

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: HEB Grocery Company, LP

Project: East Bouldin-Euclid-Wilson Storm Drain
Improvements Project

Public Purpose: storm sewer easements described in the attached Exhibits "A" and "B" are necessary for the purposes of constructing, maintaining, replacing, upgrading and repairing the storm sewer and associated appurtenances, in order to increase and improve the City's ability to provide sanitary sewer services to the public and to prevent storm sewer drain overflows that will protect public health and safety;

the temporary access easements described in the attached Exhibits "C," "D," and "E" are necessary to for the public purpose of permitting the City, its agents, employees, and contractors to enter, exit, and re-enter the tract of land described for the purposes of constructing, maintaining, replacing, upgrading and repairing the storm sewer drain on the property;

a temporary work space and staging and material storage site easement described in the attached Exhibit "F" 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 the storm sewer and associated appurtenances.

Location: 2400 South Congress Avenue
Austin, Texas

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

ADOPTED: _____, 2011

ATTEST: _____
Shirley A. Gentry
City Clerk