

RESOLUTION NO. ____

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 damages; **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 effect the needed acquisitions.

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

Owner: HM Pfluger Ltd.

Project: Gilleland to Techridge Transmission Line Project

Public Purpose: the electric transmission and distribution easement (the "Easement"), described in the attached Exhibits "A," and "B," is necessary to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and telecommunications lines and systems and all necessary and desirable appurtenances and structures (the "Facilities"), and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and to permit the City of Austin unimpeded access to the Facilities in order to increase and improve the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety.

Location: 14300 Immanuel Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas

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

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk