

#3
10-20-05

ORDINANCE NO.

AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTIONS 25-9-61 AND 25-9-63 OF THE CITY CODE RELATING TO REIMBURSEMENT FOR CONSTRUCTION OF A 36 OR 48-INCH WATER MAIN AND APPURTENANCES WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENTS BY MOMARK DEVELOPMENT, LLC.

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

PART 1. This ordinance applies to the construction by Momark Development, LLC of a 36 or 48-inch water main and appurtenances within the public right-of-way or easements to provide water service to Phase One and Phase Two of the Goodnight Ranch development located on approximately 714 acres of land east of Bluff Springs Road and south of Nuckols Crossing Road along the proposed extension of Slaughter Lane.

PART 2. The City may reimburse Momark Development LLC for costs in an amount not to exceed \$292,500 for "soft" costs for engineering, design and project management, or 15% of the City's actual cost reimbursement for "hard" construction costs, whichever is less, with hard costs not to exceed \$3,504,000.

PART 3. The Council waives the requirements of Section 25-9-61 (*Eligible Projects*) of the Code relating to eligible facilities and the maximum cost reimbursement of a facility.

PART 4. The Council waives the requirements of Section 25-9-63 (*Amount of Cost Reimbursement*) of the Code related to amount of cost reimbursement.

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2 **PART 5.** This ordinance takes effect on _____, 2005.

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4 **PASSED AND APPROVED**

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8 _____, 2005

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Will Wynn
Mayor

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13 **APPROVED:**

14 _____
David Allan Smith
City Attorney

15 **ATTEST:**

16 _____
Shirley A. Brown
City Clerk