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ORDINANCE NUMBER O- 20159 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 03 2012

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CALTRANS FOR LANDSCAPE MAINTENANCE WITHIN THE STATE ROUTE 905 RIGHT OF WAY AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS THEREFORE.

WHEREAS, landscaping on several roadway corridors within the business park area along Paseo Internacional, north of the Otay Mesa Port of Entry have been maintained by the Otay International Center Maintenance Assessment District (OIC MAD) since 1994; and

WHEREAS, the State of California constructed the State Route 905 freeway through the OIC MAD starting in 2004 along Paseo Internacional; and

WHEREAS, property owners within the OIC MAD desire an enhanced level of landscaping above that typically provided by Caltrans and desire to maintain the freeway landscaping as part of the OIC MAD; and

WHEREAS, this action will allow the City, through the OIC MAD, to maintain enhanced, ornamental landscaping along State Route 905.

WHEREAS, the Assessment Engineer's Report for OIC MAD supports this special benefit accrued to the property owners within the OIC MAD; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, that:

Section 1. The Mayor is authorized to execute a Landscape Maintenance Agreement with the State of California Department of Transportation that authorizes the City to maintain landscaping within the State Route 905 freeway rights-of-way within the Otay International Center Maintenance Assessment District;

Section 2. The Chief Financial Officer is authorized to expend \$114,536 from Fund 200058, Otay International Center Maintenance Assessment District, in Fiscal Year 2012 for the purpose of maintaining landscaping within the State Route 905 freeway rights-of-way between postmiles 11.16 and 11.69, including the Siempre Viva Road interchange and Airway Road grade separation, in accordance with the Landscape Maintenance Agreement; and

Section 3. The Mayor or his designee is authorized to fund the Landscape Maintenance Agreement in future fiscal years contingent upon adoption of the resolution authorizing the levy of assessments within the Otay International Center Maintenance Assessment District and adoption of the Annual Budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

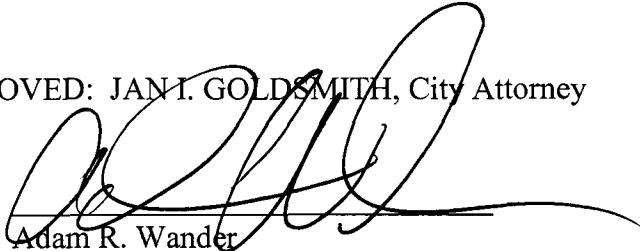
Section 4. In the event the Otay International Center Maintenance Assessment District is disbanded by City Council action, the Mayor or his designee is authorized to appropriate and expend funds from the Otay International Center Maintenance Assessment District reserves to remove existing landscaping and restore the area to a landscape standard approved by Caltrans for long-term maintenance by the State. City staff shall ensure, through the annual budgeting process, that at least \$100,000 is available in the Otay International Center Maintenance Assessment District reserves at all times for this purpose.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JANI GOLDSMITH, City Attorney

By



Adam R. Wander
Deputy City Attorney

ARW:js
01/31/12
Or.Dept:Park&Rec.
O-2012-71
Doc. No. 312729

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 24 2012.

ELIZABETH S. MALAND

City Clerk

By  Deputy City Clerk

Approved: 5-3-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor