

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council	Item ID:	60265	Agenda Number	68.
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 7A, Yarrabee Bend Section 2A, according to the map or plat thereof, recorded in Volume 79, Page 277, Plat Records, Travis County, Texas, in the amount of \$125,264. The owners of the needed property interest are Vinh T. Truong and wife, Quynh T. Pham. The property is located entirely in District 2, at 7305 South Pleasant Valley Road, Austin, Texas 78744-6462. 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:	Pam Kearfott, Watershed Protection Department, (512) 974-3361; Alex Gale, Office of Real Estate Services, (512) 974-1416; Lauraine Rizer, Office of Real Estate Services, (512) 974-7078; Amanda Glasscock, Office of Real Estate Services, (512) 974-7173.			
Council Committee, Boards and Commission Action:				
MBE / WBE:				

Related Items:**Additional Backup Information**

The Watershed Protection Department has partnered with the US 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 7A, Yarrabee Bend Section 2A, according to the map or plat thereof, recorded in Volume 79, Page 277, Plat Records, Travis County, Texas, and locally known as 7305 South Pleasant Valley Road, 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 current fair market value as determined by an independent, third-party appraiser is \$165,000. Structural insurance claimed on this property and received by the owners was in the amount of \$39,736. The total purchase offer was reduced to \$125,264 in order to avoid duplication of benefits as required by federal law.

The City of Austin has attempted to purchase the needed property. The City and the property owner were unable to agree on the value of the needed acquisition. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.