

ORDINANCE NO. 20060525-002

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST PARTICIPATION AGREEMENT WITH LENNAR HOMES FOR CONSTRUCTION OF A WASTEWATER LIFT STATION, FORCE MAIN, AND APPURTENANCES TO SERVE MARBRIDGE ESTATES; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61 AND 25-9-63 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.

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

PART 1. This ordinance applies to an application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement And Cost Participation*) by Lennar Homes for construction of an appropriately sized wastewater lift station, force main and appurtenances to serve Marbridge Estates located at Brodie Lane and Frate Barker Road.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Lennar Homes, in accordance with the following requirements:

- (A) Total cost reimbursement for the project may not to exceed \$787,701..
- (B) Cost reimbursement for actual construction costs may not exceed the lesser of:
 - (1) 51.82 percent of the actual construction costs; or
 - (2) \$684,957.
- (C) Cost reimbursement for engineering, design, and project management may not exceed the lesser of:
 - (1) 15 percent of the actual construction costs; or
 - (2) \$102,744.

PART 3. The council waives:

- (A) the provision of Section 25-9-61(B) (*Eligible Projects*) of the City Code prescribing maximum cost reimbursement for an eligible facility; and
- (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs.

PART 4. This ordinance takes effect on June 5, 2006.

PASSED AND APPROVED

May 25_____, 2006

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Will Wynn
Will Wynn
Mayor

APPROVED:

David Allan Smith
David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
Shirley A. Gentry
City Clerk