

ORDINANCE NO. 20090806-016

AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A COMMUNITY FACILITES AGREEMENT WITH AUSTIN BC, L.P., FOR COST PARTICIPATION IN THE CONSTRUCTION OF IMPROVEMENTS TO A PORTION OF 44th STREET BETWEEN MO-PAC BOULEVARD (LOOP ONE) AND BULL CREEK IN AN AMOUNT NOT TO EXCEED \$50,595.50.

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

PART 1. The Council finds that:

- (A) Austin BC, L.P., ("ABC") is currently constructing an apartment housing project on 3.847 acres located along a portion of 44th Street (the "Project").
- (B) ABC is obligated under its City site development permit for the Project to repair portions of 44th Street between Mo-Pac Boulevard and Bull Creek abutting the Project.
- (C) ABC has offered, through a Community Facilities Agreement to participate in the design and construction of the repair and resurfacing of the entire section of 44th Street abutting the Project.
- (D) Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City desires to participate in modifying and oversizing the scale, scope, and size of the work on 44th Street to include the resurfacing of the entire surface of the Street (the "Improvements").
- (E) ABC obtained a bid for the Improvements for a cost of \$101,181.00.
- (F) The City will reimburse ABC for 50% of the costs for the Improvements but no more than \$50,595.50.
- (G) Participating in the Improvements will serve the public interest by providing for the expedited repair and improvement of a section of City right-of-way at a significant saving of City funds and resources.

PART 2. The Council authorizes the City Manager or his designee to negotiate and execute a Community Facilities Agreement with Austin BC, L.P. in accordance with the findings set forth above.

PART 3. This ordinance takes effect on August 17, 2009.

PASSED AND APPROVED

August 6, 2009

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Lee Jeffingwell
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk