ORDINANCE NO.

- 2 AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION
- 3 OF A DEVELOPER PARTICIPATION AGREEMENT WITH SEAHOLM
- 4 L/R, LLC, FOR COST PARTICIPATION IN THE CONSTRUCTION OF
- 5 AUSTIN ENERGY CHILLED WATER SYSTEM INFRASTRUCTURE
- 6 AND SERVICE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED
- 7 **\$3,400,000.00**.

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

9 **PART 1.**

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- 10 (A) Seaholm, L/R, LLC, ("Seaholm") is currently constructing a mixed use 11 project on and adjacent to the site of the City's former Seaholm Power Plant 12 (the "Project").
- 13 (B) Seaholm has offered, through a Community Facilities Agreement, to 14 participate in the construction of certain Austin Energy chilled water 15 infrastructure in connection with providing chilled water service to a portion 16 of the Project.
- 17 (C) Pursuant to the authority of Section 212.071, et seq., of the Texas Local
 18 Government Code, the City desires to participate in modifying and
 19 oversizing the scale, scope, and size of the chilled water construction to
 20 include transmission line improvements necessary to serve the Project and
 21 extend the chilled water system to anticipate other future development in the
 22 area.
- 23 (D) The City Council previously approved funding for the design of the chilled water improvements in the amount of \$210,840.00.
- 25 (E) Seaholm will provide for the bidding of the chilled water improvements described herein (the "Improvements") through its construction manager and construct the improvements for a not-to-be-exceeded cost of \$3,400,000.00.
- 29 (F) The City will reimburse Seaholm for its costs of constructing the 30 improvements and Seaholm will, over time, reimburse the City for the cost 31 of the chilled water infrastructure providing service to a portion of the 32 Project through its chilled water service agreement charges.

1	(G) Participating in the construction and costs of the improvements will serv		
2	the public interest by providing for the expedited improvement of a section		
3	of the chilled water system infrastructure and the installation of distribution		
4	lines and building service improvements at a significant saving of City fund		
5	and resources.		
6	PART 2. The Council authorizes	the City Manager or his designee to negotiate	
7	and execute a Community Facilities	Agreement with Seaholm in accordance with	
8	the findings set forth above.		
9	PART 3. This ordinance takes effe	ect on, 2013.	
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13	PASSED AND APPROVED		
14		§	
15		§ §	
16	<u>June 27</u> , 2013	§	
17		Lee Leffingwell	
18		Mayor	
19			
20			
21			
22	APPROVED :	ATTEST:	
23	Karen M. Kennard	Jannette S. Goodall	
24	City Attorney	City Clerk	
25	•	- -	