

RESOLUTION NO. 20081120-013

WHEREAS, the U.S. Army Corps of Engineers issued an "Interim Feasibility and Integrated Environmental Assessment Report" in October 2006 recommending that certain properties in the Onion Creek Forest/ Yarrabee Bend area be acquired through a floodplain buyout program; and

WHEREAS, the City Council finds that it would benefit the City of Austin to undertake the recommended acquisitions; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Council authorizes the City Manager to negotiate and execute all contracts, closing documents, and other documents for the purchase or other acquisition of the properties highlighted on the map attached as Exhibit A and incorporated herein if all of the following criteria are met for an acquisition:

1. The consideration paid by the City (excluding moving expenses and other relocation benefits) must be commensurate with the property's fair market value based on comparable sales identified in an appraisal of the property.
2. The City must receive marketable title to the property free of all liens.
3. The physical condition of the property must not subject the City to unreasonable risk of liabilities or costs.
4. Payment of relocation benefits and all other aspects of the acquisition must comply with all applicable statutory and regulatory requirements,

federal and state grant or contractual requirements, and any other applicable legal requirements.

5. There must be sufficient funds in the City budget for the acquisition.

Council directs the City Manager to provide Council with periodic progress reports on Onion Creek Forest/Yarrabee Bend floodplain buyout.

This resolution does not authorize the initiation of eminent domain proceedings.

ADOPTED: November 20, 2008

ATTEST:

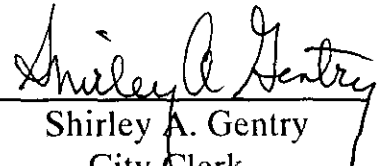

Shirley A. Gentry
City Clerk

EXHIBIT A

Corps of Engineers Proposed Onion Creek Forest/Yarabee Bend Buyouts

