

ORDINANCE NUMBER O- 20632 (NEW SERIES)

DATE OF FINAL PASSAGE APR 13 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO TO AUTHORIZE A REIMBURSEMENT AGREEMENT WITH RYLAND HOMES OF CALIFORNIA, INC. FOR PROJECT 34-25C, FAIRBROOK NEIGHBORHOOD PARK-GRADING AND HALF WIDTH STREET IMPROVEMENTS, IN THE SCRIPPS MIRAMAR RANCH COMMUNITY.

WHEREAS, on October 19, 1999, City approved Vesting Tentative Map (VTM) No. 98-1001, by San Diego Resolution R-292323, to the San Diego Unified School District (District) and on November 14, 2006, City extended VTM 98-1001 by VTM 8569, by San Diego Resolution R-302092, subject to certain conditions determined to be necessary for the development of the District or of a private developer in the event the District decided to sell its property; and

WHEREAS, on December 5, 2007, pursuant to Condition No. 34 of VTM 8569, City and the District entered into a Park Acquisition Reimbursement Agreement for Fairbrook Neighborhood Park, by San Diego Resolution R-303227 (Park Acquisition Agreement) for the City to acquire 3.4 acres for a park site (Property); and

WHEREAS, on June 26, 2012, Ryland Homes of California, Inc. (Ryland) purchased the Property from the District. On December 9, 2014, City approved the First Amendment to the Park Acquisition Agreement for Fairbrook Neighborhood Park (Amendment), by Resolution R-309355; and

WHEREAS, on October 25, 2012, by San Diego Resolution R-307788, the City Council adopted the Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit

Assessment for Fiscal Year 2013 (Financing Plan). The Financing Plan identifies Project No. 34-25C, Fairbrook Neighborhood Park-Grading and Half Width Street Improvements; and

WHEREAS, pursuant to Condition Nò. 35 of VTM 8569, Ryland has completed rough grading and construction of the contiguous street improvements of Project No. 34-25C, Fairbrook Neighborhood Park-Grading and Half Width Street Improvements, in accordance with the Financing Plan; NOW, THEREFORE,

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

Section 1. That the Mayor or his designee, is authorized to execute, for and on behalf of the City, a Reimbursement Agreement with Ryland Homes of California, Inc. for the permitting and design for Project 34-25C, Fairbrook Neighborhood Park-Grading and Half Width Street Improvements, in the Scripps Ranch community, on file in the Office of the City Clerk as Document No. OO- 20632 (Agreement), under the terms and conditions set forth in the Agreement.

Section 2. That San Diego Municipal Code section 22.3202, Council Policies 300-07 and 100-10, and Administrative Regulation 25.60, regarding consultant services selection, are hereby waived with respect to the following consultants: (1) Koloa Pacific Construction for general engineering services; (2) Schilling Paradise for general engineering and electrical services; (3) Hunsaker & Associates for planning, general engineering and surveying services; (4) Inland Erosion Control for general engineering – erosion control services; (5) Marathon General for general engineering – grading and paving services; (6) Nissho for landscape services; and (7) SJA Inc. for landscape services.

Section 3. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$175,000 from CIP S-01083, Fairbrook Neighborhood Park Development,

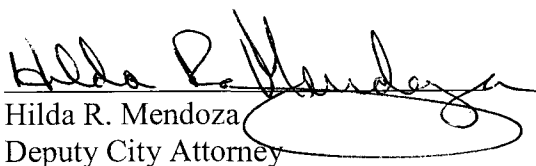
Scripps/Miramar-Major District Fund No. 400029, consistent with the timing established in the most recently adopted Scripps Miramar Ranch Public Facilities Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

Section 4. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:meb
February 18, 2016
Or.Dept:Planning
Doc. No.: 1227206

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 05 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/11/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 05 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 13 2016.

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Atty Meady, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 15 2016, and on APR 13 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Atty Meady, Deputy

Office of the City Clerk, San Diego, California

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