

RESOLUTION NUMBER R- 298540

ADOPTED ON NOV 03 2003

RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING  
THE DESIGN AND CONSTRUCTION OF THE CARMEL  
VALLEY TRUNK SEWER, WITH PARTIAL  
REIMBURSEMENT TO THE CITY THROUGH FBA FUNDS

WHEREAS, the City needs to replace or repair approximately 2.6 miles of the existing Carmel Valley Trunk Sewer; and

WHEREAS, a new trunk sewer is needed to provide capacity for new development in the Black Mountain Ranch, Pacific Highlands Ranch, Torrey Highlands, Del Mar Mesa, and Rancho Penasquitos communities; and

WHEREAS, Western Pacific Housing is actively engaged in development in the area, and is in a position to design and construct the replacement and new construction of the Carmel Valley Trunk Sewer; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to execute, for and on behalf of the City, a phase funded FBA Credit and Reimbursement Agreement with Western Pacific Housing for the planning, design, and construction of the Carmel Valley Trunk Sewer, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 298540-1

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and empowered to execute, for and on behalf of the City, an Advance Funding Agreement with Western Pacific Housing, Inc., Western Pacific Housing - McGonigle Canyon LLC, Torrey Highlands Retail LLC, Pardee Homes, Black Mountain Ranch LP, Barratt American, Inc., Sea

Breeze Investments LLC, and other developers that may be added in the future as deemed necessary by the City Manager, to secure additional private funding for the Carmel Valley Trunk Sewer, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 298540-2

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$2,100,000 from Fund 41506, CIP 46-196.9, Montezuma Trunk Sewer and \$224,190 from Fund 41506, CIP 40-933.0, Annual Allocation - MWWD Trunk Sewers, to Fund 41506, CIP 46-136.0, Carmel Valley Trunk Sewer East of I-5.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$9,021,796 from Sewer Fund 41506, CIP 46-136.0, Carmel Valley Trunk Sewer East of I-5, is hereby authorized, solely and exclusively to provide funds for the above project, of which \$8,386,956 is for the purpose of planning, design and construction under the FBA Credit and Reimbursement Agreement, \$434,840 is for related costs, and \$200,000 for City Forces, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City treasury:

Fiscal Year 2004: \$3,770,000

Fiscal Year 2005: \$5,251,796 contingent on approval of FY05 CIP budget

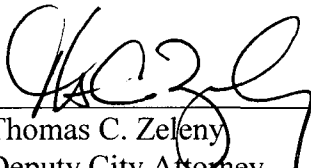
BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to receive reimbursement not to exceed \$3,875,950 on behalf of the City from FBA funds.

//

//

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

APPROVED: CASEY GWINN, City Attorney

By   
Thomas C. Zeleny  
Deputy City Attorney

TCZ:sc  
10/3/04  
Or.Dept:MWWD  
R-2004-398  
Form=r-t.res

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

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2400308  
DEPT. \_\_\_\_\_  
NO.: 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: \$2,324,190.00 Fund: 41506

Purpose: To authorize the transfer from Montezuma Trunk sewer and AA - MWWD Trunk Sewer and the expenditure of funds for FY04 phase of FBA credit and reimbursement agreement for Carmel Valley Trunk Sewer CIP 46-136.0

Date: September 22, 2003

By: *Victoria De Rosa*  
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     | 41506 | 773  | 960  | 4278    | 177730    |                   |       |       |          | \$2,100,000.00        |
| 2                   | 0     | 41506 | 773  | 960  | 4278    | 409330    |                   |       |       |          | \$224,190.00          |
| 3                   | 0     | 41506 | 773  | 960  | 4278    | 172640    |                   |       |       |          | \$1,445,810.00        |
| <b>TOTAL AMOUNT</b> |       |       |      |      |         |           |                   |       |       |          | <b>\$3,770,000.00</b> |

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 |
|                     |       |      |      |      |         |           |                   |       |       |          |        |
|                     |       |      |      |      |         |           |                   |       |       |          |        |
|                     |       |      |      |      |         |           |                   |       |       |          |        |
|                     |       |      |      |      |         |           |                   |       |       |          |        |
|                     |       |      |      |      |         |           |                   |       |       |          |        |
| <b>TOTAL AMOUNT</b> |       |      |      |      |         |           |                   |       |       |          |        |

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2400308

R-298540

NOV 03 2003