

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH WANDERING CREEK INVESTMENTS, L.P., 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, L.P., 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, L.P., 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**

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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