

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH THE VISTAS OF AUSTIN, LTD. FOR CONSTRUCTION OF A WASTEWATER MAIN AND APPURTENANCES FOR THE VISTAS SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-63, AND 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 application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement and Cost Participation*) by The Vistas of Austin, Ltd. for construction of a 30-inch gravity wastewater main and appurtenances serving the Vistas Subdivision located in the 10100 block of Old Lockhart Road.

**PART 2.** The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with The Vistas of Austin, Ltd., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$4,239,360.
- (B) Cost reimbursement for actual construction costs may not exceed \$3,686,400.
- (C) Cost reimbursement for engineering, design and project management may not exceed the lesser of:
  - (1) 15 percent of the actual construction costs; or
  - (2) \$552,960.

**PART 3.** The council waives:

- (A) the requirements of Sections 25-9-61 (*Eligible Projects*) and 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs and a maximum amount for certain facilities; and
- (B) the provision of Section 25-9-67 (*Cost Participation and 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**

\_\_\_\_\_, 2007      § \_\_\_\_\_  
§  
§

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk