(R-2010-514)

## RESOLUTION NUMBER R- 305650

## DATE OF FINAL PASSAGE MAR 1 5 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT WITH CARMEL VALLEY 18 FOR DESIGN AND CONSTRUCTION OF PORTIONS OF PROJECT NO. 43-3 DEL MAR MESA ROAD.

WHEREAS, on January 30, 2001, the City of San Diego and Carmel Valley 18, LLC [Subdivider] entered into an reimbursement agreement for the design and construction of a portion of Project No. 43-3 Del Mar Mesa Road [Project].

WHEREAS, the Project has been completed and Subdivider has been reimbursed a total of \$2,179,692, which is the amount authorized by the current reimbursement agreement. However, completion of the Project resulted in verified additional costs in the amount of \$332,804 to Subdivder.

WHEREAS, on November 1, 2005, the San Diego City Council adopted the updated Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2006 [Financing Plan], which identifies the Project and includes the additional funding for the Project; and

WHEREAS, the Financing Plan identifies and includes the Project; and

WHEREAS, the reimbursement agreement amendment [Amendment] with Subdivider for the Project is on file in the Office of the City Clerk as Document No. RR 305650 and sets forth the terms and conditions for reimbursement to Subdivider; and

WHEREAS, the additional costs in the Amendment are included in the Financing Plan and the funds have been collected and are available for reimbursement to Subdivider for the Project; and WHEREAS, an Environmental Impact Report, EIR NO. 95-0353, which included the Project, was prepared and considered for the Subarea V Del Mar Mesa Specific plan, and was certified on July 30, 1996 by Resolution No. R-287714; NOW, THEREFORE,

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

1. That the Mayor be and hereby is authorized and empowered to execute, for and on behalf of the City, the Amendment for additional reimbursement in the amount of \$332,804 for the Project.

2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$332,804 from CIP S-00893, Del Mar Mesa Road, Fund No. 400089, Del Mar Mesa Facilities Benefit Assessment, consistent with the timing established in the Financing Plan, and Chief Financial Officer certification of funds;

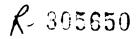
3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

APPROVED: JAN I. GOLDSMITH, City Attorney

Bv

Heidi K. Vonblum Deputy City Attorney

HKV:js 01/19/10 Or.Dept:Fac.Financing R-2010-514 MMS#11232



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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of  $\__{MAR} 022010$ .

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ELIZABETH S. MALAND

City Clerk ihada By A

Deputy City Clerk

JERRY SANDERS, Mayor

Approved: <u>3.15.10</u> (date)

Vetoed: \_\_\_\_\_

(date)

JERRY SANDERS, Mayor

