

**ORDINANCE NO.**

**AN ORDINANCE APPROVING THE WAIVER OF CERTAIN FEES AND  
AUTHORIZING NEGOTIATION AND EXECUTION OF A LEASE  
AMENDMENT FOR EXPENDITURE OF CERTAIN COSTS BETWEEN THE  
CITY OF AUSTIN AND NW COMMUNICATIONS / KTBC-TV FOR  
PROPERTY LOCATED ON MT. LARSON.**

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

**PART 1. Findings.**

- (A) The City of Austin (City) currently has a lease with NW Communications / KTBC-TV (KTBC) for the use of land owned by KTBC on Mt. Larson. The property is being used for a Regional Radio Tower at no cost to the City.
- (B) The lease currently renews automatically every March unless written notice is given by either party with 90 days notice.
- (C) KTBC has requested that as a prerequisite to renewal of the lease in March 2009, the City agree to construct a line to provide water service to the area in exchange for their continued use of the property. KTBC has requested that the City construct the line at no charge to KTBC.
- (D) KTBC has requested a waiver of certain fees in an amount not exceed \$8,355.

**PART 2. Council approves waiver of the following fees:**

Capitol Recovery Fee	\$7,500
Tap Fee	\$ 855
TOTAL:	<u>\$8,355</u>

**PART 3. The City Manager is authorized to negotiate and execute a lease amendment obligating the City to construct a water line at a cost of approximately \$22,500.**

**PART 4.** This ordinance takes effect on \_\_\_\_\_, 2009.

**PASSED AND APPROVED**

\_\_\_\_\_, 2009      § \_\_\_\_\_  
§  
§  
§  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk