



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 16
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 1,945 square foot permanent wastewater line easement and a 3,193 square foot temporary working space easement out of Lot 1, Block 1, Racetrac Subdivision No. 2, Travis County, Texas, located at 408 East Rundberg Lane, from Pepperwood, Inc., in the amount of \$8,956 for the Austin Clean Water Program: Little Walnut/Buttermilk - North/Capital Project.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$8,956 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Little Walnut/Buttermilk-North/Capital project in the Austin Clean Water Program require the acquisition of a permanent wastewater line easement and a temporary working space easement across land located at 408 East Rundberg Lane.

The City of Austin has attempted to purchase the permanent wastewater line easement and temporary working space easement from the landowner; however, the parties have been unable to agree on an appropriate price. The City has not received a counteroffer to its \$8,956 offer. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin to acquire both easements.



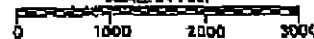
SCALE IN MILES



⑦ Country ⑦



SCALE IN FEET



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

1/29/2003
Resolution
Austin Water Utility

DESCRIPTION:


Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement comprised of 1,945 square feet of land and a temporary working space easement comprised of 3,193 square feet of land out of Lot 1, Block 1, Racetrac Subdivision No. 2, Travis County, Texas, located at 408 East Rundberg Lane, from Pepperwood, Inc., in the amount of \$8,956 for the Austin Clean Water Program.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2003-04 Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	197,559,005.62 *
Amount of This Action	<u>(8,956.00)</u>
Remaining Balance	<u><u>\$ 197,550,049.62</u></u>
 Current Available Balance	 \$ 219,873,646.66
Less Outstanding Commitments	<u>(22,314,641.04)</u>
Estimated Unencumbered Balance	<u><u>\$ 197,559,005.62 *</u></u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 12/31/03

REF. #4570 237 8578

RESOLUTION NO. 040129-

WHEREAS, the Council finds that the property described in the attachment is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

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

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property.

The owner of the property to be acquired is Pepperwood, Inc. and the property is located at 408 East Rundberg Lane, Austin, Texas, Travis County, Texas.

ADOPTED: January 29, 2004

ATTEST: _____

Shirley A. Brown
City Clerk