

AGENDA



Thursday, March 27, 2008

**Public Works
RECOMMENDATION FOR COUNCIL ACTION****Item No. 26**

Subject: Authorize execution of an Interlocal agreement between the City of Austin and the Texas Department of Transportation to provide funds up to \$422,659 received from LG WESTLAKE LIMITED PARTNERSHIP for construction of a northbound left turn lane and a southbound right turn lane on Loop 360, both leading to westbound Westlake Drive.

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 #25.

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, it is necessary that the State 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 thus 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, which will implement this project. The agreement with the State is nominally for the \$298,524 of State-estimated costs for construction, engineering, plan review, and the State's direct and indirect charges. However, because the City will be billed based upon the actual bid price, and a past project required that we return to Council because the bid was nearly 50% over estimate, authorization is sought to remit to the State funds from the developer up to the \$422,659 total initially received from the developer for these costs. Any funds not expended for the project, including interest on funds in escrow, will be returned to the 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.