ORDINANCE NO.

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A JOINT DEVELOPMENT AGREEMENT BETWEEN THE WALLER CREEK CONSERVANCY, THE CITY OF AUSTIN AND THE WALLER CREEK LOCAL GOVERNMENT CORPORATION.

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

PART 1. Findings. The city council finds that:

(A) The area of the City referred to as the Waller Creek District is a prominent geographic feature that helped to shape the historical evolution of the City.

(B) The City is currently constructing a flood control tunnel along Waller Creek which when completed in 2014 will remove 28 acres of property from the 100 year flood plain and facilitate the enhancement and revitalization of the Waller Creek District and the surrounding area.

(C) The Waller Creek Conservancy is a 501 (c)(3) entity formed on July 20, 2010 to facilitate and aid the City with respect to its enhancement and development of the Waller Creek District by raising private funds to defray the costs of landscaping and other amenities and eventually assist by managing the chain of parks and other facilities in the Waller Creek District.

(D) Council approved Resolution 20100923-090 directing the city manager to explore a public-private partnership with the Waller Creek Conservancy for the development, management and operation of the Waller Creek District on September 23, 2010.

(E) Council approved a Memorandum of Understanding with the Waller Creek Conservancy on April 28, 2011 to lay the foundation for a cooperative working relationship between the City and the Waller Creek Conservancy including a partnership that created and processed an international design competition for the Waller Creek District and contemplated the execution of a joint development agreement upon completion of the international design competition.

(F) Council created the Waller Creek Local Government Corporation on April 28, 2011 to represent and aid the City in the long-term development and

management of the Waller Creek District to ensure the proper expenditure of public funds, and quality construction and management of City-owned property and facilities.

(G) Council approved the selection of the design team, Michael Van Valkenburgh Associates/Thomas Phifer & Partners, chosen by the Waller Creek Design Competition Jury on October 18, 2012.

PART 2. The City Manager is authorized to negotiate and execute a Joint Development Agreement with the Waller Creek Conservancy, along with all ancillary documents and related agreements necessary to implement the Agreement including all terms and conditions deemed necessary, advisable or required by the City Manager or City Attorney.

PART 3. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

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§
_____, 2013 § _____
Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard
City Attorney

Jannette S. Goodall
City Clerk

DRAFT