

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH QUALICO CR, L.P., FOR CONSTRUCTION OF 16 AND 24-INCH WATER MAINS AND APPURTENANCES TO SERVE THE PROPOSED SUN CHASE SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-62, AND 25-9-63 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.

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

PART 1. This ordinance applies to an application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement And Cost Participation*) by Qualico CR, L.P. for construction of 16 and 24-inch water mains and appurtenances to serve the proposed Sun Chase Subdivision located on the north and south side of Pearce Lane, west of Wolf Lane, south of Dry Creek and east of Navarro Creek Road.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Qualico CR, L.P., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$5,434,410.00.
- (B) For the 16-inch water main and appurtenances:
 - (1) cost reimbursement may not exceed \$944,925.00.
 - (2) cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) that amount equal to 25 percent of the actual construction costs of the 16-inch water main, less those cost to construct approximately 1,600 linear feet of the line, plus an amount equal to 50 percent of the actual construction costs for approximately 1,610 feet of 16-inch water main; or
 - (b) \$821,674.00.

(3) cost reimbursement for engineering, design, and project management of the 16-inch water main and appurtenances may not exceed the lesser of:

(a) 15 percent of the reimbursable actual construction costs of the 16-inch water main and associated appurtenances as calculated according to Part 2(B)(2)(a) above; or

(b) \$123,251.00.

(C) For the 24-inch water main and appurtenances:

(1) Cost reimbursement may not exceed \$4,489,485.00.

(2) Actual construction costs may not exceed \$3,903,900.00.

(3) Cost reimbursement for engineering, design, and project management may not exceed the lesser of:

(a) 15 percent of the actual construction costs; or

(b) \$585,585.00.

PART 3. The council waives:

(A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code prescribing maximum cost reimbursement for an eligible facility;

(B) the requirement of Section 25-9-62 (*Amount of Cost Participation*) of the City Code limiting the amount of cost reimbursement for over-sizing;

(C) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs; and

(D) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the date for a cost reimbursement payment.

PART 4. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009 §
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_____, 2009 §

Will Wynn
Mayor

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