

ORDINANCE NO. 20130627-017

AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH SEAHOLM L/R, LLC, FOR COST PARTICIPATION IN THE CONSTRUCTION OF AUSTIN ENERGY CHILLED WATER SYSTEM INFRASTRUCTURE AND SERVICE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$3,400,000.00.

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

PART 1.

- (A) Seaholm, L/R, LLC, ("Seaholm") is currently constructing a mixed use project on and adjacent to the site of the City's former Seaholm Power Plant (the "Project").
- (B) Seaholm has offered, through a Community Facilities Agreement, to participate in the construction of certain Austin Energy chilled water infrastructure in connection with providing chilled water service to a portion of the Project.
- (C) Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City desires to participate in modifying and oversizing the scale, scope, and size of the chilled water construction to include transmission line improvements necessary to serve the Project and extend the chilled water system to anticipate other future development in the area.
- (D) The City Council previously approved funding for the design of the chilled water improvements in the amount of \$210,840.00.
- (E) Seaholm will provide for the bidding of the chilled water improvements described herein (the "Improvements") through its construction manager and construct the improvements for a not-to-be-exceeded cost of \$3,400,000.00.
- (F) The City will reimburse Seaholm for its costs of constructing the improvements and Seaholm will, over time, reimburse the City for the cost of the chilled water infrastructure providing service to a portion of the Project through its chilled water service agreement charges.

(G) Participating in the construction and costs of the improvements will serve the public interest by providing for the expedited improvement of a section of the chilled water system infrastructure and the installation of distribution lines and building service improvements at a significant saving of City funds and resources.

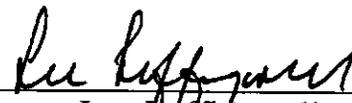
PART 2. The Council authorizes the City Manager or his designee to negotiate and execute a Community Facilities Agreement with Seaholm in accordance with the findings set forth above.

PART 3. This ordinance takes effect on July 8, 2013.

PASSED AND APPROVED

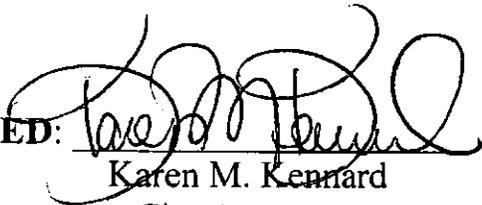
June 27, 2013

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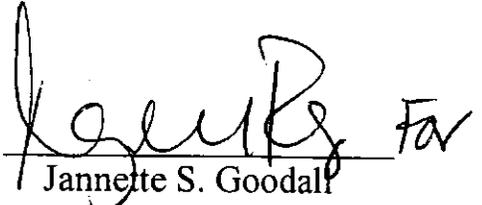
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk