

107
8-1-06

RESOLUTION NUMBER R- 301800

DATE OF FINAL PASSAGE AUG - 5 2006

A RESOLUTION AUTHORIZING EXPENDITURE OF \$720,000 FOR THE JUDICIAL DRIVE-GOLDEN HAVEN DRIVE TO EASTGATE MALL, CIP 52-678.0, PER THE REIMBURSEMENT AGREEMENT WITH MAKALLON LA JOLLA PROPERTIES, LLC

WHEREAS, Makallon La Jolla Properties, LLC [Makallon] is constructing the Judicial Drive undercrossing at La Jolla Village Drive [Undercrossing] as part of CIP 52-678.0, Judicial Drive-Golden Haven Drive to Eastgate Mall, and in satisfaction of a condition of approval of Makallon's development project, La Jolla Commons, the vesting map of which (VTM No. 99-0762) the Council of the City of San Diego [Council] approved by Resolution R-294149; and

WHEREAS, the Council approved by Resolution R-297185 a reimbursement agreement [Agreement] whereby the City of San Diego will reimburse Makallon for its approved expenditures in constructing the Undercrossing; and

WHEREAS, the estimated cost for construction of the Undercrossing was \$7,469,000; and

WHEREAS, the Agreement provides that Makallon may be reimbursed for construction expenditures that exceed the original estimated amount, contingent upon the necessary additional funding being included in the North University Public Facilities Financing Plan; and

WHEREAS, the actual cost of construction of the Undercrossing exceeds the original estimated amount by \$720,000; and

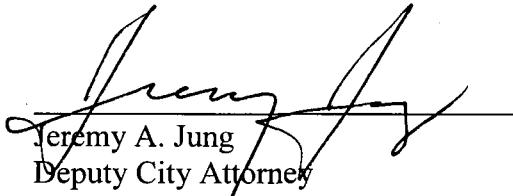
WHEREAS, the additional \$720,000 for reimbursing Makallon is available from North City Facilities Benefit Assessment Funds and was approved to be included in the North University City Public Facilities Financing Plan by Resolution R-299403;

THEREFORE, BE IT RESOLVED, by the Council, that the City Auditor and Comptroller is authorized to appropriate and expend \$720,000 from CIP No. 52-678.0, Judicial Drive – Golden Haven Drive to Eastgate Mall, Fund 79001, Facilities Benefit Assessment Fund, per the terms of the Agreement with Makallon, contingent upon the Auditor and Controller first certifying that the funds are available with the City Treasurer; and

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; and

BE IT FURTHER RESOLVED, that this activity is covered under the EIR in
LDR File No. 99-0647, dated October 6, 2000.

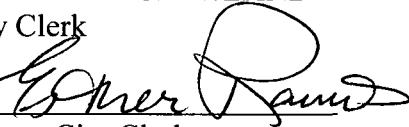
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:cla
7/14/06
Aud Cert.: 2700011
Or.Dept:E&CP
R-2007-42

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8-5-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700011

ORIGINATING DEPT. NO.: 547

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: \$720,000.00

Vendor: Makallon La Jolla Properties, LLC

Purpose: To authorize the expenditure of funds for the purpose of increasing the reimbursement agreement for the finalization and completion of the Judicial Drive - Golden Haven to Eastgate Mall project.

Date: July 6, 2006 By:  Garyn McGriff
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
1	0	30244	30244	107	4279	526780					\$720,000.00
TOTAL AMOUNT											\$720,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2700011

AUG - 1 2006

R 301800