

RESOLUTION NUMBER R- 308052

DATE OF FINAL PASSAGE APR 11 2013

ITEM # 100
SUB-A
3/26/13

RESOLUTION OF THE CITY COUNCIL TO AUTHORIZE THE REIMBURSEMENT AGREEMENT WITH SCRIPPS MESA DEVELOPERS, LLC FOR THE CONSTRUCTION OF MIRA MESA BOULEVARD MEDIAN, MIRA MESA BOULEVARD AND HIBERT STREET TRAFFIC SIGNAL, AND ERMA ROAD IMPROVEMENTS IN THE SCRIPPS MIRAMAR RANCH COMMUNITY.

WHEREAS, Planned Development Permit No. 294375 and Site Development Permit No. 294373 granted by Resolution No. R-304583 secured a commitment from the Scripps Mesa Developers, LLC to construct a traffic signal at Mira Mesa Boulevard and the Hibert Street driveway (Traffic Signal) and a raised median on Mira Mesa Boulevard between Interstate 15 and Scripps Ranch Boulevard (MMB Median), and be responsible for all costs in excess of the amounts collected from the fair share contributions by other developers in the community; and

WHEREAS, in order to effectively construct the Traffic Signal and MMB Median, additional improvements are required at the intersection of Scripps Ranch Boulevard and Erma Road (Erma Road Improvements); and

WHEREAS, the Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) for Fiscal Year 2013 (Financing Plan), adopted by Resolution No. R-307788 on October 23, 2012, identifies Project No. 34-2B, which includes the Traffic Signal, MMB Median, and the Erma Road Improvements, as a project to be funded with FBA funds and fair share contributions by other developers in the community; and

WHEREAS, the Financing Plan provides for \$740,285 for Project No. 34-2B; and

WHEREAS, \$368,338 from FBA funds and developer funds collected is available for reimbursement to Scripps Mesa Developers, LLC to complete Project No. 34-2B; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor is authorized and empowered to execute, for and on behalf of City, the Reimbursement Agreement for Scripps Mesa Developers, LLC for the Mira Mesa Boulevard Median, Mira Mesa Boulevard and Hibert Street Traffic Signal, and Erma Road Improvements in the Scripps Ranch Community, on file in the Office of the City Clerk as Document No. R- 308052 (Agreement), under the terms and conditions set forth in the Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-00838, Scripps Ranch/Mira Mesa Medians Project, and to appropriate an amount not to exceed \$160,000 from Fund No. 200636, Developer Monetary Condition Fund, for the purpose of constructing public improvements in Scripps Miramar Ranch, 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 is authorized to expend an amount not to exceed \$368,338 from Capital Improvements Program CIP S-00838, Scripps Ranch/Mira Mesa Medians Project; \$130,000 from Fund No. 400086, Scripps Miramar Ranch FBA; \$78,338 from Fund No. 400264, Private & Others Contribution – CIP; \$160,000 from Fund No. 200636, Developer Monetary Condition Fund, for the purpose of constructing public improvements in Scripps Miramar Ranch, 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 reserve.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Hilda R. Mendoza
Hilda R. Mendoza
Deputy City Attorney

HRM:als
03/01/13
Or.Dept:DSD-Facilities Financing
Doc. No. 510937

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 26 2013.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 4/14/13
(date)

Bob Filner
BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor