

RESOLUTION NUMBER R- 302684

DATE OF FINAL PASSAGE JUN 13 2007

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor be and he is hereby authorized and empowered to execute, for and on behalf of said City, a First Amendment to the Cooperative Agreement with the City of Carlsbad, RR-30067-2 dated June 27, 2005, for fund transfer and completion of the Clairemont Mesa/SR-163 Interchange Project ("Project") under the terms and conditions set forth in this First Amendment to the Cooperative Agreement with the City of Carlsbad, on file in the office of the City Clerk as Document No. RR 302684.

2. That the Fiscal Year 2007 Capital Improvements Program Budget is amended by decreasing CIP 52-392.0, Carroll Canyon Road Extension Project, special interest bearing Fund 38996 by \$2,300,000 and increasing CIP 52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996 by \$2,300,000.

3. That the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$2,300,000 from CIP 52-392.0, Carroll Canyon Road Extension Project, special interest bearing Fund 38996 to CIP 52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996.

4. That the expenditure of an additional amount not to exceed \$2,300,000 from CIP 52-745.0, Clairemont Mesa Boulevard/SR-163 Interchange Project, Fund 38996, is authorized, solely and exclusively for the purpose of reimbursing the State of California for the construction of the Project and other Project related costs, contingent upon the Auditor and Comptroller first

furnishing one or more certificates certifying that the funds are or will be on deposit with the City Treasurer.

5. 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 this activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines, Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Peter A. Mesich
Peter A. Mesich
Deputy City Attorney

PAM:cfq
04/16/07
Or.Dept:E&CP
AC#:2700678
R-2007-1009
MMS#4656

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 05 2007.

ELIZABETH S. MALAND
City Clerk

By Mary Zumbado
Deputy City Clerk

Approved: 6.13.07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700678

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: \$2,300,000.00 Fund: 38996

Purpose: To authorize the transfer of funds from Carroll Canyon Rd. Extension Project to Clairemont Mesa Blvd./SR163 Interchange Project (527450) for the purpose of reducing the funding gap toward completing the project.

Date: April 10, 2007 By:  Caryn McGriff
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT |
|--------------|-------|-------|-------|------|---------|-----------|-------------------|-------------|----------|----------------|
| 1 | 0 | 30244 | 30244 | 107 | 4279 | 523920 | | 38996 | | \$2,300,000.00 |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | \$2,300,000.00 |

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 |
|--------------|-------|------|------|------|---------|-----------|-------------------|-------------|----------|--------|
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| TOTAL AMOUNT | | | | | | | | | | |

FUND OVERRIDE

AC 2700678

R. 302684

JUN 05 2007