

RESOLUTION NUMBER R- 305164

DATE OF FINAL PASSAGE JUL 31 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A
REIMBURSEMENT AGREEMENT WITH PARDEE HOMES
FOR THE DESIGN AND CONSTRUCTION OF A PORTION
OF CARMEL MOUNTAIN ROAD.

WHEREAS, on May 27, 2008, the San Diego City Council adopted the updated Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2009 [Financing Plan]; and

WHEREAS, the Financing Plan identifies and includes the Carmel Mountain Road project to be funded with FBA funds as Project T-9 (formerly project 21A-17) [Project]; and

WHEREAS, the funding of the reimbursement agreement for the Project should be brought to current year to ensure timely payment for necessary infrastructure improvements and to avoid unnecessary accrual of interest; and

WHEREAS, the reimbursement agreement for the Project is on file in the office of the City Clerk as Document No. RR 305164, and sets forth the terms and conditions for reimbursement to Subdivider [Agreement]; and

WHEREAS, the Public Facilities Financing Plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3); and

WHEREAS, an environmental impact study, EIR NO. 95-0353, was performed and considered for the Subarea V Del Mar Mesa Specific plan, and included the Project; NOW, THEREFORE,

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

1. That the Financing Plan is amended by rescheduling the funding of the Project from FY 2011 to FY 2010.

2. That the Mayor be and hereby is authorized and empowered to execute, for and on behalf of the City, the Agreement for reimbursement in the amount of \$4,180,922 plus interest, for the Project under the terms and conditions set forth in the Agreement.

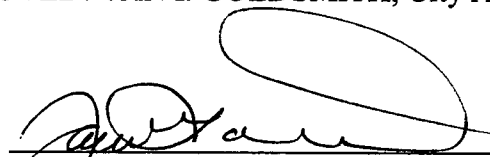
3. That the Mayor or his assigned designee is authorized to execute, for and on behalf of City, the Agreement as part of Internal Order 21001210 and make any reasonably necessary modifications or amendments thereto which do not increase the Project scope or cost and which the Mayor or his assigned designee deem necessary to carry out the purpose and intent of the Project and Agreement.

4. That the Chief Financial Officer is authorized to modify the Fiscal Year 2010 Budget to appropriate and expend an amount not to exceed \$4,180,922 plus interest from Carmel Valley Consolidated Fund 400088, consistent with the timing established in the amended Fiscal Year 2009 Public Facilities Financing Plan, contingent upon approval of the Fiscal Year 2010 Appropriation Ordinance and City Comptroller certification of fund availability, for reimbursement under the terms of the Agreement for the Project.

5. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Jana L. Garmo
Deputy City Attorney

JLG:hm
07/15/09
Or.Dept:Fac.Financing
R-2010-45
MMS#8213

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 28 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-31-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-305164