

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO A WATER SERVICE COST REIMBURSEMENT AGREEMENT WITH LENNAR BUFFINGTON ZACHARY SCOTT, L.P., TO CHANGE THE COST REIMBURSEMENT PAYMENT SCHEDULE FOR CONSTRUCTION OF A 24-INCH WATERMAIN AND APPURTENANCES; AND WAIVING THE REQUIREMENTS OF SECTION 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to an amendment to a water service cost reimbursement agreement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement And Cost Participation*). The cost reimbursement agreement, dated February 17, 2005, between the City and Development Alliance of Texas, L.L.C., was assigned to Lennar Buffington Zachary Scott, L.P. The first amendment was executed August 24, 2006. This second amendment would change the cost reimbursement payment schedule for both Phase One and Phase Two for construction of Water Improvements to serve to provide water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road.

PART 2. The council authorizes the city manager to negotiate and execute a second amendment to the existing cost reimbursement agreement with Lennar Buffington, in accordance with the following requirements:

- (A) Cost reimbursement for actual construction costs for the Phase One Water Improvements to be made in one payment on July 1, 2007; and
- (B) Cost reimbursement for actual construction costs for the Phase Two Water Improvements to be made in one payment 90 days after final acceptance by the City.

PART 3. The council waives the provision of Section 25-9-67 (*Cost Reimbursement Payment*) of the City Code prescribing the date for a cost reimbursement payment.

PART 4. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED

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_____, 2007

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

Draft