

**ORDINANCE NO. 20080117-003**

**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:

- (a) 15 percent of the actual construction costs; or
- (b) \$204,750.

**PART 3.** The council waives:

- (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code prescribing the amount of cost reimbursement;
- (B) 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 limiting cost reimbursement to the amount prescribed in Section 25-9-61 (*Eligible Projects*); and
- (C) 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 January 28, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, January 17 \_\_\_\_\_, 2008      §  
   §  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
                                 David Allan Smith                                   Shirley A. Gentry  
                                 City Attorney                                   City Clerk