ORDINANCE NO.

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH THE VISTAS OF AUSTIN, LTD., FOR CONSTRUCTION OF A WATER MAIN AND APPURTENANCES FOR THE VISTAS SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 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 42-inch gravity water 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 $1,372,410.

(B) Cost reimbursement for actual construction costs may not exceed $1,193,400.

(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) $179,010.

PART 3. The council waives:

(A) the requirement of Section 25-9-63 *(Amount of Cost Reimbursement)* of the City Code that cost reimbursement be limited to actual construction costs; 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.

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

PASSED AND APPROVED

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§
_____, 2007 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

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