



**Land Acquisition
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 15
AGENDA DATE: Thu 02/26/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution to negotiate and execute all documents related to the purchase of a temporary staging area and material storage site easement comprised of 43,652 square-feet of land and a drainage easement comprised of 1,083 square-feet of land out of a 15.034 acre tract of land, as well as an access easement over the entire 15.034 acres of land, all located in the John Applegate Survey 58, Abstract 29, Travis County, TX, located east of Cameron Road and south of Clear Creek Drive, from JOSEPH, JOSEPH, and WILLIAMS PARTNERSHIP, a Texas general partnership, in the amount of \$424,000 for the Austin Clean Water Program.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2003 - 2004 Approved 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 City of Austin is upgrading its wastewater collection system as mandated by the U.S. Environmental Protection Agency's Administrative Order, received April 29, 1999, requiring the City to eliminate Sanitary Sewer Overflows from the wastewater collection system.

In response to the U.S. Environmental Protection Agency's Administrative Order, the City of Austin has assembled the Austin Clean Water Program to plan, design, and construct sustainable wastewater collection system improvements that will result in a collection system free from Sanitary Sewer Overflows.

The design plans for the Austin Clean Water Program's Little Walnut/Buttermilk at Centre Creek Project require the acquisition of a temporary staging area and material storage site easement comprised of 43,652 square-feet of land and a drainage easement comprised of 1,083 square-feet of land across property located east of Cameron Road and south of Clear Creek Drive. Because of the configuration of the property and the fact that the property has not yet been developed, it was necessary to acquire an access easement across the entire 15.034 acres and determine the exact location of the access easement when development plans have been finalized.

The owner and the City of Austin have agreed to a purchase price of \$324,000 for the temporary staging area and material storage site easement comprised of 43,652 square-feet of land, the right to use the entire 15.034 acres for a 24-month period, and a drainage easement comprised of 1,083 square-feet of land. The remaining \$100,000 will be held in escrow until the exact location of the access easement and any damages to the remainder that the location may cause have been agreed upon. The owner will place a



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restrictive covenant against the entire 15.034 acres requiring dedication of the access easement, which will remain in effect until the access easement is actually recorded.

RESOLUTION NO. 04

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

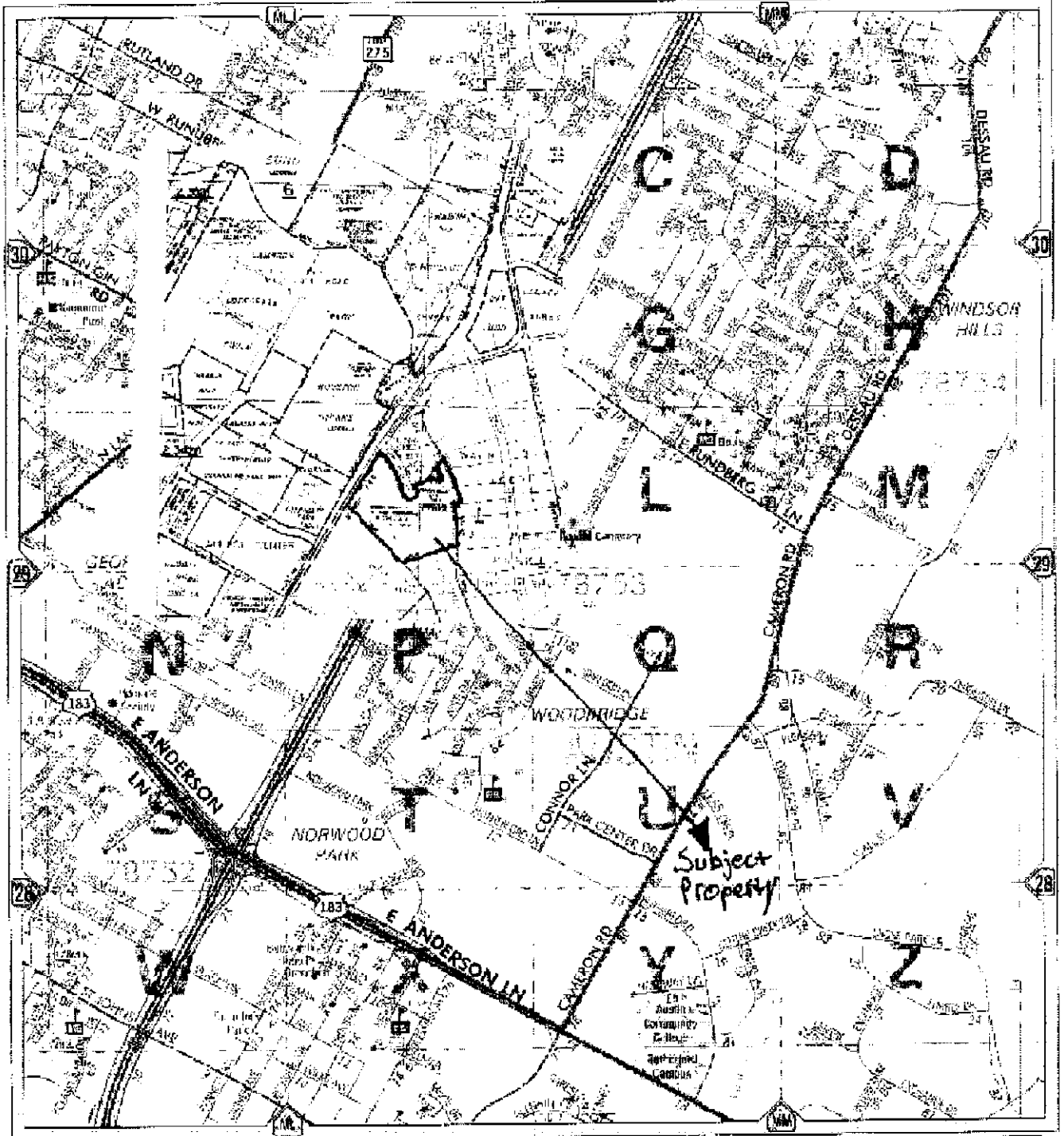
The Council approves a resolution to authorize negotiation and execution of all documents related to the purchase of a temporary staging area and material storage site easement comprised of 43,652 square feet of land and a drainage easement comprised of 1,083 square feet of land out of a 15.034 acre tract of land, as well as an access easement over the entire 15.034 acres of land, all located in the John Applegate Survey 58, Abstract 29, Travis County, TX, located east of Cameron Road and south of Clear Creek Drive, from JOSEPH, JOSEPH, and WILLIAMS PARTNERSHIP, a Texas general partnership, in the amount of \$424,000 for the Austin Clean Water Program.

ADOPTED: _____, **2004**

ATTEST: _____

Shirley A. Brown
City Clerk

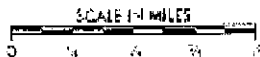
CONTINUED ON MAP 527



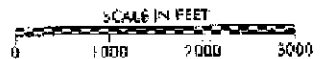
CONTINUED ON MAP 525

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CONTINUED ON MAP 527



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

2/26/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution to negotiate and execute all documents related to the purchase of a temporary staging area and material storage site easement comprised of 43,652 square-feet of land and a drainage easement comprised of 1,083 square-feet of land out of a 15.034 acre tract of land, as well as an access easement over the entire 15.034 acres of land, all located in the John Applegate Survey 58, Abstract 29, Travis County, TX, located east of Cameron Road and south of Clear Creek Drive, from JOSEPH, JOSEPH, and WILLIAMS PARTNERSHIP, a Texas general partnership, in the amount of \$424,000 for the Austin Clean Water Program.

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	191,228,575.20 *
Amount of This Action	<u>(424,000.00)</u>
Remaining Balance	<u>\$ 190,804,575.20</u>
 Current Available Balance	 \$ 207,945,134.83
Less Outstanding Commitments	<u>(16,716,559.63)</u>
Estimated Unencumbered Balance	<u>\$ 191,228,575.20 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 2/13/04

REF. #4570 237 8575