

AGENDA



Thursday, June 24, 2010

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 11**

Subject: Approve a resolution authorizing the filing of eminent domain proceedings for the Waller Creek Tunnel Project to acquire a 9,771 square foot drainage easement and a 5,443 square foot temporary workspace easement, out of Lots 2, 3 and 4 and a portion of a 20-foot-wide alley vacated by the City of Austin, Block 37, original City of Austin, Travis County, Texas, in the amount of \$397,554. The owner of the property is LION OUTDOOR, LLC The property is located at 706 and 708 East 4th Street.

Amount and Source of Funding: Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Fiscal Note: A fiscal note is attached.

For More Information: Lauraine Rizer 974-7078; Gary Jackson 974-7115; April Thedford 974-7141

Completion of the Waller Creek Tunnel (Tunnel) Project requires acquisition of a drainage easement and a temporary workspace easement on the property located at 706 and 708 East 4th Street. The permanent easement is the primary construction shaft location for the Tunnel and could become a tunnel Creekside inlet shaft and debris capture structure site after construction. The temporary easement is to be part of the main Tunnel construction work area with the other properties already acquired at the site.

The City of Austin has attempted to purchase the needed drainage easement and the temporary workspace easement from the landowner; however, the parties have been unable to agree on the damages. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.