

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 25-9 OF THE CITY CODE  
RELATING TO SERVICE EXTENSION REQUESTS AND CITY COST  
PARTICIPATION AND COST REIMBURSEMENT IN WATER AND  
WASTEWATER FACILITIES.**

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

**PART 1.** Chapter 25-9 (*Water and Wastewater*) Article 1, Division 1 of the City Code is amended to read:

**ARTICLE 1. UTILITY SERVICE.**

**Division 1. General Provisions.**

**§ 25-9-1 APPLICABILITY.**

This article applies in the planning jurisdiction of the City unless stated otherwise in this article.

**§ 25-9-2 SERVICE AREA OF AUSTIN WATER [~~AND WASTEWATER~~] UTILITY.**

The service area of the Austin Water [~~and Wastewater~~] Utility is coterminous with the water and wastewater impact fee service area established by the council under Chapter 25-9, Article 3 (*Water And Wastewater Capital Recovery Fees*), including each amendment or revision of the area.

**§ 25-9-3 SERVICE OUTSIDE SERVICE AREA PROHIBITED.**

The City may not provide water or wastewater service outside the service area of the Austin Water [~~and Wastewater~~] Utility unless the council by ordinance waives the prohibition.

**§ 25-9-4 RESERVED.**

1 § 25-9-5 REGULATION OF A WASTEWATER TREATMENT PLANT BY THE  
2 HEALTH AUTHORITY.  
3

4 In accordance with Sections 26.173 and 26.177 of the Texas Water Code, the  
5 Health Authority:  
6

- 7 (1) may inventory, monitor, and periodically inspect and test the discharge from  
8 a wastewater treatment plant; and  
9  
10 (2) shall impose on the owner of a plant an annual fee for inspecting and  
11 sampling the discharge.  
12

13 **PART 2.** Chapter 25-9 (*Water and Wastewater*) Article 1, Division 2 of the City Code is  
14 amended to read:

15 **Division 2. Extension of Service.**

16 ***Subpart A. General Provisions.***

17 § 25-9-31 APPLICABILITY.  
18

19 This subpart applies to the approval and construction of a service extension other  
20 than a service extension that is constructed as part of: a project serving a property for  
21 which:  
22

- 23 ~~(1) a capital improvement program of the City; [or]~~  
24 ~~(2) a project initiated by the City; or [-]~~  
25 (1) the nearest point on the property's boundary is 100 feet or less from an  
26 accessible water or wastewater system; and  
27 (2) the director determines that the water and wastewater system that will serve  
28 the property can provide suitable and sufficient service in accordance with  
29 the Utilities Criteria Manual.  
30

31 § 25-9-32 DEFINITIONS.  
32

33 In this subpart:  
34

- 35 (1) **ASSOCIATED FACILITY** means an apparatus or improvement that is used  
36 in conjunction with a water or wastewater line that provides water or  
37 wastewater service to a tract of land, regardless of where the associated

1 facility is located. The term includes a lift station, force main, pump station,  
2 storage tank, a decentralized wastewater system component, alternative  
3 wastewater system, or an addition to an existing facility that increases the  
4 capability of the existing facility to provide water or wastewater service.  
5

- 6 (2) CONSTRUCTION, with reference to a facility, means only the actual  
7 physical construction of the facility. The term does not include the  
8 [~~designing of,~~] engineering and project management [~~surveying~~] for[, or  
9 ~~laying out of a facility that occurs before the physical construction of the~~] a  
10 facility.  
11
- 12 (3) DECENTRALIZED WASTEWATER SYSTEM means a wastewater system  
13 other than one that is connected to a City [~~Govalle, South Austin Regional,~~  
14 ~~or the Walnut Creek~~] wastewater treatment plant [~~plants~~], and includes an  
15 on-site wastewater disposal system, a cluster wastewater system, or a small  
16 wastewater treatment plant.  
17
- 18 (4) OVERSIZE, with reference to a water or wastewater line or an associated  
19 facility, means an increase in the size or capacity of the line or associated  
20 facility above the minimum size or capacity, including fire flow  
21 requirements, that is necessary to provide utility service to meet the  
22 projected demands of the tract to be served.  
23
- 24 (5) SERVICE EXTENSION means a water or wastewater line or associated  
25 facility that provides [~~is necessary to provide~~] new or additional water or  
26 wastewater service to a tract of land.  
27
- 28 (6) WATER OR WASTEWATER LINE means an [~~a necessary~~] appurtenance  
29 to a water distribution or wastewater collection system. The term includes a  
30 valve, manhole, connection, air release, diversion, and other equipment  
31 necessary to make the water distribution or wastewater collection system  
32 operable in compliance with the design criteria and standards in the Utilities  
33 Criteria Manual, or the equivalent design criteria and standards as  
34 determined by the director of the Austin Water [~~and Wastewater~~] Utility.  
35
- 36 (7) HARD COSTS means the actual cost of construction and materials  
37 determined after completion and final acceptance of a project.  
38
- 39 (8) SOFT COSTS means the cost of engineering and project management of a  
40 facility.  
41

1 (9) COST PARTICIPATION is a calculated percentage, as set forth in Section  
2 25-9-62, of hard costs plus up to 15% of the calculated percentage of hard  
3 costs to reimburse soft costs.  
4

5 (10) COST REIMBURSEMENT means 100% of hard costs plus up to 15% of  
6 hard costs to reimburse soft costs.  
7

8 § 25-9-33 SERVICE EXTENSION APPLICATION.  
9

10 (A) A service extension request application is required to: ~~In this section,~~  
11 ~~“approved water or wastewater line” is a water or wastewater line~~  
12 ~~constructed under a:~~  
13

14 (1) connect a tract of land to a City utility system if an accessible water  
15 and wastewater service is more than one hundred feet from the  
16 property’s boundary ~~[capital improvement project]; or~~  
17

18 (2) ~~—developer participation contract;~~

19 (3) ~~—community facilities contract;~~

20 (4) ~~—project initiated by the City; or~~

21 (5) ~~—approved service extension request.~~  
22

23 (B) ~~—A service extension request application is required to:]~~  
24

25 (2) provide utility service to a tract of land if an existing line or associated  
26 facility is unsuitable or insufficient to provide service to the tract as  
27 determined by the director in accordance with the Utilities Criteria  
28 Manual.  
29

30 (3) provide service from a decentralized wastewater system to a tract of  
31 land where the director recommends the City operate and maintain  
32 that decentralized wastewater system.  
33

34 (B) ~~(C)~~ A person must submit an application for a service extension to the director  
35 of the Austin Water ~~[and Wastewater]~~ Utility. The director of the Austin  
36 Water ~~[and Wastewater]~~ Utility may not accept an application unless the  
37 application is complete and the applicant has paid the required non-  
38 refundable fee.  
39

40 (C) ~~(D)~~ An application for approval of a service extension must:  
41

- (1) include a general description of the location, size, and capacity of the service extension;
- (2) be accompanied by a request for annexation of the tract by the City if the land is not covered by the utility's certificate of convenience and necessity[, ~~be accompanied by a request for annexation of the land by the City~~]; and
- (3) include other information as required by the director of the Austin Water [~~and Wastewater~~] Utility.

(D)[E] If either water or wastewater service is to be provided by an entity other than the City, the application must be accompanied by evidence of a commitment from the other entity to provide the service. The evidence must be in the form of:

- (1) a contract with the entity;
- (2) a letter from the entity; or
- (3) the minutes of the relevant meeting of the governing body of the entity.

(E)[F] Except as provided by Section 25-9-3, [F]the director of the Austin Water [~~and Wastewater~~] Utility may not accept an application for a service extension if the tract of land to be served by the service extension is not in the service area of the Austin Water [~~and Wastewater~~] Utility.

#### § 25-9-34 REVIEW AND APPROVAL PROCESS

- (A) Administrative Review. An administrative review will be conducted to determine the completeness of the service extension applications. Within a time period established by state law, notification will be sent to an applicant indicating whether an application is administratively complete or if additional information is required.
- (B) Technical Review. After an application is determined to be administratively complete, a technical review will be conducted. Technical review may include, but is not limited to, a determination of the service requirements for the subject tract, the system capacity, cost participation and cost

1 reimbursement, and type of improvements necessary to provide service to  
2 the site. Additional information may be required from the applicant for  
3 completion of technical review. During technical review a professional  
4 engineer employed by Austin Water Utility shall determine a size of a water  
5 or wastewater line or a capacity of an associated facility that is roughly  
6 proportionate to the size or capacity that is required to serve the proposed  
7 development.

- 8  
9 (C) Upon completion of the technical review, and subject to the approval  
10 requirements of Section 25-9-35, notification of approval of the service  
11 extension request will be sent to the applicant.

12  
13 § 25-9-35[34] APPROVAL OF A SERVICE EXTENSION REQUEST.

- 14  
15 (A) Except as provided in Subsection (B), city council approval of a service  
16 extension request or substantial amendment of an unexpired, approved  
17 service extension request is required.  
18  
19 (B) The director of the Austin Water [~~and Wastewater~~] Utility may approve an  
20 application for a service extension request or amendment of an unexpired  
21 service extension request if:  
22  
23 ~~(1) the requested service extension does not include cost participation or~~  
24 ~~reimbursement by the City;~~  
25  
26 (1[2]) the director of the Austin Water [~~and Wastewater~~] Utility  
27 determines that sufficient capacity exists or will be available to meet  
28 the projected demands of the tract to be served; and  
29  
30 (2[3]) the property is located:  
31  
32 (a) in the desired development zone; or  
33  
34 (b) in the drinking water protection zone and within the full purpose  
35 corporate limits.

36  
37  
38  
39 ~~[(C)] [If the requested service extension includes cost participation or~~

1 reimbursement by the City, or if the director of the Water and Wastewater Utility  
2 does not determine that sufficient capacity exists or will exist, the application must  
3 be processed under Sections 25-9-64 (*Application Required*) and 25-9-65  
4 (*Approval Process*).]  
5

6 § 25-9-36 [35] ENVIRONMENTAL ASSESSMENTS.  
7

8 (A) An applicant for a service extension request shall perform an environment  
9 assessment if required as part of the City's review of an application.  
10

11 (B) An applicant is responsible for the cost of the environmental assessment.  
12

13 § 25-9-37 [36] APPROVAL OF IMPROVEMENTS.  
14

15 (A) After a request for a service extension has been approved, an applicant must  
16 submit the construction plans for needed improvements and a copy of the  
17 approved service extension request to the director of the Austin Water [and  
18 Wastewater] Utility for review and approval of the size, capacity, and  
19 routing of the improvements.  
20

21 (B) The director of the Austin Water [and Wastewater] Utility may approve the  
22 size, capacity, routing, or location of an improvement only if it complies  
23 with the Utilities [Utility] Criteria Manual, or equivalent standards as  
24 determined by the director of the Austin Water [and Wastewater] Utility, and  
25 each applicable City requirement.  
26

27 § 25-9-38 [37] CONSTRUCTION OF IMPROVEMENTS.  
28

29 An applicant for a service extension request shall provide information determined  
30 by the director of the Austin Water [and Wastewater] Utility to be necessary to  
31 demonstrate that construction of the service extension complies with the requirements of  
32 the City.  
33

34 § 25-9-39 [38] EXPIRATION OF SERVICE EXTENSION REQUEST APPROVAL.  
35

36 (A) This subsection applies to a service extension request approved before April  
37 17, 2000.  
38

1 (1) Unless extended under this subsection or Subsection (C), the approval  
2 of a service extension request remains in effect until the latest of:

3  
4 (a) the date on which the preliminary plan expires for the property  
5 to be served by the service extension;

6  
7 (b) the second anniversary of the date on which the service  
8 extension request was approved, if on or before that date:

9  
10 (i) a preliminary plan for the property to be served has not  
11 been approved; and

12  
13 (ii) construction of the service extension has not begun; or

14  
15 (c) the third anniversary of the date on which the service extension  
16 request was approved, if:

17  
18 (i) on or before that date a preliminary plan for the property  
19 to be served has not been approved; and

20  
21 (ii) construction of the service extension began before the  
22 second anniversary of the date on which the service  
23 extension request was approved, but on or before the  
24 third anniversary of that date, construction of the service  
25 extension has not been completed and accepted for  
26 operation and maintenance by the City.

27  
28 (2) If construction of a service extension begins while the approval is in  
29 effect under Paragraph (1), the director of the Austin Water [and  
30 Wastewater] Utility may extend the approval of a service extension  
31 request for the period of time estimated to be necessary to complete  
32 construction of the service extension.

33  
34 (B) This subsection applies to a service extension request approved after April  
35 17, 2000.

36  
37 (1) Except as set forth in (2), an approved [Except as provided in  
38 Paragraph (2), a] service extension request expires on the latest of:

39  
40 (a) 120 days after the date of its approval;



- 1 (b) for a project with a pending development application, the date  
2 the application expires; or  
3  
4 (c) for a project with an approved development application, the date  
5 the approval expires.  
6

7 (2) For a project with a recorded plat, the service extension request does  
8 not expire.  
9

10 (3[2]) If a project's intensity, proposed land uses, or anticipated water or  
11 wastewater demands change, [substantially, an approved] any such  
12 change must be reported to the director and there must be an  
13 application for the amended service extension request unless the  
14 director determines the change is not so substantial as to require an  
15 amendment [expires].  
16

17 (C) Under this section, if the approval of a service extension request requires  
18 cost participation or cost reimbursement from the City under a cost  
19 participation or cost reimbursement contract or a community facilities  
20 contract approved by the council:  
21

- 22 (1) construction of the service extension begins on the date that fiscal  
23 security is posted or money is deposited in compliance with the  
24 contract; and  
25  
26 (2) the service extension request approval is extended until construction of  
27 the service extension is complete and the City accepts the lines and  
28 associated facilities constructed under the contract.  
29

30 ~~[ § 25-9-39 FISCAL SECURITY.~~

31  
32 ~~(A) Except as provided in Subsection (D), the owner of the tract of land to be~~  
33 ~~served by a service extension shall post fiscal security with the City before the 91st day~~  
34 ~~after the date on which the service extension is approved.~~  
35

36 ~~(B) The fiscal security must be in an amount equal to 100 percent of the~~  
37 ~~estimated cost of the service extension improvements.~~  
38

39 ~~(C) The fiscal security must be in the form of:~~  
40

(1) ~~an irrevocable letter of credit that has a minimum term of three years and is acceptable to the City; or~~

(2) ~~a cash deposit.~~

(D) ~~If a preliminary plan for the tract to be served by the service extension is filed before the 90th day after the service extension is approved, the owner of the tract of land shall post fiscal security for the improvements at the time fiscal security for the subdivision is posted.~~

(E) ~~If, on the 30th day before the approval of a service extension expires construction of a service extension has not begun, the City may use the fiscal security to construct the service extension.~~

(F) ~~A developer agreement described in Section 25-9-68 (*Developer Agreement Required*) may vary the fiscal security requirements of this section.~~

#### § 25-9-40 SERVICE COMMITMENT TRANSFER NOT PERMITTED.

A service commitment may not be transferred from one tract of land to another.

#### § 25-9-41 DEVELOPMENT COMPLIANCE [100 FOOT RULE].

~~[(A) The City may, at its expense, extend a water or wastewater line for a maximum distance of 100 feet to serve a legal tract in the full purpose municipal boundaries of the City if funds are available to pay the cost of installing the line.~~

~~(B) A line installed under Subsection (A) must be 8 inches or less in diameter.~~

~~(C) The person requesting utility service is responsible for installing water or wastewater line needed to serve the tract in excess of the line installed by the City under Subsection (A).~~

Development of a project for which a service extension request is approved must comply with the terms of the approved service extension request and all City requirements pertaining to water conservation.

#### ***Subpart B. [~~Cost Reimbursement and~~] Cost Participation and Cost Reimbursement.***

§ 25-9-61 ELIGIBLE PROJECTS.

~~[(A)]~~ An entity that agrees to construct a water or wastewater line or an associated facility that on acceptance will become part of the City water and wastewater system may apply to the City for cost participation or cost reimbursement in a water or wastewater line or an associated facility if the line or facility is oversized at the request of the City to serve additional property~~[-and]~~. Cost participation and cost reimbursement are not permitted for a wastewater facility that provides service within the drinking water protection zone.

(A) Under this Section cost participation will apply:

(1) if the improvement is a water line and has a diameter of more than 8 inches but less than 24 inches; or

(2) ~~[(1)]~~ if the improvement is a wastewater line, and has a diameter of more than 8 inches but less than 18 inches ~~[and the tract to which service is to be provided is within the desired development zone]; or~~

~~[(2)]~~ if the improvement is a water line, has a diameter of more than 12 inches but less than 24 inches.

~~(B) The maximum cost reimbursement for the cost of a facility is described in the following table.]~~

(3) if the improvement is a pump station, reservoir, storage tank, lift station, force main or wastewater treatment plant that is oversized at the request of the City.

~~(B) Under this Section cost reimbursement [for the cost of a facility is described in the following table.] will apply:~~

(1) if the improvement is a water line and has a diameter of 24 inches or greater; or

~~[(C) Cost reimbursement is not permitted for a wastewater facility that serves the drinking water protection zone.]~~

(2) if the improvement is a wastewater line and has a diameter of 18 inches or greater.

[ FACILITIES ELIGIBLE FOR COST REIMBURSEMENT

Facility	Maximum Reimbursement (Per LUE)
1. Water Treatment (only water treatment plants to be assumed for ownership by the City for system-related needs)	\$ 468
2. Water Transmission (only water transmission lines 24 inches or greater in diameter, and water transmission valves and encasements for lines 24 inches or greater in diameter)	\$ 345
3. Water Reservoirs (only water reservoirs)	\$ 175
4. Water Pumpage (only water pumpage facilities including treatment plant pumpage)	\$ 153
5. Wastewater Treatment (only wastewater treatment plants to be assumed for ownership by the City for system-related)	\$ 949
6. Wastewater Interceptors (only gravity mains 18 inches or greater in diameter, force mains 12 inches or greater in diameter, tunnels, tunnel liners, and special manholes)	\$ 404
7. Wastewater Lift Stations (only major, permanent lift stations)]	\$ 80

§ 25-9-62 AMOUNT OF COST PARTICIPATION.

1        Tables 1 and 2 below set forth the percentage [(A)—The amount] of [-City] cost  
2 participation in the hard costs of an oversized water or wastewater line. The percentage  
3 of cost participation is based upon the increased percentage in pipe diameter due to  
4 oversizing established under Section 25-9-64. Cost participation is determined by  
5 multiplying the percentage set forth in Table 1 and Table 2 by the hard costs of an  
6 oversized line.

7        [~~line is computed by:~~]

8  
9        [(1)—multiplying \$3 by each inch in diameter that the water line is oversized; and

10  
11        (2)—multiplying that product by the length of the water line measured in feet.

12        (B)—~~The amount of City cost participation for an oversized wastewater line is~~  
13        ~~computed by:~~

14  
15        (1)—multiplying \$3.50 by each inch in diameter that the wastewater line is  
16        oversized; and

17  
18        (2)—multiplying that product by the length of the wastewater line measured  
19        in feet.

20        (C)—~~The length of an oversized water or wastewater line shall be determined in~~  
21        ~~accordance with approved as built drawings.]~~

22        [(D)—~~The cost participation computation for an oversized water or wastewater~~  
23        ~~line accounts for all costs related to the oversizing, including:~~

24  
25        (1)—~~engineering costs;~~

26  
27        (2)—~~administrative costs; and~~

28  
29        (3)—~~the cost of fittings, hydrants, and valves.]~~

30  
31        (A) The following table sets forth the amount of cost participation for the hard  
32 costs associated with an oversized water line:

33  
34        Table 1: Amount of Cost Participation (Water)

35

<u>Minimum Required Pipe Diameter (inches)</u>	<u>Percentage of Cost Participation Based On Oversized Pipe Diameter</u>
--	--

	<u><b>8</b></u>	<u><b>12</b></u>	<u><b>16</b></u>
<u><b>8</b></u>	<u>0%</u>	<u>33%</u>	<u>50%</u>
<u><b>12</b></u>		<u>0%</u>	<u>25%</u>
<u><b>16</b></u>			<u>0%</u>

(B) The following table sets forth the amount of cost participation for the hard costs associated with an oversized wastewater line:

Table 2: Amount of Cost Participation (Wastewater)

<u><b>Minimum Required Pipe Diameter (inches)</b></u>	<u><b>Percentage of Cost Participation Based On Oversized Pipe Diameter</b></u>		
	<u><b>8</b></u>	<u><b>12</b></u>	<u><b>15</b></u>
<u><b>8</b></u>	<u>0%</u>	<u>33%</u>	<u>47%</u>
<u><b>12</b></u>		<u>0%</u>	<u>20%</u>
<u><b>15</b></u>			<u>0%</u>

(C) The amount of cost participation for hard costs for pump stations, reservoirs, storage tanks, wastewater treatment plants, lift stations, force mains and other associated facilities will be calculated on the percentage of oversizing of the treatment capacity or pumping capacity.

(D) The amount of cost participation for soft costs may not exceed 15% of the hard costs calculated under subsections (A), (B) and (C) of this Section.

(E) Notwithstanding the above, under no circumstance shall cost participation under this section exceed the amount authorized by council, unless council provides authorization for additional cost participation.

#### § 25-9-63 AMOUNT OF COST REIMBURSEMENT.

The amount of the cost reimbursement for an improvement is based on 100% of hard costs plus up to 15% of hard costs to reimburse soft costs, however, under no circumstance shall reimbursement exceed the amount authorized by council, unless council provides authorization for additional reimbursement ~~[the actual construction cost of the improvement. However, the amount of cost reimbursement for a facility may not exceed the maximum reimbursement provided in Subsection 25-9-61(B) (Eligible~~

1 ~~Projects) for each living unit equivalent of capacity provided by the facility, calculated in~~  
2 ~~accordance with the Utilities Criteria Manual].~~  
3

4 § 25-9-64 APPLICATION FOR COST PARTICIPATION AND COST  
5 REIMBURSEMENT [REQUIRED].  
6

7 During the technical review of the application, a determination will be made on whether  
8 oversizing of water or wastewater lines or associated facilities will be necessary [The]. If  
9 oversizing of any water or wastewater lines or any associated facilities is necessary, the  
10 [The] applicant for approval of a service extension [must]-request must indicate on a form  
11 provided by the director whether they are requesting cost participation or cost  
12 reimbursement [at the time the applicant applies to the director of the Water and  
13 Wastewater Utility for approval of the service extension].  
14

15 § 25-9-65 APPROVAL PROCESS FOR COST PARTICIPATION OR COST  
16 REIMBURSEMENT.  
17

18 (A) The director of the Austin Water [~~and Wastewater~~] Utility shall review each  
19 request for cost participation or cost reimbursement. [~~(B)~~] The cost  
20 participation and cost reimbursement review is incorporated in the technical  
21 review process as described in Section 25-9-34 (B). [On completion of the  
22 review, the director of the Water and Wastewater Utility shall forward the  
23 request and a recommendation for approval or disapproval to the Water and  
24 Wastewater Commission.]  
25

26 (B)[C] The director of the Austin Water [~~and Wastewater~~]-Utility may recommend  
27 approval of a request for cost participation or cost reimbursement only if the  
28 director of the Austin Water [~~and Wastewater~~] Utility determines that:  
29

- 30 (1) the property to be served is in the service area of the Austin Water  
31 [~~and Wastewater~~] Utility;  
32  
33 (2) the size of each proposed line or facility complies with the planning  
34 criteria of the Austin Water [~~and Wastewater~~] Utility and final design  
35 and routing will comply with the Utilities Criteria Manual;  
36  
37 (3) funds for City participation or reimbursement are available from an  
38 identified source or that funds will be available to meet the proposed  
39 payment schedule; and  
40

(4) the proposed line or facility is an appropriate extension or addition to the water and wastewater utility system.

