

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO A COST REIMBURSEMENT AGREEMENT WITH SCA 101 UNION CREEK HOLDINGS, L.P. TO INCREASE CITY COST REIMBURSEMENT FOR CONSTRUCTION OF A 24 AND 36-INCH WATER MAIN AND APPURTENANCES TO SERVE THE ALEXAN CREEK DEVELOPMENT; AND WAIVING CERTAIN ADDITIONAL INSPECTION AND REVIEW FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to an amendment to an existing Cost Reimbursement Agreement with SCA 101 Onion Creek Holdings, L.P. approved by council on December 15, 2005 in Ordinance No. 20051215-003 to increase the amount of City cost reimbursement for construction of a 24 and 36-inch water main and appurtenances to serve the Alexan Onion Creek development located at 10701 Interstate Highway 35 South.

PART 2. The council authorizes the city manager to negotiate and execute an amendment to the existing cost reimbursement agreement with SCA 101 Onion Creek Holdings L.P. in accordance with the following requirements:

- (A) Cost reimbursement for actual construction costs for the 24 and 36-inch water mains is increased from \$684,000.00 to \$759,302.00.
- (B) Cost reimbursement for engineering, design, and project management of the 36-inch water main and appurtenances constructed with public right-of-way may not exceed the lesser of:
 - (1) 15 percent of the actual construction costs for the 36-inch water main; or
 - (2) \$113,895.00.

PART 3. The council waives:

- (A) the requirements of Section 25-9-61 (*Eligible Projects*) of the City Code relating to the maximum amount of cost reimbursement;
- (B) the requirements of Section 25-9-63 (*Amount of Cost Participation*) of the City Code that cost reimbursement be limited to actual construction costs and not exceed maximum reimbursement provided in Section 25-9-61; and

1 (C) the requirements of Ordinance 20070910-008 to waive an additional
2 \$2,652.00 in inspection and review fees for construction of the 36-inch water
3 main and appurtenances.

4 **PART 4.** This ordinance takes effect on _____, 2008.

5 **PASSED AND APPROVED**

6
7 §
8 §
9 _____, 2008 § _____

10 Will Wynn
11 Mayor

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14 **APPROVED:** _____

15 David Allan Smith
16 City Attorney

17 **ATTEST:** _____

18 Shirley A. Gentry
19 City Clerk