

AGENDA



Thursday, January 28, 2010

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 14**

Subject: Authorize the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary purchase and demolition of 21 properties in the Bayton Loop and Burrough Cove area in the 25 year floodplain of Williamson Creek in the amount of \$2,276,510 plus grant funding in the amount of \$3,829,530, for a total contract amount not to exceed \$6,106,040.

Amount and Source of Funding: Funding in the amount of \$2,276,510 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department for the buyout program. This program will be funded with a combination of City and Hazard Mitigation Grant Program (HMGP) grant funding. The HMGP grant will fund 75% (\$3,829,530) of the project costs for the acquisition and demolition of these properties.

Fiscal Note: A fiscal note is attached.

For More Information: Lauraine Rizer 974-7078; Jorge Morales 974-3345; April Thedford 974-7141

The Watershed Protection Department, in its mission to protect lives, property, and the environment of our community, applied for and was awarded funding under the Hazard Mitigation Grant Program (HMGP) by the State of Texas and approved by the Federal Emergency Management Agency (FEMA) to acquire and demolish 21 properties identified in South Austin in the Bayton Loop and Burrough Cove area. This program is voluntary in nature and property owners may elect not to participate in the buyout program.

This area of the Williamson Creek watershed experienced serious flooding and was evacuated in October 1998 and November 2001. The proposed buyout properties experienced inundation during those two storm events, which were estimated to be 10-year storm events. The likelihood that these same properties will flood again is 10% on any given year.

The total estimated cost of the buyout is \$6,106,040 including about \$1,000,000 for relocation costs. The Program will be funded with grant funding of up to \$3,829,530 that was awarded to the City on October 14, 2009. The HMGP grant may only be applied towards acquisition and demolition costs and does not cover associated relocation costs.

The November 2006 bond election approved \$2,000,000 for flood hazard reduction projects in the Williamson Creek Watershed.

This request will authorize the City Manager to proceed with the necessary acquisition and relocation activities to acquire by gift or negotiation the necessary property interests for the purchase of all properties located within the Program area provided the following criteria is met: The consideration paid by the City (excluding moving expenses and other relocation benefits) must be commensurate with the property's fair market value based on comparable sales identified in an appraisal of the property; The City must receive marketable title to the property free of all liens; The physical condition of the property must not subject the City to unreasonable risk of liabilities or costs; Payment of relocation benefits and all other aspects of the acquisition must comply with all applicable statutory and regulatory requirements, federal and state grant or contractual requirements, and any other applicable legal requirements; There must be

sufficient funds in the City budget for the acquisition; The properties and all occupants in the Program will be acquired and relocated in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised; Authorization does not include the initiation of eminent domain proceedings.