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ORDINANCE NO.

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AMENDED AND RESTATED COST REIMBURSEMENT AGREEMENTS WITH CLUB DEAL 120 WHISPER VALLEY, L.P. AND CLUB DEAL 116 INDIAN HILLS TX, L.P. TO ALLOW TRANSFERS BETWEEN WATER AND WASTEWATER CAPITAL IMPROVEMENT FUNDS

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

PART 1. Council approved a cost reimbursement agreement, for an amount not to exceed \$2,000,000, with Club Deal 120 Whisper Valley, L.P. and Club Deal 116 Indian Hill Tx, L.P. ("Partnerships") in Ordinance No. 20100527-006 for design of water mains to serve the Whisper Valley and Indian Hills developments.

PART 2. Council approved an amended and restated cost reimbursement agreement, for an additional amount not to exceed \$22,500,000, in Ordinance No. 20100826-004, for the design and construction of water mains, and design of wastewater treatment plant. The maximum sum of the previous authorization and this authorization is limited to \$24,500,000 but the Partnerships may request funding to be moved from water construction costs to wastewater soft costs.

PART 3. On January 17, 2013, the Council authorized the City Manager to negotiate and execute amended cost reimbursement agreements to the increase the reimbursement amount for wastewater soft costs by \$100,000 to a total of \$2,500,000, and to decrease the reimbursement amount of water construction costs by \$100,000 to a total of \$22,000,000.

PART 4. Council authorizes the City Manager to negotiate and execute amended cost reimbursement agreements with Club Deal 120 Whisper Valley, L.P. and Club Deal 116 Indian Hills Tx, L.P. to increase the reimbursement amount for wastewater soft costs by \$800,000 to a total of \$3,300,000, and to decrease the reimbursement amount of water construction costs by \$800,000 to a total of \$21,200,000.

PART 5. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 §
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Lee Leffingwell
Mayor

APPROVED: _____

Karen M. Kennard
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk