

RESOLUTION NUMBER R- 300857

ADOPTED ON SEP 20 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY MANAGER TO EXECUTE THE FBA CREDIT AND REIMBURSEMENT AGREEMENT FOR PACIFIC HIGHLANDS RANCH FIRE STATION 47 WITH PARDEE HOMES.

WHEREAS, City's Fiscal Year 2005 Pacific Highlands Ranch Public Facilities Financing Plan [Financing Plan] adopted on December 07, 2004, by Resolution number R-299980, identifies Project F-1 as the design, construction, furnishing of equipment and facilities of Fire Station 47 to be located on the property identified in the "FIRST AMENDMENT TO PACIFIC HIGHLANDS RANCH – SUBAREA III NCFUA FIRE FACILITY SITE PURCHASE AGREEMENT," filed in the Office of the City Clerk on October 4, 2004, as Document No. OO-19319, passed and adopted on October 4, 2004, by Ordinance No.0-19319. The Financing Plan also identifies the sources and timing of funding, design, and construction of Fire Station 47. Design and construction are scheduled to begin in FY 2005; and

WHEREAS, Fire Station 47 is also identified in the FY 2004 Torrey Highlands Public Facilities Financing Plan as F-2 and in the FY 2004 Del Mar Mesa Public Facilities Financing Plan as 43-16.

WHEREAS, the current Estimated Cost for the design and construction of Fire Station 47 is six million forty thousand dollars (\$6,040,000). The Estimated Cost includes land acquisition, design consultant services, City project management and administration, construction, labor and contingencies. The Estimated Cost does not include two million fifty thousand dollars

(\$2,050,000) for the acquisition of Furnishings, Fixtures, and Equipment [FF&E]. The Estimate Cost is subject to change as provided for in the Agreement with City approval.

WHEREAS, at this time, sufficient funds are not available in the Pacific Highlands Ranch, Torrey Highlands, or Del Mar Mesa FBAs to construct Fire Station 47.

WHEREAS, Subdivider is willing to design and construct, exclusive of FF&E, Fire Station 47, as a public improvement, for an amount not to exceed the Estimated Cost of Project No F-1 in the Pacific Highlands Ranch Public Facilities Financing Plan, according to plans and specifications approved by City, and to accept payment from City, pursuant to the terms and conditions of this Agreement, with funds identified in the Financing Plan, subject to the availability of such funds; and

WHEREAS, funds are currently available in Pacific Highlands Ranch FBA Fund 79011 for the purchase of FF&E, valued at \$2,050,000.

WHEREAS, It is anticipated that the shares contributed by each FBA will change the FY2006 updates to each of the respective plans; NOW, THEREFORE,

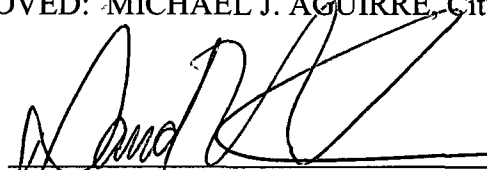
BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized and empowered to execute, for and on behalf of City, the credit and reimbursement agreement in the amount of \$6,040,000 with Pardee Homes for the design and construction of Fire Station 47.

BE IT RESOLVED, that the Auditor and Comptroller is authorized and empowered to appropriate and expend an amount not to exceed \$8,090,000 (\$2,050,000 for the purchase of FF&E from FBA Fund 79011, CIP 33-105.0; \$6,040,000 for the reimbursement of the Estimated Costs pursuant to the credit and reimbursement agreement in the manner that follows:

\$4,176,500 from FBA Fund 79011, CIP 33-105.0; \$822,500 from FBA Fund 79015, CIP 33-105.0; and \$1,041,000 from FBA Fund 79010, CIP 33-105.0). The expenditures shall be in a manner consistent with the timing established in the most recently adopted Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, subject to revision by subsequent updates to the Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, with the total of \$2,050,000 for the purchase of FF&E set aside or reserved prior to any expenditure for reimbursement of Estimated Costs under the credit and reimbursement agreement. All expenditures shall be contingent upon the Auditor and Comptroller certifying that the funds necessary for said agreement are, or will be on deposit in the City Treasury.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David E. Miller
Deputy City Attorney

DEM:aml
08/30/05
Or.Dept:Planning Dept/FAC.Fin
Aud.Cert:N/A
R-2006-183
MMS#2420