

RESOLUTION NUMBER R- 299210


ADOPTED ON MAY 11 2004

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a phase funded agreement with Wylie Construction, Inc., in an amount not to exceed \$17,107,154 for design-build construction services for the Nobel Athletic Area and North University Branch Library, contingent on City Auditor and Comptroller first certifying that funds necessary for each contract phase are, or will be, on deposit with City Treasurer, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR 299210, 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 this project and agreement.

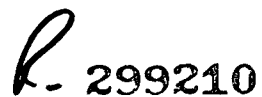
BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$971,260 from Nobel Athletic Area, CIP No. 29-718.0 and North University Community Branch Library, CIP No. 35-098.0, is authorized for the purpose of funding Phase I (design) of the design-build agreement; and authorizing the expenditure of \$16,135,894 from Nobel Athletic Area, CIP No. 29-718.0 and North University Community Branch Library, CIP No. 35-098.0, for the purpose of funding Phase 2 (construction) of the design-build agreement, contingent upon the following: (1) certification of the required environmental document for the Project; (2) approval of any required discretionary permits for the Project; and (3) the City Auditor and Comptroller first certifying that necessary funds are or will be on deposit with the City Treasurer.

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

APPROVED: CASEY GWINN, City Attorney

By   
Susan Y. Cola  
Deputy City Attorney

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04/27/04  
05/07/04 COR. COPY  
Aud.Cert.:2401043  
Or.Dept: E&CP  
R-2004-1155

 299210

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2401043

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: \$971,260.00

Vendor: C.E. Wylie Construction, Inc.

Purpose: Authorizing the expenditure of funds for design-build construction Services for the Nobel Athletic Area and North University Branch Library, CIP 297180/350980.

Date: April 27, 2004 By: *Yeshi Bezuneh*

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	4220	297180					\$589,260.00
002	0	30244	30244	106	4220	350980					382,000.00
TOTAL AMOUNT											\$971,260.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2401043

*R-* 299210 MAY 11 2004