(C) During the technical review the director, in consideration of a construction cost estimate provided by the applicant's engineer, will establish the terms of the cost participation or cost reimbursement. The director will provide a recommended not-to-exceed amount for either cost participation or cost reimbursement, which amount will be an estimate based on the percentages for cost participation or cost reimbursement in Section 25-9-62 or Section 25-9-63.

(D) The Water and Wastewater Commission shall make a recommendation on ~~[recommend that]~~ the request for cost participation or cost reimbursement ~~[be approved or disapproved]~~.

(E) The director of the Austin Water ~~[and Wastewater]~~ Utility shall forward the request and the Water and Wastewater Commission recommendation to the council for final action.

#### § 25-9-66 COST PARTICIPATION AND COST REIMBURSEMENT REQUIREMENTS.

(A) An entity constructing a water or wastewater line or an associated facility that is eligible for cost participation or cost reimbursement may not receive cost participation or cost reimbursement payment for the line or facility unless the entity complies with each requirement or regulation of the City relating but not limited to:

(1) the public advertising of the line or facility;

(2) the bidding on the line or facility;

(3) a performance or payment bond for the line or facility;

(4) posting of fiscal security as set forth in the developer agreement required by Section 25-9-68; [a warranty on the line or facility; and]

(5) completion and acceptance; and [the maintenance of the line or facility-]

(6) a warranty on the line or facility.



- 1  
2 (B) The entity constructing the line or facility is not entitled to receive a cost  
3 participation or cost reimbursement payment until the entity submits  
4 documentation showing the entity's compliance with each requirement  
5 described by Subsection (A).  
6

7 § 25-9-67 COST PARTICIPATION AND COST REIMBURSEMENT PAYMENT.  
8

- 9 (A) Desired Development Zone. For cost participation or cost reimbursement  
10 relating to an improvement associated with a service extension request in the  
11 desired development zone, the City shall pay its portion of the cost ~~on March~~  
12 ~~1 of the second year after the year in which~~ 90 days after the date the City  
13 accepts the improvement.  
14  
15 (B) Drinking Water Protection Zone. For cost participation or cost  
16 reimbursement relating to a water ~~an~~ improvement associated with a water  
17 service extension request to a tract in the drinking water protection zone, the  
18 City shall~~[(1)]~~ pay its portion of the cost in four equal annual installments,  
19 without interest, with the first payment to be made on March 1 of the second  
20 year after the year in which the City accepts the improvement ~~[: or ——— (2)~~  
21 ~~if the total amount to be paid is \$25,000 or less, pay the total amount on the~~  
22 ~~date the first payment is due under this subsection].~~  
23

24 § 25-9-68 DEVELOPER AGREEMENT ~~[REQUIRED]~~.  
25

- 26 (A) An applicant for cost ~~[reimbursement or cost]~~ participation or cost  
27 reimbursement must enter into a developer agreement with the City before  
28 the City may make a cost reimbursement or cost participation payment.  
29  
30 (B) The director of the Austin Water ~~[and Wastewater]~~ Utility shall determine  
31 the terms of the developer agreement and may sign the agreement for the  
32 City.  
33

34 ~~[§ 25-9-69 SERVICE CONNECTIONS TO CERTAIN LOTS.~~  
35

36 ~~The Water and Wastewater Utility shall install a water or wastewater service~~  
37 ~~connection to a lot if:~~  
38

- 39 ~~(1) — the applicant has a tap permit for the lot; and~~  
40

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
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7  
8  
9

~~(3) the resubdivision is not in conflict with a neighborhood plan adopted by the city council.]~~

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

Will Wynn  
Mayor

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