

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 owners on the value of the property interest, or the damages, if any; **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 necessary to 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 necessary acquisitions.

BE IT FURTHER RESOLVED:

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

Owner: Eleven-Mile Hill, LLC

Project: South IH-35 Water and Wastewater Infrastructure
Improvements Program Project

Public Purpose: a permanent water line easement described in the attached Exhibit "A" is necessary for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating water lines, together with all facilities, connectors and appurtenances;

a temporary working space easement described in the attached Exhibit "B" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property for the construction of the above referenced permanent water lines and related facilities;

a temporary ingress and egress easement described in the attached Exhibit "C" is necessary for permitting the City, its agents, employees and contractors to enter, exit, and re-enter the tract of land described for the purposes of constructing and installing water and wastewater infrastructure improvements on the property; and

a temporary staging and material storage site easement described in the attached Exhibit "D" is necessary for the purpose of permitting the City, its agents, employees and contractors to work, store, and stage building materials for the purposes of constructing and installing water and wastewater infrastructure improvements.

Location: North of SH 45/F.M. 1327, just east of IH-35, in Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibits A, B, C, and D.

ADOPTED: _____, 2011

ATTEST: _____

Shirley A. Gentry
City Clerk