

RESOLUTION NUMBER R- 299320

ADOPTED ON JUN 08 2004

RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY MANAGER TO AMEND THE COOPERATIVE AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FUNDING AND RIGHT-OF-WAY ACQUISITION FOR STATE ROUTE 56 PROJECT – MIDDLE SEGMENT (CARMEL COUNTRY ROAD TO BLACK MOUNTAIN ROAD).

WHEREAS, in July 2001, the City Council approved two amendments to the Cooperative Agreement with the San Diego Association of Governments [SANDAG] and California Department of Transportation for funding of right-of-way activities for State Route 56 Project – Middle Segment (Carmel Country Road to Black Mountain Road); and

WHEREAS, on October 24, 2003, the SANDAG approved an additional \$24,000,000 for right-of-way acquisition, support, relocation, mitigation, attorney/appraisal/trial costs and other miscellaneous costs which now requires an amended Cooperative Agreement; and

WHEREAS, the Fiscal Impact of State Route 56 right-of-way budget approved by City Council by way of the original Cooperative Agreement and two Cooperative Amendments totaling \$49,350,000. In which addition on May 10, 2004, an amount not to exceed \$1,493,000 of SANDAG money was approved by City Council for SR-56 mitigation costs and with approval of the Amendment to Agreement, the new budget total will be \$73,350,000; and

WHEREAS, Meyers Nave Riback Silver & Wilson has handled the legal work for the acquisition of the property needed for State Route 56 Project – Middle Segment (Carmel Country Road to Black Mountain Road), which has included acquiring 19 parcels, filing 16 cases, 4 trials,

and litigating 12 cases to settlement, and which now requires an amended agreement for legal services; NOW, THEREFORE,

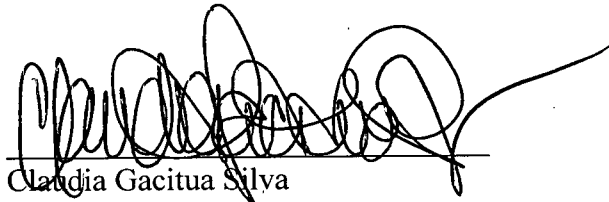
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Manager is authorized to amend the Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding and right-of-way acquisition for State Route 56 Project Middle Segment (Carmel Country Road to Black Mountain Road).
2. That the City Manager is authorized to accept and appropriate \$22,507,000 from the San Diego Association of Governments, Fund 38961, for funding and right-of-way acquisition for CIP No. 52-463.0.
3. That the City Auditor and Comptroller is authorized to increase the FY 2004 Capital Improvement Budget by an amount not to exceed \$22,507,000 in CIP No. 52-463.0.
4. That the City Auditor and Comptroller is authorized to expend an amount not to exceed \$22,507,000 from CIP No.52-463.0, State Route 56 Project-Middle Segment (Carmel Country Road to Black Mountain Road) for the acquisition of property rights, attorney, labor appraisal, relocation, title, escrow and miscellaneous costs, from Fund 38961, contingent upon certification by the City Auditor and Comptroller of funds being available.
5. That the City Manager is authorized and empowered to execute, for and on behalf of City, an Amended Agreement with Meyers, Nave, Riback, Silver and

Wilson for professional services in an amount not to exceed \$1,535,000 from Fund 38961 for legal services and costs for CIP No. 52-463.0, contingent upon certification by the City Auditor and Comptroller of funds being available.

APPROVED: CASEY GWINN, City Attorney

By

A handwritten signature in black ink, appearing to read 'Claudia Gacitua Silva', written over a horizontal line.

Claudia Gacitua Silva  
Deputy City Attorney

CGS:ca  
05/20/04  
Or.Dept: E&CP  
R-2004-1200