

RESOLUTION NUMBER R- 299568

ADOPTED ON AUG 10 2004

WHEREAS, on July 30, 1991, the City Council of the City of San Diego adopted Resolution No. R-278439 authorizing the City to enter into a Cooperative Agreement with the State of California, acting by and through its Department of Transportation [CalTrans], for the construction, operation, and maintenance of a Park & Ride on 2.08 acres located at 10029 Carmel Mountain Road in Rancho Peñasquitos [the Site]; and

WHEREAS, the Site was acquired by the City with joint City and State funds through condemnation for use as a Park & Ride facility to be constructed by CalTrans in two phases pursuant to the Cooperative Agreement; and

WHEREAS, CalTrans completed Phase 1 of the construction but has no plans to expand the Park & Ride on the remainder of the Site due to less than projected usage and lack of funds; and

WHEREAS, City desires and CalTrans has agreed to allow City to construct and operate a skate park on the remaining 1.04 acres of the Site; and

WHEREAS, on September 23, 2003, the Council of the City of San Diego adopted Resolution No. R-298425 authorizing construction and operation of a 20,000 square foot skate park at the Site and Resolution No. R-298422 granting Site Development Permit No. 16898 and Planned Development Permit No. 16899 for construction of the skate park [the Permit]; and

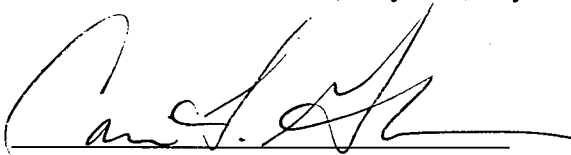
WHEREAS, the Permit requires the identification of 21 off-site parking spaces through a shared parking agreement prior to issuance of the Notice to Proceed or first pre-construction meeting; and

WHEREAS, the proposed Encroachment Permit documents the agreement of CalTrans to use of the Site for construction and operation of the skate park, including the use of 21 parking spaces at the adjacent Park & Ride until at least July 29, 2011; and

WHEREAS, in consideration for the Encroachment Permit, the City agrees to assume responsibility for payment of utilities and maintenance of the adjacent Park & Ride, at an estimated cost of \$11,100 per year; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Manager, or designee, is authorized to execute the agreement entitled, "Encroachment Permit for Park & Ride Facility #4 to Allow Park Use," on file in the Office of the City Clerk as Document No. RR-299568, for the City's construction and operation of the Rancho Peñasquitos Skate Park, use of 21 parking spaces, and the City's assumption of maintenance and utility expenses for the Park & Ride.

APPROVED: CASEY GWINN, City Attorney

By   
Carrie L. Gleeson  
Deputy City Attorney

CLG:mm  
07/29/04  
Or.Dept:READ  
Job Order No.221545  
R-2005-154

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

**CERTIFICATE OF UNALLOTTED BALANCE**


AC 2500118

ORIGINATING DEPT. NO.: 442

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: \$11,100.00 Fund: 100

Purpose: Authorizing the expenditure to execute an interim Ecroachment Permit with Caltrans for the City's construction and operation of the Rancho Penasquitos Skate Park, joint use of 21 parking spaces on the adjacent Park & Ride site, and City assumption of maintenance and utility expenses for the Park & Ride.

Date: July 30, 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      |
| 001             | 0     | 100  | 442  | 2208 | 4222    | 2208      |                   |             |          | \$11,100.00 |
|                 |       |      |      |      |         |           |                   |             |          |             |
|                 |       |      |      |      |         |           |                   |             |          |             |
|                 |       |      |      |      |         |           |                   |             |          |             |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |             |          | \$11,100.00 |

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 |
|                 |       |      |      |      |         |           |                   |             |          |        |
|                 |       |      |      |      |         |           |                   |             |          |        |
|                 |       |      |      |      |         |           |                   |             |          |        |
|                 |       |      |      |      |         |           |                   |             |          |        |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |             |          |        |

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2500118

R- 299568

AUG 10 2004