

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT BY AND BETWEEN THE CITY AND BALLET AUSTIN, INC. FOR FEE REIMBURSEMENTS AND STREETSCAPE CONSTRUCTION COST REIMBURSEMENTS, TO ALLOW ACCELERATED PARTIAL REIMBURSEMENT IN AN AMOUNT NOT TO EXCEED \$250,000; AND PROVIDE FOR EMERGENCY PASSAGE.

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

PART 1. Findings.

- A. The existing Agreement By and Between the City and Ballet Austin, Inc., For Fee Reimbursements and Streetscape Construction Cost Reimbursements agreement (“Agreement”) allows for a single reimbursement to Ballet Austin following the City’s final acceptance of the streetscape improvements.
- B. Construction of the streetscape improvements was significantly delayed due to events unforeseen by the City and Ballet Austin. Construction originally anticipated to be completed in September 2007, was not finished until July 2008. Under the current proposed schedule, final acceptance would occur in September 2008. Ballet Austin is requesting a partial reimbursement by the City because the 10-month delay in construction and reimbursement has created an economic hardship for the nonprofit organization.

PART 2. Council authorizes the City Manager to execute an amendment to the Agreement, attached as Exhibit A, to allow accelerated partial reimbursement in an amount not to exceed \$250,000 for costs incurred for Ballet Austin’s management of the Great Streets streetscape redevelopment project adjacent to Ballet Austin’s Dance Education Center at 501 W. 3rd Street.

PART 3. Council finds that the delay in payment may jeopardize completion of the public streetscape improvements, and this constitutes an emergency. Because of this

1 emergency, this ordinance takes effect immediately on its passage for the immediate
2 preservation of the public peace, health and safety.

3 **PASSED AND APPROVED**

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5 §
6 §
7 _____, 2008 § _____
8 Will Wynn
9 Mayor

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12 **APPROVED:** _____ **ATTEST:** _____
13 David Allan Smith Shirley A. Gentry
14 City Attorney City Clerk