

RESOLUTION NUMBER R- 305925

DATE OF FINAL PASSAGE JUL 02 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A
FIRST AMENDMENT TO PARK PROPERTY ACQUISITION
AND ROUGH GRADING AGREEMENT FOR RIVIERA DEL
SOL NEIGHBORHOOD PARK IN THE OTAY MESA
COMMUNITY PLAN AREA.

WHEREAS, on May 29, 2001, the City of San Diego and M.W. Reynolds' Construction Company, Inc. dba Reynolds Communities [Subdivider] entered into a reimbursement agreement for land acquisition and rough grading for Project No. P-5, Riviera del Sol Neighborhood Park [Project], which is on file in the Office of the City Clerk as Document No. RR-294924 [Reimbursement Agreement]. At that time, Subdivider was and continues to conduct business as Reynolds Communities.

WHEREAS, on May 29, 2001, the Council of the City of San Diego adopted Resolution No. RR-294924, which authorized the expenditure of \$857,500 for the Project pursuant to the Reimbursement Agreement.

WHEREAS, Subdivider certifies and City has verified that Subdivider has completed the Project and Subdivider seeks reimbursement for the final Total Estimated Project Cost in the amount of \$1,299,382.61.

WHEREAS, on November 22, 2006, the Council of the City of San Diego adopted the updated Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2007 [Financing Plan], which identifies and includes the Project and includes the additional funding for 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- 305925, and sets forth the amended 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, a Mitigated Negative Declaration, MND No. 98-0762, which included the Project, was prepared and considered for the Riviera del Sol Precise Plan, and was certified on December 7, 1999 by Resolution No. R-292566; 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 on file in the Office of the City Clerk as Document No. RR- **305925**.
2. That, in addition to the \$857,500 authorized for expenditure by Resolution No. RR-294924 pursuant to the Reimbursement Agreement, the Chief Financial Officer is authorized to expend, consistent with the Amendment, an amount not to exceed \$441,882.61 from CIP S-00999, Riviera del Sol Neighborhood Park, Fund No. 400093, Otay Mesa – West 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
Heidi K. Vonblum
Deputy City Attorney

HKV:js
04/28/10
Or.Dept: Planning
R-2010-792
MMS#6653

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 22 2010.

ELIZABETH S. MALAND
City Clerk

By *Devenson-Luzy*
Deputy City Clerk

Approved: 7-2-10
(date)

JJS
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RECEIVED
CITY CLERK
JUN 22 2010