



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

**AGENDA ITEM NO.: 14  
AGENDA DATE: Thu 02/26/2004  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program to acquire a 3,845 square foot permanent wastewater line easement and a 4,003 square foot temporary working space easement out of Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin and a 4,906 square foot temporary working space easement out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin, Texas, in the amount of \$8,008. The owner of the property sought to be condemned is Villas on Walnut Creek Association, an unincorporated Homeowner's Association. The property is a part of The Villas on Walnut Creek, Travis County, Texas, located along the south side of West Rundberg Lane.

**AMOUNT & SOURCE OF FUNDING:** Funding 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

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The design plans for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program require acquisition of a permanent wastewater line easement and two temporary working space easements across land located along the south side of West Rundberg Lane.

The City of Austin has attempted to purchase the permanent wastewater line easement and temporary working space easements from the landowner; however, the parties have been unable to agree on an appropriate price. The City of Austin offered \$8,008 and The Villas on Walnut Creek Association demanded \$21,133. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

**RESOLUTION NO. 040226-**

**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 The Villas on Walnut Creek Association and the property is located along the south side of West Rundberg Lane, Austin, Travis County, Texas.

**ADOPTED:** \_\_\_\_\_ February 26 \_\_\_\_\_, **2004**

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

2/26/2004  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk Colony - North to acquire a 3,845 square foot permanent wastewater line easement, a 4,003 square foot temporary working space easement and a 4,906 square feet temporary working space easement, out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, Travis County, TX; located along the south line of West Rundberg Lane, from Villas on Walnut Creek Association, an unincorporated Homeowner's Association, in the amount of \$8,008.

**FINANCIAL INFORMATION:**

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

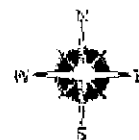
|                                |                            |
|--------------------------------|----------------------------|
| Current Appropriation          | \$ 410,907,293.00          |
| Unencumbered Balance           | 194,061,696.01 *           |
| Amount of This Action          | <u>(8,008.00)</u>          |
| Remaining Balance              | <u>\$ 194,053,688.01</u>   |
| <br>Current Available Balance  | <br>\$ 214,880,357.86      |
| Less Outstanding Commitments   | <u>(20,818,661.85)</u>     |
| Estimated Unencumbered Balance | <u>\$ 194,061,696.01 *</u> |

Utility Finance:   
David Anders, Utilities Finance Manager

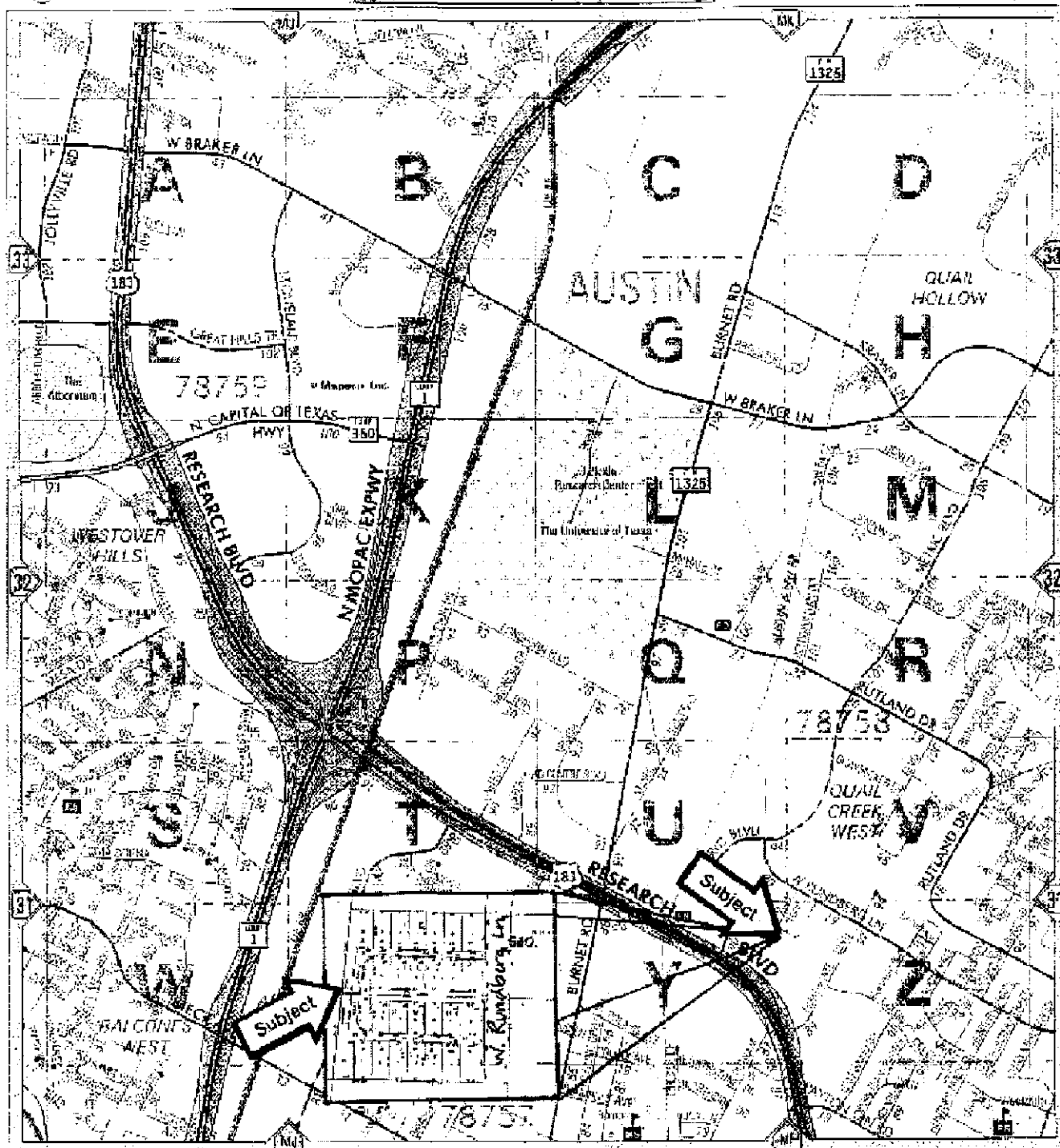
Date: 1/30/04

**REF. #4570 237 8576**

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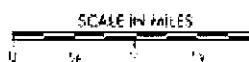
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