

RESOLUTION NUMBER R- 306576
DATE OF FINAL PASSAGE FEB 09 2011

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO AUTHORIZING A MITIGATION
SATISFACTION AGREEMENT WITH QUALCOMM, INC.
AND AN AMENDMENT TO A COOPERATIVE
AGREEMENT WITH CALTRANS, AND TAKING
RELATED ACTIONS IN CONNECTION WITH THE
CARROLL CANYON ROAD EXTENSION PROJECT.

WHEREAS, on June 11, 2009 the City and Caltrans entered into a Cooperative Agreement contemplating the addition of high occupancy vehicle lanes and direct access ramps on Interstate 805, and an extension of Carroll Canyon Road; and

WHEREAS, the Cooperative Agreement included a City obligation to provide \$11,700,000 towards the total \$102,000,000 in estimated project costs; and

WHEREAS, the City, at this time, has expended \$8,985,000 toward the project and is still obligated to contribute another \$2,715,000 toward the project to satisfy its obligations to Caltrans under the Cooperative Agreement; and

WHEREAS, Qualcomm Inc., owns property which requires an additional on-ramp to the southbound I-805 at Carroll Canyon Road as mitigation for its planned development permit; and

WHEREAS, the parties have agreed that Qualcomm may pay its fair share of the mitigation contribution to the City subject to City Council approval; and

WHEREAS, CalTrans has agreed to accept this fair share amount from City for the mitigation work in satisfaction of the City's full contribution toward the project; NOW,

WHEREFORE,

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

1. That the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City, a Mitigation Satisfaction Agreement with Qualcomm, Inc., for the construction of an additional lane for the southbound I-805 on-ramp, for CIP S-00841, Carroll Canyon Road Extension Project, and under the terms and conditions set forth in the I-805 On-Ramp Mitigation Satisfaction Agreement, on file with the City Clerk as Document No.

RR- 306576 -1.

2. That the City Comptroller is authorized to establish an interest-bearing fund for the Mitigation Satisfaction Agreement with Qualcomm, Inc.

3. That the Chief Financial Officer is authorized to accept \$2,700,000 from Qualcomm Inc., contingent on a fully executed Mitigation Satisfaction Agreement.


4. That in accordance with the annual appropriation ordinance, the Chief Financial Officer is authorized to increase the Fiscal Year 2011 Capital Improvement Program budget in CIP S-0084, Carroll Canyon Road Extension Project, in the newly created special interest-bearing account by the amount of \$2,700,000; provided that the City Comptroller first certifies that the funds are on deposit with the City Treasurer.

5. That the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City, an amendment to the cooperative agreement with the California Department of Transportation for CIP S-00841, Carroll Canyon Road Extension Project, in the amount of \$2,700,000; contingent on a fully executed Mitigation Satisfaction Agreement with Qualcomm; and provided that the City Comptroller first certifies that the funds are on deposit with the City Treasurer; and under the terms and conditions set forth in Amendment No. 1 (CalTrans No.

11-062./A1), on file with the City Clerk as Document No. RR- 306576 -2.

6. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$2,700,000 from CIP S-00841, Carroll Canyon Road Extension Project, in the special interest-bearing fund, solely and exclusively to provide funds for the above Amendment No. 1; provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds are on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Ryan P. Kohut
Deputy City Attorney

RPK:mb
12/21/10
C.Cert:N/A
Or.Dept:Eng&CP

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of FEB 1 2011.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 2-9-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor