

RESOLUTION NO.

WHEREAS, Austin Country Club and the City have reached a mutual agreement on the terms and conditions for decommissioning the Davenport Waste Water Treatment Plant and the impact of that decommissioning on Austin Country Club; and

WHEREAS, the proposed agreement is in the public interest; and

WHEREAS, funding in the amount of \$153,300 is available in the Fiscal Year 2004-05 Capital Budget of the Austin Water Utility FOA 4570-237-8876 for effectuating the Agreement; **NOW, THEREFORE,**

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

That the City Council approves negotiation and execution of a settlement agreement with Austin Country Club:

1. setting forth terms and conditions for the grant of new easements needed for the City's Loop 360 Lift Station Project ("Project");
2. setting forth terms and conditions regarding the City's access to and construction activities on the property of Austin Country Club; and

3. authorizing the abandonment and release of easements no longer required for the Davenport Ranch Wastewater Treatment Plant and effluent holding pond areas upon completion of the Project;
4. authorizing payment to Austin Country Club for the performance of restoration and landscaping work associated with the Project in an amount not to exceed \$153,300;
5. waiving a total not to exceed 800 separate green fees at Lions Golf Course and Jimmy Clay Golf Course which may be used by members of Austin Country Club during the period dating from the commencement of construction activities at the Hole No. 1 HDD Laydown Area until the expiration of 14 days or the completion of construction activities within the HDD Laydown Area or other holes where golf play cannot be conducted due to the placement of construction materials or equipment in the fairway, whichever is later;
6. waiving development fees for a period of eighteen months from the effective date of the settlement agreement in an amount not to exceed \$35,000 for the construction by Austin Country Club of a new raw water intake and pump station;
7. setting forth terms and conditions for the sale to Austin Country Club of a 30 HP 700 GPM irrigation pump, 1,400 linear feet of irrigation lines, and the effluent holding ponds owned by the City;

8. setting forth terms and conditions for the termination or assignment to Austin Country Club of the City's rights and obligations under the 1981 "Water Sales Contract" entered into by and among Davenport Ranch Municipal Utility District No. 1 (now the City), Westview Development, Inc. and the Lower Colorado River Authority;
9. authorizing a partial assignment to Austin Country Club of the City's raw water intake use rights and related payment obligations under the City's 2001 "Agreement for Wholesale Potable Water Sales and for Transfer and Use of Irrigation Facilities" entered into between the City and Loop 360 Water Supply Corporation;
10. setting forth terms and conditions for the termination of the 1984 "Water Supply and Waste Disposal Agreement" originally executed between Austin Country Club and Davenport Ranch Municipal Utility District No. 1;
11. providing such other and further terms and conditions as the City Manager shall determine to be necessary or incidental to the implementation of the settlement agreement.

ADOPTED: _____, 2005

ATTEST: _____

Shirley A. Brown
City Clerk