

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	24294	Agenda Number	12.
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Meeting Date:	5/9/2013	Department:	Legal
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Subject

Authorize payment of a judgment in City of Austin v. Harry M. Whittington, et al., Cause No. D-1-GV-07-00942, in the 353rd Judicial District Court, Travis County, Texas, for the City's condemnation of Lots 1-8, inclusive, of Block 38 of the Original City of Austin, in the approximate amount of \$6,325,000. Related to Item # 10.

Amount and Source of Funding

Fiscal Note

Purchasing Language:

Prior Council Action:

For More Information: Andy Perny, Attorney / 512-974-2447

Boards and
Commission Action:

MBE / WBE:

Related Items:

Additional Backup Information

The 353rd District Court of Travis County has issued a letter ruling that sets forth the terms of the final judgment to be entered in *City of Austin v. Harry M. Whittington, et al.*, Cause No. D-1-GV-07-00942. The case has been pending since August 2001. Once entered and made final, the judgment will award the City title to Lots 1-8, inclusive, of Block 38 of the Original City of Austin, and will value the property at \$10.5 million. The City deposited payments totaling \$7.76 million into the registry of the court after the first trial proceeding in this case in 2002, which will be applied to the amount owed for the property. After adding pre- and post-judgment interest of approximately \$3.6 million to the remaining deficiency, the City will owe approximately \$6.3 million in additional funds under the judgment.

The City will receive back from the court registry approximately \$1.82 million in interest that has accrued on the amounts deposited by the City in 2002 and 2003, resulting in a net impact to the City of approximately \$4.5 million in new funds.