

RESOLUTION NUMBER R- 307253

DATE OF FINAL PASSAGE FEB 6 2012

RESOLUTION OF THE CITY COUNCIL TO AUTHORIZE A REIMBURSEMENT AGREEMENT WITH WESTERN PACIFIC HOUSING, INC. FOR A PORTION OF PROJECT NO. T-4.3, CARMEL VALLEY ROAD (WIDEN TO FOUR LANES: VIA ALBERTURA TO CAMINO DEL SUR) IN THE TORREY HIGHLANDS COMMUNITY.

WHEREAS, on December 7, 1999, the City of San Diego City Council (City Council) adopted Resolution No. R-292593 granting Vesting Tentative Map No. 98-0292 (VTM) to Western Pacific Housing, Inc. (WPH) subject to certain conditions necessary to serve that development; and

WHEREAS, WPH plans to design and construct, and seeks reimbursement for, a portion of Project No. T-4.3; and

WHEREAS, the Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) for Fiscal Year 2010 (Financing Plan), adopted by Resolution No. R-304935 on May 26, 2009, identifies Project No. T-4.3, Carmel Valley Road (Widen to Four Lanes: Via Albertura to Camino del Sur), as a project to be funded by the FBA; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor be and hereby is authorized and empowered to execute, for and on behalf of City, the Reimbursement Agreement with Western Pacific Housing, Inc., for a Portion of Project No. T-4.3, Carmel Valley Road (Widen to Four Lanes: Via Albertura to Camino del Sur), in the Torrey Highlands Community, on file in the Office of the City Clerk as Document No. RR- 307253 (Agreement), under the terms and conditions set forth in the Agreement.

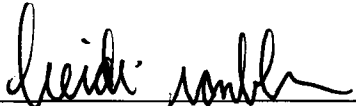
BE IT FURTHER RESOLVED, that Council Policy 300-07, Consultant Services Selection, is waived with respect to consultants with whom Subdivider, or its predecessor in

interest with respect to the real property addressed in the VTM, entered into contracts for the projects that are the subject of the Agreement at least one year prior to the effective date of the Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to expend an amount not to exceed Four Million Six Hundred Eight Thousand Two Hundred Ninety-Three Dollars (\$4,608,293) as set forth in the Agreement, from the Torrey Highlands Fund No. 400094 in WBS S-00854 (Carmel Valley Road (Widen to Four Lanes: Eastern Property Line of Fairbanks Country Villas to Camino del Sur)), consistent with the timing established in the most recently adopted Financing Plan, and contingent upon Chief Financial Officer certification of funds available for reimbursement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, upon advice from the administering department, is hereby 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:hm  
12/27/2011  
Or.Dept:Facilities Financing  
Doc. No.: 294021

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~JAN 31 2012~~

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2.6.12  
(date)

  
JERRY SANDERS, Mayor

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

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