

RESOLUTION NO. _____

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the real property interest 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 owners now having, or who may acquire, an interest in the real property interest needed by the City, described 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: Elton F. Zulauf

Project: Fort Branch WMA Reach 6 & 7 – Truelight Area and Eleanor Drive Area

Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary to stabilize the Fort Branch Creek bank, protect it from erosion, and to increase the size of the creek to reduce the frequency and depth of flooding in the surrounding neighborhood.

Location: 1228 Fort Branch Boulevard, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk