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RESOLUTION NUMBER R- 305650

DATE OF FINAL PASSAGE MAR 15 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 Subdivider.

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,

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

By 
Heidi K. Vonblum
Deputy City Attorney

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

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 02 2010.

ELIZABETH S. MALAND
City Clerk

By *Aria Richardson*
Députy City Clerk

Approved: 3.15.10
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor