

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 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: Boone and Herman's, LLC

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

Public Purpose: the permanent waterline easements described in the attached Exhibits "A" and "B" are 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; and

the temporary working space easement described in the attached Exhibit "C" is necessary to install the permanent water lines, appurtenances thereto in the waterline easements described in the attached Exhibits A and B.

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

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

ADOPTED: _____, 2011

ATTEST: _____

Shirley A. Gentry
City Clerk