

## **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 uses 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 owner 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 uses 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:	Onion Associates, Ltd.
Project:	The South I-35 Water and Wastewater Infrastructure Improvements Program project will provide water and wastewater service for a 87.884-acre tract and an adjoining 117.118 acre tract located along the east line of IH-35 and south of Onion Creek in Austin, Travis County, Texas 78747. The general

route covered by this project will include the following areas: I-35, from Slaughter Lane to Slaughter Creek; I-35, crossing Slaughter Creek and crossing Onion Creek; I-35, from north of FM 1626 to Onion Creek; I-35, south of Onion Creek; I-35, from proposed South Zone Reservoir to north of FM 1327; I-35, Highway Crossing north of FM 1327; FM-1327, from I-35 to west of Bradshaw Road; Bradshaw Road, from west of Bradshaw Road to ½ mile north of FM 1327; Buratti property; Legends Way property; Pleasant valley extension, from Rinard Creek to east Slaughter Lane; Goodnight Ranch property; Slaughter Lane extension, from west of Capital View Drive to Thaxton Road; McKinney Falls Parkway extension, from Thaxton Road to William Cannon Drive; William Cannon Drive, from McKinney Falls Parkway to Pilot Knob Reservoir; west of I-35 and north of the proposed SH-45; Onion Creek (north) Interceptor Tunnel, Rinard to Slaughter; and Onion Creek (Golf Course) Interceptor Tunnel, I-35 to Rinard.

Public Uses:

A permanent waterline easement for the public use of placing, constructing, operating, repairing, upgrading, replacing, relocating, decommissioning, and maintaining a permanent water line in, along, upon and across the following described tracts of land described in Exhibit "U," with the right and privilege at all times of having ingress, egress, and regress, in, along, upon and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said water line and associated appurtenances and making connections therewith; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move

thereon such vehicles, tools, equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding; and

Two temporary working space easements in, along, upon, and across the land described in Exhibits “A” and “B,” attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its temporary easement rights to be acquired in this proceeding, and do whatever is reasonably necessary to construct the waterline and wastewater line in the easements referred to herein; and

Six temporary ingress and egress easements in, along, upon, and across the tract of land described in Exhibits E, F, G, H, I, J, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter, exit and re-enter the tracts of land described in Exhibits E, F, G, H, I, J, for the purposes of constructing, maintaining, using, installing, and then removing and restoring the surface of, a temporary access road, to provide access to construct, maintain, repair, replace, use, upgrade, or remove a waterline and a wastewater line on the property; and

Two 25-foot permanent access easements in, along, upon, and across the tract of land described in Exhibits R and T, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter, exit and re-enter the tracts of

land described in Exhibits R and T, for the purpose of constructing, installing, maintaining and performing routine maintenance of the waterline and wastewater line to be constructed on the property; and

A 30 foot, permanent subterranean wastewater easement for the public use of placing, constructing, inspecting, monitoring, operating, repairing, upgrading, replacing, relocating, maintaining, decommissioning and removing by means of tunneling or boring without surface disturbance a subterranean tunnel and wastewater line and related appurtenances and facilities in, on, along, over, under, upon and across the following described tracts of land described in Exhibit V, with the right and privilege at all times of having ingress, egress, and regress, in, along, upon and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said wastewater line and associated appurtenances and making connections therewith; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding; and

A 100 foot by 100 foot (100' x 100'), permanent wastewater line easement for the public use of placing, constructing, operating, repairing, upgrading, replacing, relocating, decommissioning, and maintaining a permanent wastewater line in, along, upon and across the following described tract of land described in Exhibit P, with the right and privilege at all times of having ingress, egress, and

regress, in, along, upon and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said wastewater line and associated appurtenances and making connections therewith; the right to place, replace, construct, operate, repair, upgrade, relocate, and remove the wastewater line, access manholes, and other appurtenances as may reasonably be required in connection therewith, in, along, upon, under, and across said tract of land; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding; and

Two 50-foot permanent, wastewater line easements for the public use of placing, constructing, operating, repairing, upgrading, replacing, relocating, decommissioning, and maintaining a permanent wastewater line in, along, upon and across the following described tracts of land described in Exhibits O and Q, with the right and privilege at all times of having ingress, egress, and regress, in, along, upon and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said wastewater line and associated appurtenances and making connections therewith; the right to place, replace, construct, operate, repair, upgrade, relocate, and remove the wastewater line, access manholes, and other appurtenances as may reasonably be required in connection therewith, in, along, upon, under, and across said tract of land; the right to clear, cut, fell, remove, and dispose of any and all

timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment and persons as the City of Austin may deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding; and

Three temporary staging area and material storage site easements in, along, upon, and across the land described in Exhibits K, L, and M, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its temporary easement rights to be acquired in this proceeding, and do whatever is reasonably necessary to construct the waterline and wastewater line in the easements referred to herein; and

Two 20-foot, temporary working space easements in, along, upon, and across the land described in Exhibits C and D, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its temporary easement rights to be acquired in this proceeding, and do whatever is reasonably necessary to construct the waterline and wastewater line in the easements referred to herein; and

A temporary working space easement and a temporary staging area and material storage site

easement in, along, upon, and across the land described in Exhibit N, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City of Austin may deem necessary and convenient to the exercise of its temporary easement rights to be acquired in this proceeding, and do whatever is reasonably necessary to construct the waterline and wastewater line in the easements referred to herein; and

A permanent access easement in, along, upon and across the tract of land described in Exhibit S, attached hereto and incorporated herein by reference, for the public use of permitting the City of Austin, its agents, employees, and contractors to enter, exit and re-enter the tracts of land described in Exhibit S, for the purposes of constructing, installing, maintaining and performing routine maintenance of the waterline and wastewater line to be constructed on the property, as specified herein.

Location: (No physical address)  
East of IH-35 and south of Onion Creek  
Austin, Texas 78728

Property: Described in the attached and incorporated Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U and V.

**ADOPTED:** \_\_\_\_\_, 2012      **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk