

## **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 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 acquisitions.

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

Owners: Jimmy Nassour, Janice Lee Mattox, Independent Executrix of the Estate of James Albon Mattox aka Jim Mattox, deceased and Marta Karpan Mattox

Project: Carson Creek – Hoeke – Posten Lane Roadway and Drainage Project

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;

the permanent waterline easement described in the attached Exhibit “A” is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines 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.

Location: 2609 Hoeke Lane.

Property: Described in the attached and incorporated Exhibit A.

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

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

Shirley A. Gentry  
City Clerk