

RESOLUTION NO. 20100624-0

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 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: Lion Outdoor, LLC

Project: Waller Creek Tunnel

Public Purpose: the exclusive drainage easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace and upgrade a drainage channel and related facilities, and stabilize the channel banks in, under, over, on and across the property described in the attached Exhibit "A," and to enter all or part of the easement property at any and all times for the above described public purposes, in order to increase and improve the City's ability to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion and consequent damage to Waller Creek; and

the temporary workspace easement described in the attached Exhibit "B is necessary to construct, replace and upgrade the drainage channel and related facilities, and stabilize the channel banks in, over, on and across the exclusive drainage easement described in the attached Exhibit "A."

Location: 706 and 708 East 4th Street

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

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk