

RESOLUTION NUMBER R- 303227

DATE OF FINAL PASSAGE DEC 05 2007

A RESOLUTION AUTHORIZING APPROVAL OF THE PARK
ACQUISITION REIMBURSEMENT AGREEMENT FOR
FAIRBROOK NEIGHBORHOOD PARK WITH THE
SAN DIEGO UNIFIED SCHOOL DISTRICT

WHEREAS, the San Diego Unified School District [District] is the fee owner of undeveloped property in the City of San Diego [Fairbrook Site], which property, according to the Fairbrook Estates Vesting Tentative Map number 98-1011 [VTM] is to be subdivided into seventeen lots for residential development, two open space lots, and a park site; and

WHEREAS, DISTRICT intends to sell a portion of the Fairbrook Site to City for use as a neighborhood park and to sell the remaining portion of the Fairbrook Site to one or more private developers to be developed subject to the remaining conditions of the VTM; and

WHEREAS, the property intended for use as a neighborhood park has been reserved in accordance with section 66479 et seq. of the California Subdivision Map Act for park purposes [Park Site]; and

WHEREAS, VTM Condition 34 requires the District at the time of the recordation of the first final map, to enter into an agreement with the City for the City to acquire the Park Site at fair market value within two years after the completion and acceptance of all public improvements, unless such time is extended by mutual agreement; and

WHEREAS, VTM Condition 35 requires the developer to rough grade the Park Site to the Park and Recreation Department's specifications and to construct the contiguous street improvements, and to enter into an agreement with the City which defines the method of compensation for the work done; and

WHEREAS, in accordance with VTM Condition 36, the Park Site was appraised on July 14, 1999, at a fair market value of \$344,000; and

WHEREAS, a total of \$375,000 is required for the land acquisition and holding costs, including but not limited to title, escrow, taxes, interest, maintenance fees and miscellaneous expenses related to the acquisition; and

WHEREAS, the District will be reimbursed for the acquisition of the Park Site pursuant to a reimbursement agreement, in Special Park Fees collected for this purpose, as provided for in the FY 2007 Scripps Miramar Ranch Facilities Financing Plan [PFFP], or as cash becomes available if not available when allowed for by the PFFP; and

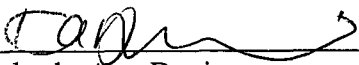
WHEREAS, the VTM expires on December 7, 2007; NOW THEREFORE,

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

1. That the Mayor, or designee, is hereby authorized and empowered to execute, for and on behalf of said City, the Park Acquisition Reimbursement Agreement for Fairbrook Neighborhood Park with the San Diego Unified School District.
2. That the expenditure is hereby authorized of an amount not to exceed \$375,000 from CIP No. 29-717.0, Fairbrook Neighborhood Park Acquisition, Scripps/Miramar-Major District, Fund No. 11230, contingent upon certification by the City Auditor and Comptroller that revenues are available at the time reimbursement is scheduled for this project.
3. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

4. This activity is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:ca
11/19/2007
Aud. Cert.: AC #2800395
Or.Dept:City Planning & Community Investment
R-2008-448
11/26/2007
R-2008-448 Corr. Copy
MMS #5602

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 04 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-5-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2800395
DEPT. _____
NO. 446

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: \$375,000.00

Vendor: San Diego Unified School District

Purpose: Authorizing the expenditure of funds for the Park Acquisition Reimbursement Agreement for Fairbrook Neighborhood Park with the San Diego Unified School District, CIP 297170.

Date: November 19, 2007 By: *R.R. Russett*
AUDITOR AND COMPTROLLER'S DEPARTMENT *CME*

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0		30244	105	4279	297170				\$375,000.00
TOTAL AMOUNT										\$375,000.00

FUND OVERRIDE

AC 2800395

R-303227

DEC 04 2007