

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council	Item ID:	31944	Agenda Number	28.
Meeting Date:	June 26, 2014			
Department:	Office of Real Estate Services			
Subject				
Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase or otherwise acquire an estimated 140 properties at high risk of flooding located outside of the United States Army Corps of Engineers (USACE) buyout project area that will remain at risk of flooding in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantations, Yarrabee Bend, and Silverstone neighborhoods (Lower Onion Creek area) in the Onion Creek watershed, in an amount not to exceed \$31,000,000. Related to Items # 12, # 66 and # 67.				
Amount and Source of Funding				
Funding in the amount of \$23,500,000 is available in the Fiscal Year 2013-2014 Capital Budget of the Watershed Protection Department. Funding for the remaining \$7,500,000 is contingent upon available funding in future budgets.				
Fiscal Note				
A fiscal note is attached.				
Purchasing Language:				
Prior Council Action:	June 18, 2008 – Council authorized negotiation of professional services agreement. November 20, 2008 – Council authorized acquisitions and relocation in the U.S. Army Corps of Engineers study area.			
For More Information:	Mapi Vigil, Watershed Protection Department, (512) 974-3384; Melinda Ruby, Office of Real Estate Services, (512) 453-3988; Lauraine Rizer, Office of Real Estate Services, (512) 974-7078; Amanda Glasscock, Office of Real Estate Services, (512) 974-7173.			
Boards and Commission Action:				
MBE / WBE:				
Related Items:				

Additional Backup Information

On October 31, 2013, a flood of record occurred on Onion Creek. Although there was damage in many parts of the city, the most substantial damage was concentrated in the lower Onion Creek area.

The Watershed Protection Department has partnered with the U.S. Army Corps of Engineers (USACE) since 1999 to find solutions to flooding in the Onion Creek watershed. The joint study recommended a project to buy out homes in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods. The study selected the homes due to their high risk of flooding. These neighborhoods were temporarily evacuated in 1998, 2001, and again in the Halloween Flood of 2013.

At the time of the Halloween Flood of 2013, the City had already purchased 323 homes located in the USACE study buyout area utilizing funds mostly from the Federal Emergency Management Agency (FEMA), drainage utility fees and the 2006 bond program.

Among homes damaged by the flood on October 31, 2013, almost all 160 homes remaining in the USACE buyout area incurred damage. The Watershed Protection Department accelerated funding for emergency acquisition of 116 homes in the USACE buyout area that were determined to have obtained major damage or were completely destroyed. The emergency buyout program leaves 44 homes in the USACE project area to be acquired. Completing the USACE project would significantly reduce the number of households at risk of flooding in the Onion Creek watershed. Council authorized acquisition and relocation of these properties on November 20, 2008.

There are an estimated 140 properties located outside of the USACE buyout project area that will remain at risk of flooding in the 25-year floodplain of the Lower Onion Creek watershed.

This request will authorize the City Manager to proceed with the necessary acquisition and relocation activities to acquire by gift, auction, or negotiation the necessary property interests for the purchase of major or substantial flood damaged properties. These properties are located within the 25-year floodplain of the Lower Onion Creek watershed.

Acquisitions will commence provided the following criteria are met:

1. There must be sufficient funds in the City's budget for the acquisition. Available funds will come from sources that may include USACE reimbursement, FEMA grants, drainage fees and other identified funding sources.
2. The City must receive marketable title to the property free of all liens.
3. Payment of relocation benefits and all other aspects of the acquisition must comply with applicable City, state, and/or federal statutory and regulatory requirements.

Authorization to acquire properties through condemnation proceedings is not included in this request.