

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH SLF III – ONION CREEK, L.P., FOR CONSTRUCTION OF 15-INCH, 18-INCH, AND 24-INCH GRAVITY WASTEWATER MAINS AND APPURTENANCES TO SERVE THE PROPOSED DEVELOPMENT OF STRATFORD TRACTS I, II, AND III; AND WAIVING SECTION 25-9-39(B)(1)(a) OF THE CITY CODE RELATING TO EXPIRATION OF A SERVICE EXTENSION REQUEST APPROVAL.

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

PART 1. This ordinance applies to an application for cost participation and cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Participation and Cost Reimbursement*) by SLF III Onion Creek, L.P. for construction of 15-inch, 18-inch, and 24-inch wastewater mains and appurtenances, to serve the proposed development of Stratford Tracts I, II, and III, also known as Estancia Hill Country.

PART 2. In connection with Service Extension Requests 2707, 2709 and 2711 (SERs), the council authorizes the city manager to negotiate and execute a cost reimbursement agreement with SLF III Onion Creek, L.P., in accordance with the following requirements:

(A) The combined total cost participation and cost reimbursement may not exceed \$2,221,800.00.

(B) For the 15-inch gravity wastewater main and appurtenances:

(1) Total cost participation may not exceed \$220,800.00.

(2) Cost participation for hard costs may not exceed the lesser of:

(a) that amount equal to 20 percent of hard costs of the 15-inch gravity wastewater main and appurtenances; or

(b) \$192,000.00.

(3) Cost participation for soft costs of the 15-inch gravity wastewater main and appurtenances may not exceed the lesser of:

(a) 15 percent of the reimbursable amount of the hard costs of the 15-inch gravity wastewater main and appurtenances as calculated according to Part 2(B)(2)(a) above; or

1 (b) \$28,800.00.

2 (C) For the 18-inch gravity wastewater main and appurtenances:

3 (1) Total cost reimbursement may not exceed \$634,800.00.

4 (2) Cost reimbursement for hard costs may not exceed \$552,000.00.

5 (3) Cost reimbursement for soft costs of the 18-inch gravity wastewater
6 main and appurtenances may not exceed the lesser of:

7 (a) 15 percent of the hard costs; or

8 (b) \$82,800.00.

9 (D) For the 24-inch gravity wastewater main and appurtenances:

10 (1) Total cost reimbursement may not exceed \$1,366,200.00.

11 (2) Cost reimbursement for hard costs may not exceed \$1,188,000.00.

12 (3) Cost reimbursement for soft costs of the 24-inch gravity wastewater
13 main and appurtenances may not exceed the lesser of:

14 (a) 15 percent of the hard costs; or

15 (b) \$178,200.00.

16 **PART 3.** The council waives the requirement of Section 25-9-39(B)(1)(a) (*Expiration of*
17 *Service Extension Approval*) of the City Code in order to provide that approval of the
18 SERs expires: (a) at the end of the 30th day following council approval of this ordinance
19 if, as of that date, the easements required in the SERs necessary for the South IH-35
20 Water & Wastewater Infrastructure Improvements Program ("South IH-35
21 Improvements") have not been dedicated to and accepted in writing by the City, or (b) if
22 such required easements are dedicated to and accepted in writing by the City on or before
23 the 30th day following the council approval of this ordinance, the later of (i) two years
24 after the City's acceptance of the South IH-35 Improvements, Upper Onion Creek
25 Interceptor from I-35 to Rinard Project (CIP No. 6937.026), or (ii) the latest date
26 applicable under Section 25-9-39(B)(1)(b), 25-9-39(B)(1)(c), Section 25-9-39(B)(2), or
27 Section 25-9-39(C)(2) of the City Code.

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

PASSED AND APPROVED

_____, 2009

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Lee Leffingwell
Mayor

APPROVED: _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk