



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

**AGENDA ITEM NO.: 18
AGENDA DATE: Thu 03/03/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk at 290 and 183 project of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 26,981 square feet of land, a temporary working space easement containing 6,486 square feet of land, and a permanent access easement containing 52,184 square feet of land, all out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, Texas, in the amount of \$135,842. The owner of the property interests sought to be acquired is ALLIANCE FHW LIMITED PARTNERSHIP, Northbrook, Illinois. The property is located at 1901 Anderson Lane, Austin, Texas.

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 design plans for the Little Walnut/Buttermilk at 290 and 183 project of the Austin Clean Water Program require the acquisition of a permanent wastewater easement, temporary working space easement, and permanent access easement on land located at 1901 Anderson Lane, Austin, Texas.

The City of Austin has attempted to purchase the permanent wastewater easement, temporary working space easement, and permanent access easement from the landowner. However, the parties have been unable to agree on the value of the easements. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

3/3/2005
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk at 290 and 183 Project to acquire a permanent wastewater easement containing 26,981 square feet of land, a temporary working space easement containing 6,486 square feet of land, and a permanent access easement containing 52,184 square feet of land, all out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, Texas in the amount of \$135,842. The owner of the property interests sought to be acquired is ALLIANCE FHW LIMITED PARTNERSHIP, Austin, TX. The property is located at 1901 Anderson Lane, Austin, Texas.

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	177,246,970.73 *
Amount of This Action	<u>(135,842.00)</u>
Remaining Balance	<u>\$ 177,111,128.73</u>
Current Available Balance	\$ 191,256,305.97
Less Outstanding Commitments	<u>(14,009,335.24)</u>
Estimated Unencumbered Balance	<u>\$ 177,246,970.73 *</u>

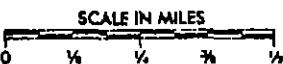
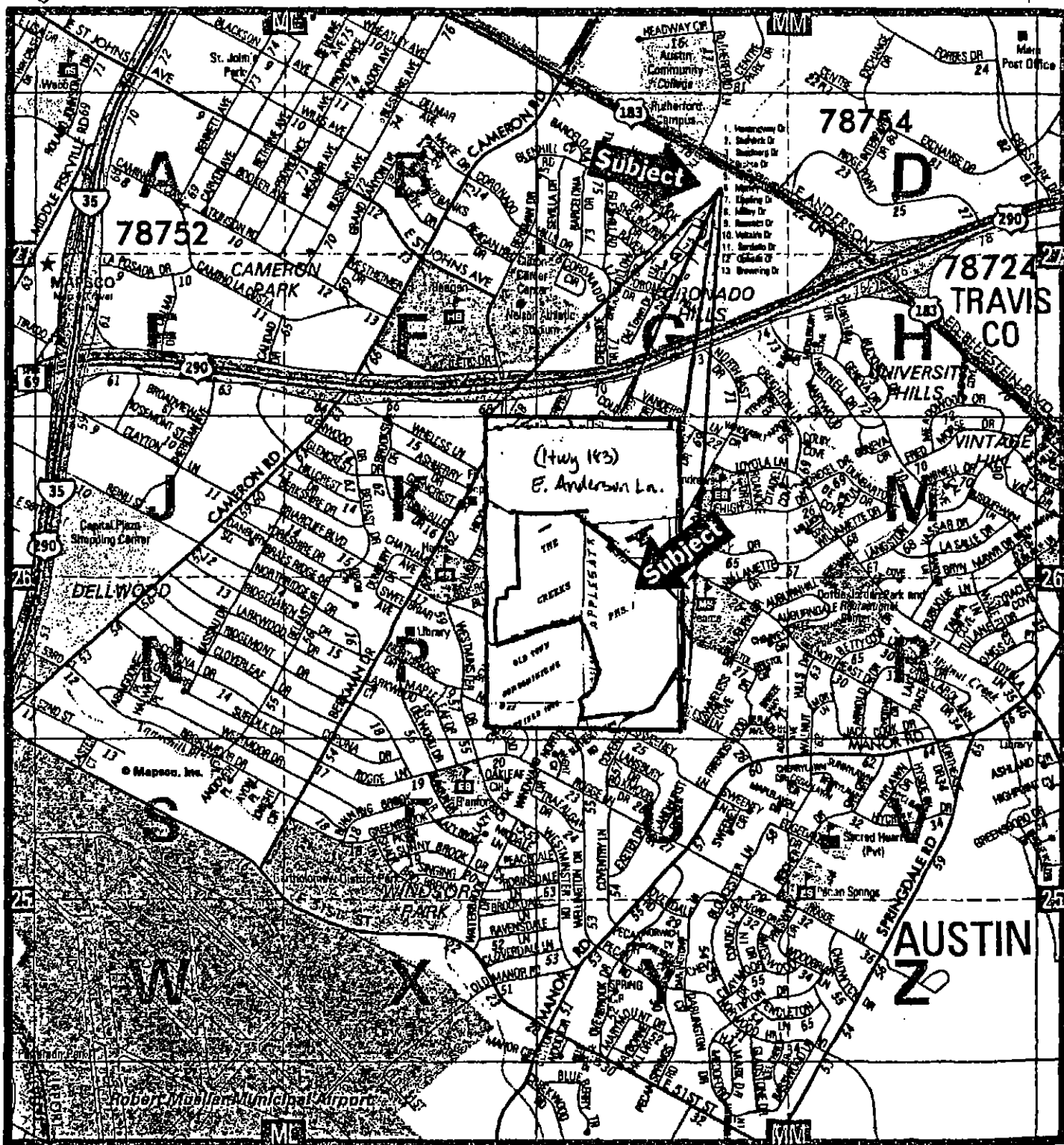
Utility Finance:


David Anders, Utilities Finance Manager

Date:

2/7/05

REF. # 4570 237 8573



RESOLUTION NO. 050303-

WHEREAS, the Council finds that acquisition of the property interests described in the attachment are 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 interests.

The owner of the property interests to be acquired is Alliance FHW Limited Partnership and the property is located at 1901 Anderson Lane, Austin, Travis County, Texas.

ADOPTED: March 3, 2005

ATTEST: _____

Shirley A. Brown
City Clerk