

ORDINANCE NO. 20100527-006

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH CLUB DEAL 120 WHISPER VALLEY, LIMITED PARTNERSHIP AND CLUB DEAL 116 INDIAN HILLS TX, LIMITED PARTNERSHIP FOR DESIGN OF 24 AND 48-INCH WATER MAINS TO SERVE THE DEVELOPMENTS KNOWN AS WHISPER VALLEY AND INDIAN HILLS; WAIVING THE REQUIREMENTS OF SECTIONS 25-9-33, 25-9-63, AND 25-9-64 OF THE CITY CODE; AUTHORIZING PAYMENT OF A CERTIFICATE OF CONVENIENCE AND NECESSITY RELEASE FEE; AND WAIVING THE SERVICE EXTENSION APPLICATION FEE.

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 Club Deal 120 Whisper Valley, Limited Partnership and Club Deal 116 Indian Hills Tx, Limited Partnership ("Developer") for design of 24 and 48 inch water mains to serve the developments known as Whisper Valley and Indian Hills, generally located south of the City of Manor and north of FM 969, and other portions of the City's existing service area.

PART 2. Council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Developer, requiring that total cost reimbursement for design of 24 and 48 inch water mains not exceed \$1,200,000.

PART 3. The council waives:

- (A) the requirement of Section 25-9-33 (*Service Extension Application*) of the City Code related to the filing of a service extension request;
- (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code related to the maximum amount of cost reimbursement for eligible projects for soft costs; and
- (C) the requirement of Section 25-9-64 (*Application for Cost Participation and Cost Reimbursement*) related to the filing of an application for cost participation and cost reimbursement.

PART 4. Council authorizes payment of a Certificate of Convenience and Necessity ("CCN") fee in an amount not to exceed \$800,000 for release of Whisper Valley from Manville Water Supply Corporation's CCN. The City will be repaid the amount of the CCN fee by Developer, or if in future a public improvement district ("PID") is approved by Council, then by PID assessments.

PART 5. Council authorizes waiver of the service extension application fee in an amount not to exceed \$6,595 (City Ordinance 20090916-004).

PART 6. This ordinance takes effect on June 7, 2010.

PASSED AND APPROVED

May 27, 2010

§
§
§ _____
Lee Lettingwell
Mayor

APPROVED: _____
Karen M. Kennard
Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk