

ORDINANCE NUMBER O- 21037 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 11 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO A REIMBURSEMENT AGREEMENT WITH KILROY REALTY CORPORATION FOR TORREY MEADOWS DRIVE (FORMERLY STREET "B") OVERCROSSING DESIGN WORK IN THE TORREY HIGHLANDS COMMUNITY.

WHEREAS, on May 16, 2013, the City and Kilroy Realty Corporation, a California corporation (Developer), entered into that certain Reimbursement Agreement No. RR-308126 (Agreement) for the Torrey Meadows Drive (formerly Street "B") Overcrossing (Project); and

WHEREAS, the Agreement allows for Developer to complete the design of the Project; and

WHEREAS, the original term of the Agreement was five years; and

WHEREAS, due to unforeseen delays, including additional time required to obtain the Mitigated Negative Declaration, the Developer requests an extension of time to complete the design of the Project; and

WHEREAS, to reflect the additional time, the City and Developer have negotiated the proposed First Amendment to Reimbursement Agreement, a copy of which is included in the backup materials accompanying this Ordinance; and

WHEREAS, the revision will extend the term of the Agreement beyond five years; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

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

Section 1. The First Amendment to Reimbursement Agreement is approved.

Section 2. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the First Amendment to Reimbursement Agreement, a copy of which is on file in the Office of the City Clerk as Document No. OO- 21037.

Section 3. A full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By:


Katherine A. Malcolm
Deputy City Attorney

KAM:jdf
06/21/18
Or.Dept: Facilities Financing
Doc. No.: 1861461

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 08 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/11/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 08 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 11 2019.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, 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

DEC 11 2018, and on JAN 11 2019.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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