

RESOLUTION NUMBER R- 300155

ADOPTED ON FEB 28 2005

A RESOLUTION AUTHORIZING THE AMENDMENTS TO
THE COOPERATIVE AGREEMENT FOR STATE ROUTE 905
RIGHT OF WAY

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, Amendment No. 1 to Caltrans Agreement No. 11-0556, for the right-of-way acquisition for State Route 905, under the terms and conditions set forth in City Clerk Document No. RR 300155-1, 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 City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, Amendment No. 2 to Caltrans Agreement No. 11-0556, for the right-of-way acquisition for State Route 905, under the terms and conditions set forth in City Clerk Document No. RR 300155-2, 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 City Manager is authorized to request advance funding from SANDAG through the commercial paper program in the amount of \$4,000,000.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute any necessary documents relating to receipt of said funds from SANDAG.

BE IT FURTHER RESOLVED, declaring that the City will be responsible for paying its share of interest and administrative costs for the TransNet commercial paper program, and that these costs will be deducted from normal TransNet payments, and setting the repayment of these funds on schedule as the first priority use of future TransNet revenues.

BE IT FURTHER RESOLVED, that the City will repay to SANDAG the principal amount of \$4,000,000 prior to Fiscal Year 2008 from TransNet/Local Streets funds.

BE IT FURTHER RESOLVED, that the expenditure of a total amount not to exceed \$2,633,760 (\$38,440 in Fiscal Year 2005, \$115,320 in Fiscal Year 2006, and \$2,480,000 in Fiscal Year 2007) from CIP No. 52-697.0, State Route 905, from the Otay Mesa FBA East Fund 79013, is authorized for the purpose of providing funds for the above referenced Project in accordance with the latest Council-Approved Otay Mesa Public Facilities Financing Plan.

BE IT FURTHER RESOLVED, that the expenditure of a total amount not to exceed \$1,614,240 (\$23,560 in Fiscal Year 2005, \$70,680 in Fiscal Year 2006, and \$1,520,000 in Fiscal Year 2007) from CIP No. 52-697.0, State Route 905, from the Otay Mesa FBA West Fund 79014, is authorized for the purpose of providing funds for the above referenced Project in accordance with the latest Council-Approved Otay Mesa Public Facilities Financing Plan.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller, upon direction of the City Manager, is authorized to reallocate the funding sources between TransNet and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP No. 52-396.0, State Route 905/Right-of-Way Acquisition/Protection.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$3,100,000 from CIP No. 52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, is authorized for the purpose of right-of-way acquisition for State Route 905.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$100,000 from CIP No. 52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, is authorized for the purpose of environmental services for State Route 905.

BE IT FURTHER RESOLVED, that the transfer of an amount not to exceed \$200,000 from CIP No. 52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, to CIP No. 52-619.0, Otay Mesa Road Widening is hereby authorized.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$200,000 is authorized from CIP No. 52-619.0, Otay Mesa Road Widening, Fund 30306, TransNet.

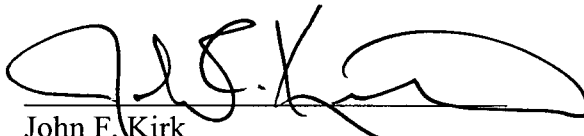
BE IT FURTHER RESOLVED, that the transfer of an amount not to exceed \$600,000 from CIP No. 52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, to CIP No. 52-682.1, Otay Mesa Truck Route is hereby authorized.

BE IT FURTHER RESOLVED, that the appropriation and expenditure of an amount not to exceed \$600,000 from CIP No. 52-682.1 Otay Mesa Truck Route, Fund 30306, TransNet is hereby authorized.

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.

BE IT FURTHER RESOLVED, that the authorization to approve the appropriation and expenditure of these funds does not constitute a decision to proceed with construction of these projects as proposed and further does not foreclose the analysis of alternatives or mitigation measures that would ordinarily be a part of environmental or permit review.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
John F. Kirk
Deputy City Attorney

JFK:sc
02/08/05
Aud.Cert.: N/A
Or.Dept:E&CP
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