

RESOLUTION NUMBER R- 298506

ADOPTED ON OCT 20 2003

WHEREAS, the City previously entered into the Torrey Highlands Subarea IV Neighborhood Park Site Purchase Agreement for the purchase of five acres of land from TR II, LLC for a neighborhood park [the Original Park Site]; and

WHEREAS, the Poway Unified School District [District] owns 13.6 acres of property intended for an elementary school located on the west side of the Original Park Site; and

WHEREAS, TR II is the owner and developer of Torrey Ranch, located immediately north of the school and park sites; and

WHEREAS, the District has concluded that a more suitable location for the elementary school is the approximately 11 acres on the east side of the original school site and including the Original Park Site, and the City agrees; and

WHEREAS, the District (by and through the Poway Unified School District Capital Facilities Financing Corporation) is the owner of several acres of open space land located north of the park and school sites and west of Torrey Ranch; and

WHEREAS, the proposed Three-Party Implementing Agreement for Park Site Purchase Agreement (Torrey Highlands) and Related Escrow Instructions between the City, the Poway Unified School District, and TR II, LLC [the Agreement], would accommodate the preferred school location by repositioning the neighborhood park to approximately 5.347 acres on the west side of the preferred school site through the transfer of title of the various parcels between the

parties, including purchase of the parkland by the City, all as described and on the terms and conditions and legal descriptions set forth in the proposed Three-Party Implementing Agreement, a copy of which is on file in the office of the City Clerk as Document No.

RR- 298506 ; and

WHEREAS, pursuant to the proposed Agreement, the park property (approximately five acres of usable park land) would be transferred to the City upon payment of the agreed upon purchase price of \$1,875,000 which is the appraised value of the property as appraised on December 22, 1999 by an independent MAI certified appraiser; and

WHEREAS, the necessary funding for purchase of the park land, \$1,875,000 plus \$50,000 for labor, title, escrow and miscellaneous costs for a total of \$1,925,000, is available from Facilities Benefit Assessment Fund No. 79015, CIP 29-547.0, Torrey Highlands Neighborhood Park South; and

WHEREAS, the proposed Agreement also contemplates the transfer of 5.775 acres of land for open space park area to the City to fulfill a condition of Vesting Tentative Map No. 7497; NOW THEREFORE,

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

1. That the Council authorizes the City Manager to execute, for and on behalf of the City, the Three-Party Implementing Agreement for Park Site Purchase Agreement (Torrey Highlands) and Related Escrow Instructions [the Agreement], for the purchase of approximately 5.0 usable acres of land for the Torrey Highlands Neighborhood Park, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No.

RR- 298506, together with any reasonably necessary modifications or amendments.

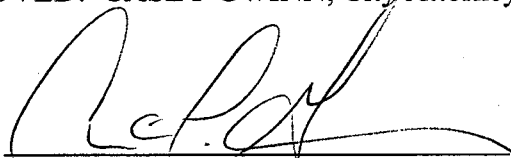
thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement.

2. That the Council authorizes the City Manager to expend an amount not to exceed \$1,925,000 from FBA Fund No. 79015, CIP 29-547.0, Torrey Highlands Neighborhood Park South, solely and exclusively for the acquisition of the property rights for Torrey Highlands Neighborhood Park No. 1, as specifically described in Exhibit I to the Agreement, including labor, title, escrow, and miscellaneous costs.

3. That the Council authorizes the City Manager to accept a Grant Deed from the Poway Unified School District, in the form set forth in Exhibit H to the Agreement, granting to the City approximately 5.775 acres of land for open space park as more particularly described in the Grant Deed.

APPROVED: CASEY GWINN, City Attorney

By



Carrie L. Gleeson  
Deputy City Attorney

CLG:jab  
10/07/03  
Aud.Cert:2400095  
Or.Dept:READ  
R-2004-406  
Form=auagr.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2400095  
DEPT. \_\_\_\_\_  
NO. 30244

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: \$1,925,000.00 Fund: 30244

Purpose: Authorizing the expenditure of funds for Torrey Highlands Neighborhood Park No. 1 acquisition of property rights, labor, title, escrow and miscellaneous costs.

Date: July 22, 2003

By: *Yeshi Bezu*  
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	30244	30244	105	4638	295470		79015		\$1,925,000.00
TOTAL AMOUNT										\$1,925,000.00

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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