

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 owners 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 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:

Owners: David A. Brewer and Billie J. Figer, Co-Trustees, Curtis B. Figer and spouse, Billie Jo Figer, Michael G. Figer, Donald K. Figer, Betsy A. Lambeth, Keith H. Harmon and Bonnie Harmon, Trustees of the Harmon Family Trust established by

Trust Agreement dated 11/3/99, and Billie Jo Figer, Individually.

Project: PMC IH-35 W/WW

Public Purpose: the electric easements described in the attached Exhibits "A," "B," and "C" are necessary to in order to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade, or remove (in whole or in part) electric distribution, and telecommunication lines and systems and all necessary desirable appurtenances and structures (the "Facilities"), to permit telephone and cable television lines and systems to be installed, constructed, reconstructed, operated, repaired, inspected, upgraded, replaced or removed (in whole or in part) and maintained in the easements, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities to further the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety;

the permanent access easements described in the attached Exhibits "D," "E," "F," and "G" are needed to construct, use, maintain, and replace a controlled accessway to access the permanent wastewater line easements, electric easements, and water line easement described in the attached Exhibits "A," "B," "C," "H," "J," and "K," to install, inspect, and repair the wastewater lines and appurtenances therein;

the permanent waterline easement described in the attached Exhibit "H" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and associated appurtenances and making connections therewith, in order to increase and improve the City's

ability to provide potable water to the public and to prevent leakage from water lines;

subterranean wastewater easement described in Exhibit “I” is necessary to construct, inspect, monitor, operate, maintain, upgrade, repair, replace, decommission and remove by means of tunneling or boring a subterranean tunnel and wastewater line and related appurtenances and facilities in order to increase and improve the City’s ability to provide sanitary sewer services to the public;

the permanent wastewater easements described in the attached Exhibit “J,” and “K,” are necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City’s ability to provide sanitary sewer services to the public;

the temporary egress and ingress easement as described in Exhibit “L” is necessary to construct, maintain, and use, and then remove and restore the surface of, a temporary access road, to provide access to construct, maintain, repair, replace, use, upgrade, or remove water and wastewater lines for the Project;

the temporary working space and temporary staging area and material storage site easement described in the attached Exhibit “M” is necessary to install the permanent wastewater lines, water line, electric line and appurtenances thereto in the permanent wastewater line easements described in the attached Exhibits A,” “B,” “C,” “H,” “J,” and “K”;

the temporary working space easement described in the attached Exhibits “N” is necessary to install the permanent wastewater lines, subterranean tunnel, and

appurtenances thereto in the permanent wastewater line easement and Exclusive Wastewater Line Easement for Subterranean Tunnel described in the attached Exhibits "H" and "I";

Location: 9104 Bluff Springs Road, Austin, Texas

Property: Described in the attached and incorporated Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, and N.

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk