ORDINANCE NO. <u>20100429-007</u>

AN ORDINANCE WAIVING THE 120-DAY EXPIRATION REQUIREMENT OF CITY CODE SECTION 25-9-39 FOR A WATER SERVICE EXTENSION REQUEST TO THE HEEP RANCH DEVELOPMENT.

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

PART 1. The City Council finds that:

(A)   Heep Ranch Properties, Ltd. has submitted Service Extension Request No. 2862 to the City to provide water utility service to the proposed development of approximately 1,321 acres of land at the southeast corner of Interstate Highway 35 South and FM 1327 known as Heep Ranch.

(B)   Water service for this area will not be available until the South IH-35 Water and Wastewater Infrastructure Improvements Program, Segment 9.0 (CIP No. 6937.013) and Segment 9.1 (CIP No. 6937.014) ("South IH-35 WIP") water improvements are designed and constructed by the City of Austin.

(C)   Under Subsection (B)(1)(a) of Section 25-9-39 of the City Code, an approved service extension request expires 120 days after its approval unless a plat has been recorded for the project or a development application has been approved or is pending.

(D)   Because development of Heep Ranch is dependent on completion of the South IH-35 WIP, Heep Ranch Properties, Ltd., is requesting a waiver of the 120-day expiration provision in Subsection 25-9-39(B)(1)(a) of the City Code.

PART 2. The council waives the 120-day expiration provision of Subsection (B)(1)(a) of Section 25-9-39 *(Expiration of Service Extension Request Approval)* of the City Code, and, subject to the remaining provisions of Section 25-9-39, extends the expiration date for Service Extension Request No. 2862 so that it will expire two years after acceptance of the South IH-35 WIP unless the expiration period is tolled by Sections 25-9-39(B)(1)(b) – (c), 25-9-39(B)(2), or 25-9-39(C)(2).

PART 3. This ordinance takes effect on May 10, 2010.

PASSED AND APPROVED

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April 29 , 2010 § _____
Lee Leffingwell
Mayor

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