

**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 interest for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the damages 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 owners 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 acquisition.

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

Owners: Michelle Ann Payan f/k/a Michelle Payan Garcia

Project: Ft. Branch Truelight Area and Eleanor Drive

Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion and consequent damage.

Location: 1111 Lott Avenue

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** \_\_\_\_\_, 2010

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

Shirley A. Gentry  
City Clerk