ORDINANCE NO. 20080117-005

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH BOYCE LANE, L.P., FOR CONSTRUCTION OF A WASTEWATER MAIN AND APPURTENANCES FOR THE BELLINGHAM MEADOWS SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-62 AND 25-9-63 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 Boyce Lane, L.P., for construction of an 18-inch and a 15-inch gravity wastewater main and appurtenances serving the Bellingham Meadows Subdivision located along East Parmer Lane at Boyce Lane and Farmhaven Road.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Boyce Lane, L.P., in accordance with the following requirements:

(A) Total cost reimbursement for the project may not exceed $1,276,413.

(B) Cost reimbursement for actual construction costs for the 18-inch gravity wastewater main may not exceed $1,106,875.

(C) Cost reimbursement for actual construction costs for the 15-inch gravity wastewater main may not exceed the lesser of:

(1) 34.25 percent of the actual construction costs; or

(2) $169,538.

(D) Boyce Lane, L.P. will bear all costs for engineering, design, financing, interest, fiscal security, accounting, insurance, inspections, permitting, project management, easement acquisition and legal services associated with the construction of the 18-inch and 15-inch gravity wastewater mains.

PART 3. The council waives:

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

(B) the requirement of Section 25-9-63 *(Amount of Cost Reimbursement)* of the City Code limiting cost reimbursement to the amount prescribed in Section 25-9-61 *(Eligible Projects)*; and

(C) the provision of Section 25-9-62 *(Amount of Cost Participation)* of the City Code prescribing the amount for cost participation.

PART 4. This ordinance takes effect on January 28, 2008.

PASSED AND APPROVED

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January 17, 2008 §

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk