

ORDINANCE NO. _____

1 AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A
2 COST REIMBURSEMENT AGREEMENT WITH WANDERING CREEK
3 INVESTMENTS, L.P., FOR CONSTRUCTION OF WATER MAINS AND
4 APPURTENANCES FOR THE WANDERING CREEK SUBDIVISION; AND
5 WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61 AND 25-9-63 OF
6 THE CITY CODE RELATING TO COST REIMBURSEMENT.
7

8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 **PART 1.** This ordinance applies to an application for cost reimbursement under City
11 Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement and Cost*
12 *Participation*) by Wandering Creek Investments, L.P., for construction of a 36-inch and a
13 24-inch water main and appurtenances serving the Wandering Creek Subdivision located
14 south and west of Elroy Road and east of McAngus Road.

15 **PART 2.** The council authorizes the city manager to negotiate and execute a cost
16 reimbursement agreement with Wandering Creek Investments, L.P., in accordance with
17 the following requirements:

- 18 (A) Total cost reimbursement may not exceed \$3,929,265.
- 19 (B) Total cost reimbursement for the 36-inch water main may not exceed
20 \$702,765.
- 21 (1) Cost reimbursement for actual construction costs for the 36-inch water
22 main may not exceed \$611,100.
- 23 (2) Cost reimbursement for engineering, design and project management
24 for the 36-inch water main may not exceed the lesser of:
- 25 (a) 15 percent of the actual construction costs; or
26 (b) \$91,665.
- 27 (C) Total cost reimbursement for the 24-inch water main may not exceed
28 \$3,226,500 for actual construction costs.
- 29 (D) Wandering Creek Investments, L.P., will bear all costs for engineering,
30 design, financing, interest, fiscal security, accounting, insurance,

1 inspections, permitting, project management, easement acquisition and legal
2 services associated with the construction of the 24-inch water main.

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; and

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*).

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

11 **PASSED AND APPROVED**

12
13 §
14 §
15 _____, 2007 § _____

16 Will Wynn
17 Mayor

18
19
20 **APPROVED:** _____

21 David Allan Smith
22 City Attorney

20 **ATTEST:** _____

21 Shirley A. Gentry
22 City Clerk