

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council

Item ID:

59814

Agenda Number

67.

Meeting Date:

August 4, 2016

Department:

Office of Real Estate Services

Subject

Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek Floodplain Buyout Program Project for the fee simple acquisition of Lot 14, Block "C", of Onion Creek Plantations Section One, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 64, Page 50, of the Plat Records of Travis County, Texas, in the amount of \$124,000. The owners of the needed property interests are Amulfo Mercado and Ana B. Mercado. The property is located entirely in District 2, at 6209 Orleans Drive, Austin, Texas 78744-6611. The public use necessitating this acquisition is development of flood damage reduction features, ecosystem restoration features and recreation features. The general route covered by this project includes the area along Lower Onion Creek, in the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods, near the intersection of South Pleasant Valley Road and East William Cannon Drive, in Austin, Travis County, Texas (District 2).

Amount and Source of Funding

Funding is available in the Fiscal Year 2015-2016 Capital Budget of the Watershed Protection Department.

Fiscal Note

A fiscal note is attached.

Purchasing
Language:

Prior Council
Action:

August 28, 2014 – Council approved the execution of a Project Partnership Agreement between the United States Army Corps of Engineers (USACE) and the City.
November 20, 2008 – Council approved Resolution No. 20081120-013, authorizing acquisitions and relocation in the USACE study area.

For More
Information:

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Council
Committee,
Boards and
Commission
Action:

MBE / WBE:

Related Items:

Additional Backup Information

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 Floods of 2013 and 2015.

The USACE and the City of Austin executed a Project Partnership Agreement on August 28, 2014. The project includes three components: flood mitigation, ecosystem restoration, and the construction of recreational features. The flood mitigation portion of the project requires the acquisition of 483 properties, the removal of structures on those properties, and the relocation of the residents to areas outside the floodplain.

Council authorized acquisition and relocation of several properties in the project area, including this subject property, on November 20, 2008. Authorization to acquire properties through condemnation proceedings was not included in the prior request.

The Onion Creek Floodplain Buyout Program Project requires the fee simple title acquisition of Lot 14, Block "C", of Onion Creek Plantations Section One, a subdivision in Travis County, Texas, according to the map or plat, of record in Volume 64, Page 50, of the Plat Records of Travis County, Texas, and locally known as 6209 Orleans Drive, for flood damage reduction features, ecosystem reduction features and recreation features, as defined in the Project Partnership Agreement between the Department of the Army and the City of Austin, Texas for the construction of the Lower Colorado River Basin Phase I, Texas Onion Creek Watershed, Onion Creek Forrest/Yarrabee Bend project, as authorized by Section 1001(43) of the Water Resource Development Act of 2007, Public Law 110-114.

The City of Austin has attempted to purchase the needed property. The property owners are unable to convey clear title to the City due to liens placed on the property. Condemnation is necessary to acquire this property and clear the title of all liens. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.