

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE EXISTING COST REIMBURSEMENT AGREEMENT WITH WANDERING CREEK INVESTMENTS, L.P. TO CHANGE THE SCHEDULE FOR COST REIMBURSEMENT PAYMENTS RELATED TO CONSTRUCTION OF 24 AND 36-INCH WATER MAINS AND APPURTENANCES FOR THE WANDERING CREEK SUBDIVISION; AND WAIVING THE REQUIREMENTS OF SECTION 25-9-67 OF THE CITY CODE RELATING TO THE SCHEDULE FOR COST REIMBURSEMENT.

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

**PART 1.** This ordinance applies to a request from Wandering Creek Investments, L.P. to amend the existing Cost Reimbursement Agreement to allow accelerated cost reimbursement payments for construction of 24 and 36-inch water mains and appurtenances to serve the Wandering Creek Subdivision located south and west of Elroy Road and east of McAngus Road.

**PART 2.** The council waives the requirements of City Code Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*), allowing the reimbursement of the actual construction costs of the 24-inch water main in one (1) payment 90 days after final acceptance of the 24-inch water main and appurtenances; and allowing reimbursement of the actual construction costs of the 36-inch water main along with the costs for engineering design and project management for the 36-inch water main in one (1) payment 90 days after final acceptance of the 36-inch water main and appurtenances.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2008.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2008

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk