

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	51118	Agenda Number	11.
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Meeting Date:	10/1/2015	Department:	Legal
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**Subject**

Approve acceptance of \$ 2,411,249.01 in fee revenue from WHITE LODGING SERVICES CORP. (Related to the White Lodging v. City of Austin lawsuit).

**Amount and Source of Funding**

**Fiscal Note**

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Contact Meghan Riley, Litigation Division Chief; 512-974-2458
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Council Committee, Boards and Commission Action:	
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

Pursuant to Ordinance No. 20110629-003, White Lodging Services Corp. obtained conditional fee waivers related to the development and construction of the J.W. Marriot Hotel. White Lodging Services Corp. did not meet the conditions and therefore has agreed to pay the development fees that would have been owed. This request for council action accepts White Lodging Services Corp.'s payment of the total development fees owed. Based upon this payment, White Lodging has agreed to dismiss its lawsuit, and the City has agreed to dismiss its legal claim against White Lodging Services Corp. to recover the waived fees.

The money will be accounted for in the appropriate funds based upon the nature of the development fees originally waived. \$2,195,284.52 goes to the Business Retention and Enhancement Special Revenue Fund, \$102, 320.80 goes to the General Fund, and \$113,643.69 goes to the Austin Water Utility Fund.