

ORDINANCE NUMBER O- 21233 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 22 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAINTENANCE
AGREEMENT BETWEEN CALTRANS AND CITY OF
SAN DIEGO FOR THE SORRENTO VALLEY/CARMEL
VALLEY CREEK BIKEWAY.

WHEREAS, by San Diego Resolution R-312084 (Dec. 4, 2018), the City of San Diego (City) authorized the execution of the Cooperative Agreement between Caltrans and the City for the construction of a new bike path that will go underneath I-5, crossing Carmel Valley Creek and connecting the west end of the SR-56 Bike Path to Old Sorrento Valley Road (Carmel Valley Creek bike path); and

WHEREAS, it is the policy of the State of California Department of Transportation (State) to maintain State highways, including bridge structures, and for local jurisdictions to assume the maintenance responsibility of the street surfaces of local roads which cross over or under the State facility within the State right-of-way and this Maintenance Agreement memorializes these responsibilities and allows the City to obtain encroachment permits from the State for any needed maintenance; and

WHEREAS, this action will authorize the City to enter into a Maintenance Agreement with the State, that will set forth the maintenance obligations of the State and City in regard to the existing bikeway that runs along Sorrento Valley Road as well as the new Carmel Valley Creek bike path; and

WHEREAS, this Maintenance Agreement will create a new obligation for the City to maintain the Carmel Valley Creek bike path for a period of more than five years, this Maintenance Agreement must be adopted by ordinance under City Charter section 99;

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, an agreement with the California Department of Transportation for maintenance of the Sorrento Valley/Carmel Valley Creek Bikeway, under the terms and conditions set forth in Maintenance Agreement 11-8463, on file in the Office of the City Clerk as Document No. OO- 21233, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Cassandra E. Mougín
Cassandra E. Mougín
Deputy City Attorney

CEM:cw
07/08/20
Or.Dept: Transportation & Storm Water
CC No.: N/A
Doc. No.: 2422121

(The date of final passage is September 22, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 09/15/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 9/21/2020
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 15 2020, 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 SEP 22 2020.

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 Beachy*, 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

JUL 28 2020, and on SEP 22 2020.

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 Beachy*, Deputy

Office of the City Clerk, San Diego, California

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