

ORDINANCE NO. 20060824-004

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH MAK MARSHALL RANCH LP FOR CONSTRUCTION OF A WASTEWATER TUNNEL CONNECTION, LIFT STATION, FORCE MAIN, AND 18-INCH GRAVITY WASTEWATER MAIN AND APPURTENANCES TO SERVE THE WATERSEDGE PLANNED UNIT DEVELOPMENT; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-63, AND 25-9-67 OF THE CITY CODE AND ORDINANCE NUMBER 050914-04 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 MAK Marshall Ranch LP for the following project to serve the Watersedge planned unit development located near the intersection of State Highway 71 and Doctor Scott Drive:

- (A) construction of a permanent wastewater tunnel connection;
- (B) construction of a permanent wastewater lift station and force main; and
- (C) construction of a 18-inch gravity wastewater line and appurtenances.

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

- (A) Total cost reimbursement for the project may not to exceed \$3,014,951.76.
- (B) For the permanent wastewater tunnel connection portion of the project:
 - (1) cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) 60 percent of actual construction costs; or
 - (b) \$720,000.
 - (2) cost reimbursement for engineering, design, and project management may not exceed the lesser of:

- (a) nine percent of actual construction costs; or
 - (b) \$108,000.
- (C) For the permanent wastewater lift station:
 - (1) cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) 47.64 percent of the actual construction costs; or
 - (b) \$1,246,262.40; and
 - (2) cost reimbursement for engineering, design and project management may not exceed the lesser of:
 - (a) 7.15 percent of the actual construction costs; or
 - (b) \$186,939.36.
- (D) For the 18-inch gravity line and appurtenances, cost reimbursement for actual construction costs may not exceed \$720,000.

PART 3. The council waives:

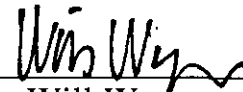
- (A) the provision of Section 25-9-61(B) (*Eligible Projects*) of the City Code prescribing maximum cost reimbursement for an eligible facility;
- (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code limiting cost reimbursement to actual construction costs;
- (C) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the schedule for cost reimbursement payments;
- (D) the requirement for payment of the construction inspection and review fees established in Ordinance No. 050914-04, to allow reimbursement of the actual construction inspection and review fees of the permanent wastewater tunnel connection in an amount not to exceed the lesser of 60 percent of the fees or \$33,750.

PART 4. This ordinance takes effect on September 4, 2006.

PASSED AND APPROVED

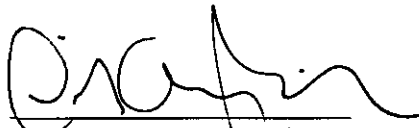
August 24, 2006

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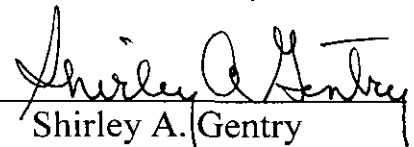
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk