

## AGENDA



Thursday, March 27, 2008

## Public Works

Item No. 25

## RECOMMENDATION FOR COUNCIL ACTION

---

**Subject:** Authorize execution of a contract with LG WESTLAKE LIMITED PARTNERSHIP, to receive funds from this company and apply them towards construction of a northbound left turn lane and a southbound right turn lane on Loop 360, both leading to westbound Westlake Drive in the amount of \$435,072.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Richard Kroger, P.E. 974-7219, Robin Field 974-7064

**MBE/WBE:** Related to item #26.

---

LG Westlake Limited Partnership desires that a northbound left turn lane and a southbound right turn lane be constructed on Loop 360 at its intersection with Westlake Drive to improve traffic flow related to their development known as Gables Residential located at 3500 North Capital of Texas Highway.

Because the proposed improvements are in state right of way, the state will implement the construction project. The state is prohibited from directly entering into contracts with private entities for construction in state right of way. In order to construct the improvements, it is necessary for the City of Austin to enter into an agreement with the developer to receive their funds for the project and to enter into an agreement with the state to provide funds received from the developer for the project.

Costs are based on an estimate approved by the State. Because construction costs have on past projects sometimes exceeded the engineer's estimate, a 50% construction cost contingency and a clause requiring additional funds from the developer as necessary to maintain this contingency are included in the agreement with the developer to protect the City from incurring any costs. Any funds not expended for the project, including interest on funds in escrow, will be returned to LG Westlake Limited Partnership after completion of the project, less City administrative and indirect costs not to exceed \$12,413, which are included in the dollar totals in the agreement with the developer but are not part of the agreement with the state.