RESOLUTION NUMBER R- 299460 ADOPTED ON JUL 1 9 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

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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

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