

**RESOLUTION NO. 20091015-0**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner:        Travis Mizpah, Ltd.

Project:       South IH-35 Water/Wastewater Program

Intended Purpose: the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, replace, upgrade, and repair waterlines and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines; and

the temporary working space easement described in the attached Exhibit "B" is necessary to complete construction of the Project, and

the temporary staging area and material storage site easements described in the attached Exhibit "C" and Exhibit "D" are necessary to stage equipment and store material needed to complete construction of the Project.

Location: 11922 S IH 35, Austin, Texas 78747

Property: Described in the attached and incorporated Exhibits A, B, C, and D.

**ADOPTED:** October 15, 2009

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk