

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH WANDERING CREEK INVESTMENTS, LP., FOR CONSTRUCTION OF A WASTEWATER MAIN AND APPURTENANCES FOR THE WANDERING CREEK 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 Wandering Creek Investments, LP., for construction in two phases of a 36-inch gravity wastewater main and appurtenances serving the Wandering Creek Subdivision located south and west of Elroy Road and east of McAngus Road.

**PART 2.** The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Wandering Creek, LP., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$6,691,275.
- (B) Total cost reimbursement for Phase One may not exceed \$5,121,525.
  - (1) Cost reimbursement for actual construction costs for Phase One may not exceed \$4,453,500.
  - (2) Cost reimbursement for engineering, design and project management for Phase One may not exceed the lesser of:
    - (a) 15 percent of the actual construction costs; or
    - (b) \$668,025.
- (C) Total cost reimbursement for Phase Two may not exceed \$1,569,750.
  - (1) Cost reimbursement for actual construction costs for Phase Two may not exceed \$1,365,000.
  - (2) Cost reimbursement for engineering, design and project management for Phase Two may not exceed the lesser of:

1 (a) 15 percent of the actual construction costs; or

2 (b) \$204,750.

3 **PART 3.** The council waives:

4 (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code  
5 prescribing the amount of cost reimbursement;

6 (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the  
7 City Code that cost reimbursement be limited to actual construction costs and  
8 limiting cost reimbursement to the amount prescribed in Section 25-9-61  
9 (*Eligible Projects*); and

10 (C) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement*  
11 *Payment*) of the City Code prescribing the date for a cost reimbursement  
12 payment.

13 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2007.

14 **PASSED AND APPROVED**

15 §  
16 §  
17 §  
18 \_\_\_\_\_, 2007

19 Will Wynn  
20 Mayor

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23 **APPROVED:** \_\_\_\_\_

24 David Allan Smith  
25 City Attorney

26 **ATTEST:** \_\_\_\_\_

27 Shirley A. Gentry  
28 City Clerk