



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

**AGENDA ITEM NO.: 13
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the P2 Williamson portion of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 1,625 square feet out of Lot 4, Block 1, Peppertree Park Section 2, a subdivision in the City of Austin, Travis County, TX, in the amount of \$2,486. The owner of the property interest sought to be condemned is HENRY CHANG of Austin, TX. The property is located at 5106 Spruce Cove, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2004-2005 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 its 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 P2 Williamson portion of the Austin Clean Water Program require the acquisition of a permanent wastewater line easement on land located at 5106 Spruce Cove, Austin, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

RESOLUTION NO. 050127-

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

WIHEREAS, the City has been unable to agree with the owner on the fair market value of the property interest 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 interest.

The owner of the property interest to be acquired is Henry Chang and the property is located at 5106 Spruce Cove, Austin, Travis County, Texas.

ADOPTED: January 27, 2005

ATTEST: _____
Shirley A. Brown
City Clerk

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

1/27/2005
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the P2 Williamson portion of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 2,709 square feet out of Lot 4, Block 1, Peppertree Park 2, a subdivision in Travis County, Texas, in the amount of \$2,486. The owner of the property interests sought to be condemned is HENRY CHANG of Austin, Texas. The property is located at 5106 Spruce Cove

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 494,673,293.00
Unencumbered Balance	183,320,753.99 *
Amount of This Action	<u>(2,486.00)</u>
Remaining Balance	<u>\$ 183,318,267.99</u>
 Current Available Balance	 \$ 201,410,800.74
Less Outstanding Commitments	<u>(18,090,046.75)</u>
Estimated Unencumbered Balance	<u>\$ 183,320,753.99 *</u>

Utility Finance:



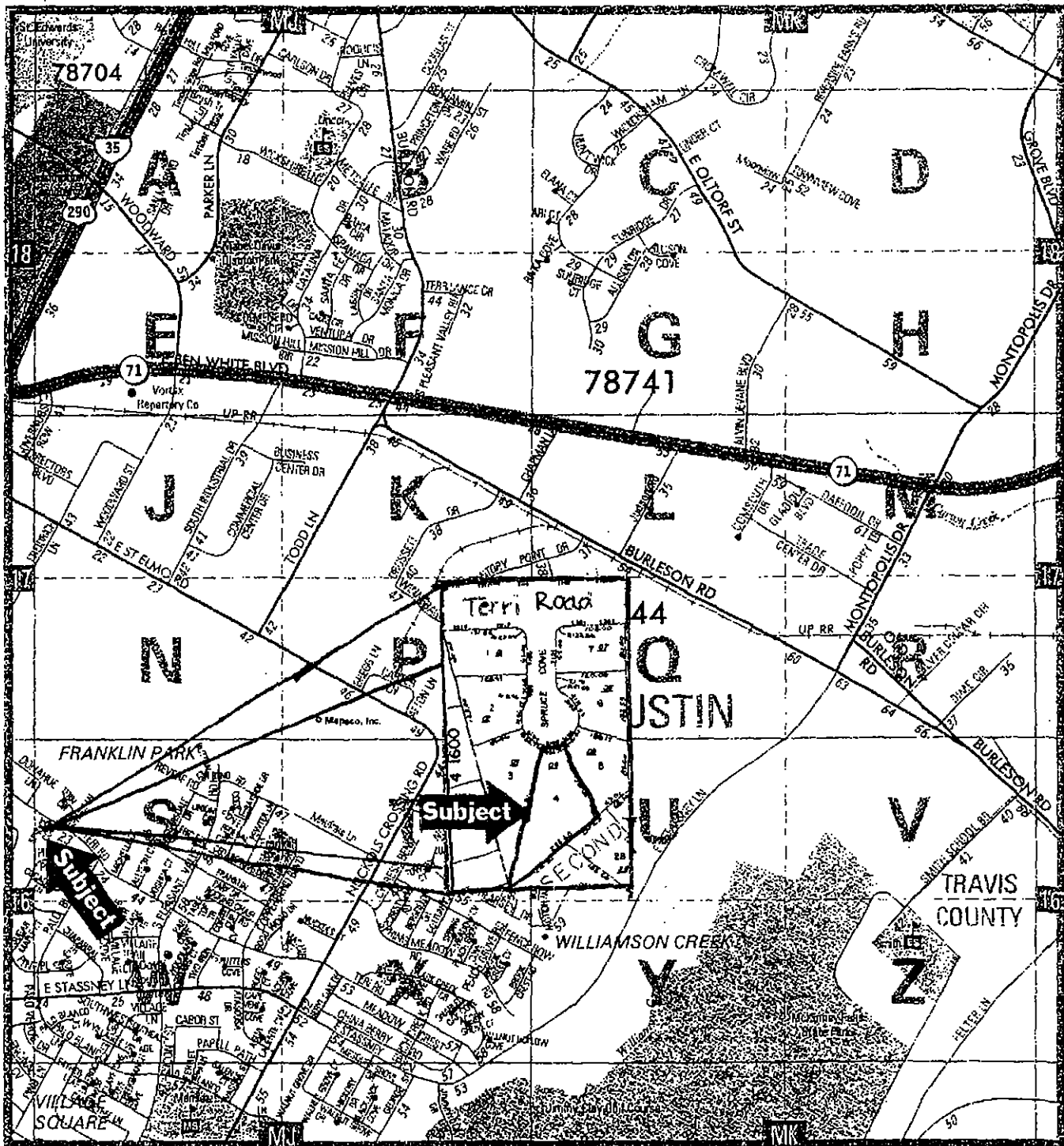
David Anders, Utilities Finance Manager

Date:

1/4/05

REF. #4570 237 8599

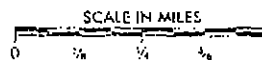
CONTINUED ON MAP 615



CONTINUED ON MAP 644

CONTINUED ON MAP 675

CONTINUED ON MAP 646



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