorized, \$62,000, for a total amount not to exceed \$212,000 from CIP No. 29-597.0, Lewis Middle School-Joint Use Area Improvements,

solely and exclusively for the purpose of developing a turfed field on 1.8 acres of the joint use area, in accordance with terms and conditions of the Joint Use Agreement.

APPROVED: CASEY GWINN, City Attorney

By



Carrie L. Gleeson
Deputy City Attorney

CLG:mm
11/26/02
12/10/02 REV. 1
01/03/03 REV.2
Aud.Cert: 2300629
Or.Dept:Pk & Rec.
R-2003-766

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

CERTIFICATE OF UNALLOTTED BALANCE AC 2300629

ORIGINATING DEPT. NO.: 446

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: _____ Fund: _____

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

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: \$62,000.00

Vendor: Shera Crockett, Inc.

Purpose: Authorizing the expenditure for the vendor to enter into a lease agreement with the City for joint use, operation and maintenance of turfed fields and lighting at Lewis Middle School.

Date: November 26, 2002 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	10529	10529	9000	4222	9001				\$59,000.00
002	0	10365	10365	2444	4222	244446				\$3,000.00
TOTAL AMOUNT										\$62,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

R. 297499

DEC 10 2002

AC 2300629