ORDINANCE NO. <u>20051215-003</u>

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH SCA 101 ONION CREEK HOLDINGS L.P. FOR CONSTRUCTION OF A 36-INCH WATER MAIN AND APPURTENANCES TO SERVE THE ALEXAN CREEK DEVELOPMENT; WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-63 AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT; AND WAIVING INSPECTION AND REVIEW FEES.

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 SCA 101 Onion Creek Holdings L.P. for construction of a 36-inch water main and appurtenances to serve the Alexan Onion Creek development located at 10701 Interstate Highway 35 South.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with SCA 101 Onion Creek Holdings L.P., in accordance with the following requirements:

(A) Total cost reimbursement may not exceed $759,600.

(B) Cost reimbursement for actual construction costs may not exceed $684,000.

(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) $75,600.

PART 3. The council waives:

(A) the requirement of Section 25-9-63 *(Amount of Cost Reimbursement)* of the City Code that cost reimbursement be limited to actual construction costs;

(B) the provision of Section 25-9-67 *(Cost Participation and Cost Reimbursement Payment)* of the City Code prescribing the date for a cost reimbursement payment; and

(C) inspection and review fees for construction of the 36-inch water main and appurtenances, in an amount not to exceed $27,720.

PART 4. This ordinance takes effect on December 26, 2005.

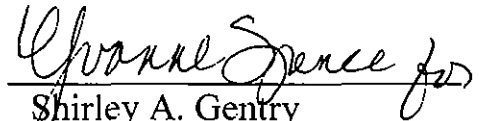**PASSED AND APPROVED**

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December 15   , 2005   §   _____
                                          Will Wynn
                                            Mayor

APPROVED: _____   ATTEST: _____
            David Allan Smith   Shirley A. Gentry
              City Attorney   City Clerk