

RESOLUTION NUMBER R- 299460

ADOPTED ON JUL 19 2004

WHEREAS, on November 3, 2003, the City entered into an agreement with Western Pacific Housing McGonigle Canyon, LLC [Developer] to design and construct the Carmel Valley Trunk Sewer as a Capital Improvement Program project; and

WHEREAS, the Carmel Valley Trunk Sewer project provides for the construction of approximately 2.6 miles of 30" sewer main and appurtenant facilities which are needed to replace the existing 18" trunk sewer and provide capacity for new development in the communities of Black Mountain Ranch, Pacific Highlands Ranch, Torrey Highlands, Del Mar Mesa and Rancho Penasquitos [the Project]; and

WHEREAS, the proposed Subdivision Offsite Right-of-Way and Easement Acquisition Agreement for Construction of Carmel Valley Trunk Sewer provides for the City to assist Developer in acquiring property rights necessary for the Project; and

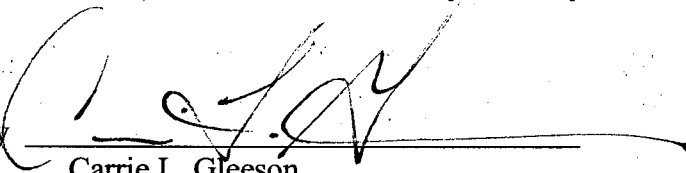
WHEREAS, the Developer has opened a Developer's Trust Account and deposited the sum of \$370,750 to cover the City's acquisition costs; NOW THEREFORE,

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 said City, a Subdivision Off-Site Right-of-Way and Easement Acquisition Agreement with Developer for the acquisition of property rights for the Carmel Valley Trunk Sewer Project under the terms and conditions set

forth in the Agreement on file in the office of the City Clerk as Document No. RR 299460, together with any reasonably necessary modifications or amendments which do not increase the scope or cost of the Project and which the City Manager shall deem necessary from time to time to carry out the purpose and intent of the Project and Agreement.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the expenditure of an amount not to exceed \$370,750 from Developer's Trust Account No. 63020 for labor, title, escrow, and miscellaneous costs, is authorized for the purpose of providing funds for the above referenced Project.

APPROVED: CASEY GWINN, City Attorney

By   
Carrie L. Gleeson  
Deputy City Attorney

CG:mm  
07/06/04  
Or.Dept:READ  
R-2005-54

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2401199

ORIGINATING DEPT. NO.: 6320

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: \$370,750.00

Vendor: Western Pacific Housing

Purpose: To authorize the expenditure of funds for acquisition agreement for the acquisition of property rights for the Carmel Valley Trunk Sewer Project.

Date: June 28, 2004

By:  \_\_\_\_\_

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	63020	6320	102	4638	650024					\$370,750.00
TOTAL AMOUNT											\$370,750.00

FUND OVERRIDE

AC 2401199

*R.299460*

**JUL 19 2004**