

**ORDINANCE NO. 20071108-006**

**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:


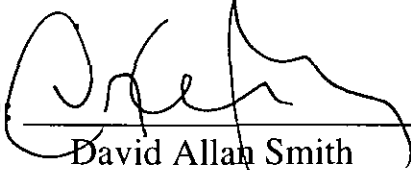
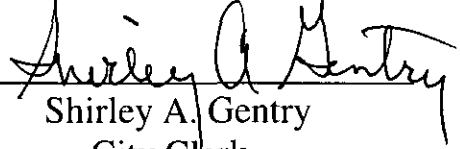
- (A) Total cost reimbursement may not exceed \$1,372,410.
- (B) Cost reimbursement for actual construction costs may not exceed \$1,193,400.
- (C) Cost reimbursement for engineering, design and project management may not exceed the lesser of:
  - (1) 15 percent of the actual construction costs; or
  - (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.

**PART 4.** This ordinance takes effect on November 19, 2007.

**PASSED AND APPROVED**

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<u>November 8</u> , 2007	§	<u></u>
		Will Wynn
		Mayor
<b>APPROVED:</b> <u></u>		<b>ATTEST:</b> <u></u>
David Allan Smith		Shirley A. Gentry
City Attorney		City Clerk