

**ORDINANCE NO. 20140828-013**

**AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH SEAHOLM L/R, LLC, FOR THE CONSTRUCTION OF ACCESS DRIVEWAY INFRASTRUCTURE ASSOCIATED WITH AUSTIN WATER UTILITY FACILITY ACCESS IN CONNECTION WITH THE SEAHOLM POWER PLANT REDEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$28,255.65.**

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

**PART 1.**

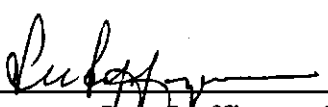
- (A) Seaholm L/R, LLC, ("Developer") is currently constructing a mixed use project on the site of the City's former Seaholm Power Plant (the "Project").
- (B) In connection with the development of the Project, Developer has agreed in the Project's Master Development Agreement to provide a basic access driveway on a portion of the Property, which is commonly referred to as the "Event Lawn," in order to allow the Austin Water Utility to access its underground infrastructure.
- (C) Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City may participate in oversizing the size, scale, and scope of the City's portion of developer constructed public infrastructure improvements.
- (D) Developer is offering, through a Community Facilities Agreement, to participate in the construction of "over-sized" driveway improvements, including the installation of a proprietary geo-grid reinforcing system to accommodate the weight of utility service vehicles.
- (E) Participating in the construction and costs of the reinforced access driveway improvements will serve the public interest by providing for the expedited design, permitting and construction of such infrastructure improvements at a significant savings to both the Developer and City funds and resources.
- (F) The City will reimburse the Developer up to \$28,255.65 for the proportionate cost of funding the design, permitting, and construction of the portion of the driveway improvements associated with the proprietary geo-grid reinforcing system and Developer will pay the remaining cost of a basic access driveway.

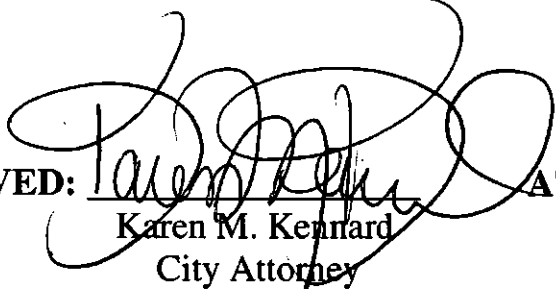
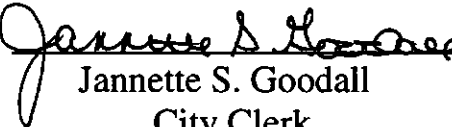
- (G) Seaholm will provide for the construction of the driveway improvements through its construction manager in compliance with the Project's legal requirements, including the City's Third Party Resolutions.
- (H) After the construction of the reinforced driveway system, the area of the driveway will be re-vegetated and maintained by the Developer to provide an aesthetically consistent appearance.

**PART 2.** The Council authorizes the City Manager or his designee to negotiate and execute a Community Facilities Agreement with Seaholm Power, LLC, in accordance with the findings set forth above.

**PART 3.** This ordinance takes effect on September 8, 2014.

**PASSED AND APPROVED**

August 28, 2014      §  
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   §        
   Lee Leffingwell  
   Mayor

APPROVED:       ATTEST:   
                                 Karen M. Kennard      Jannette S. Goodall  
                                 City Attorney      City Clerk