

RESOLUTION NUMBER R- 306297

DATE OF FINAL PASSAGE NOV 16 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO A MITIGATION SATISFACTION AGREEMENT WITH THE COUNTY OF SAN DIEGO AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE CLAIREMONT MESA BOULEVARD/STATE ROUTE 163 IMPROVEMENT PROJECT.

WHEREAS, the County of San Diego (County) is currently constructing the San Diego County Operations Center Project (COC Project) located at 5555 Overland Drive in the City of San Diego; and

WHEREAS, as described in the Kearny Mesa Public Facilities Financing Plan and as required by Mitigation Measure T19 of the County's certified Environmental Impact Report for the COC Project (SCH No. 2007-07-1142) (EIR), County must contribute 53.6 percent of the local contribution, which is 50 percent of the total cost, for Phase II of Caltrans' SR-163/Clairemont Mesa Boulevard Interchange project (SR-163 Project); and

WHEREAS, the City of San Diego (City) is responsible for identifying and securing the necessary funding for the SR-163 Project, which is currently anticipated to be constructed in mid-2011; and

WHEREAS, the current estimated cost of the SR-163 Project is Nine Million One Hundred Fifty Thousand Dollars (\$9,150,000), and therefore, County's share of the cost for the SR-163 Project is Two Million Four Hundred Fifty-Two Thousand Two Hundred Dollars (\$2,452,200) (Fair Share Contribution); and

WHEREAS, the County desires to pay City the Fair Share Contribution to satisfy its obligation with respect to the SR-163 Project for the COC Project, and City desires to use County's Fair Share Contribution for Phase II of the SR-163 Project; NOW, THEREFORE,

BE IT RESOLVED, by the City 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, a Mitigation Satisfaction Agreement (Agreement) with the County of San Diego (County) on file in the Office of the City Clerk as Document No. RR- 306297, to accept County's Fair Share Contribution in the amount of \$2,452,200 for Phase II of the SR- 163 Project.
2. That the Chief Financial Officer, provided the Agreement is authorized and is fully executed, is authorized to accept \$2,452,200 into Fund No. 400264, Private and Other Contributions – CIP, from the County.
3. That the Chief Financial Officer, provided \$2,452,200 is accepted from the County, is authorized to increase the Fiscal Year 2011 Capital Improvements Program budget by appropriating \$2,452,200 from Fund No. 400264, Private and Other Contributions – CIP, into CIP S-00905, Clairemont Mesa Boulevard/State Route 163 Improvement Project, for Phase II of the SR-163 Project.
4. That the Chief Financial Officer, provided \$2,452,200 is accepted from the County, is authorized to expend \$2,452,200 from CIP S-00905, Clairemont Mesa Boulevard/State Route 163 Improvement Project, for Phase II of the SR-163 Project, contingent upon the Chief Financial Officer certification of funds.

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 Heidi K. Vonblum  
Heidi K. Vonblum  
Deputy City Attorney

HKV:cw  
10/15/10  
Or.Dept: E&CP  
PL#2010-01222

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 9 2010

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 11.16.10  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor