



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

**AGENDA ITEM NO.: 15
AGENDA DATE: Thu 05/19/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive Project to acquire an 18,038 square foot permanent wastewater line easement, a 63,686 square foot temporary ingress and egress easement, a 26,578 square foot temporary working space easement, and a 2,418 square foot temporary staging area and material storage site easement out of Block 1, Lot A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, in an amount not to exceed \$184,500. The owner of the property interests sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, of West Springfield, Massachusetts. The property is located at 1088 Park Plaza, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is required.

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 Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive Project require the acquisition of a permanent wastewater line easement, a temporary ingress and egress easement, a temporary working space easement, and a temporary staging area and material storage site easement on land located at 1088 Park Plaza.

The City of Austin has attempted to purchase the property 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.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

05/19/05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive Project to acquire an 18,038 square foot permanent wastewater line easement, a 63,686 square foot temporary ingress and egress easement, a 26,578 square foot temporary working space easement, and a 2,418 square foot temporary staging area and material storage site easement out of Block 1, Lot A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, in the amount of \$184,500. The owner of the property sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, of West Springfield, Massachusetts. The property is located at 1088 Park Plaza, Austin, TX.

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	165,791,824.10 *
Amount of This Action	<u>(184,500.00)</u>
Remaining Balance	<u>\$ 165,607,324.10</u>
 Current Available Balance	 \$ 179,877,026.85
Less Outstanding Commitments	<u>(14,085,202.75)</u>
Estimated Unencumbered Balance	<u>\$ 165,791,824.10 *</u>

Utility Finance: _____

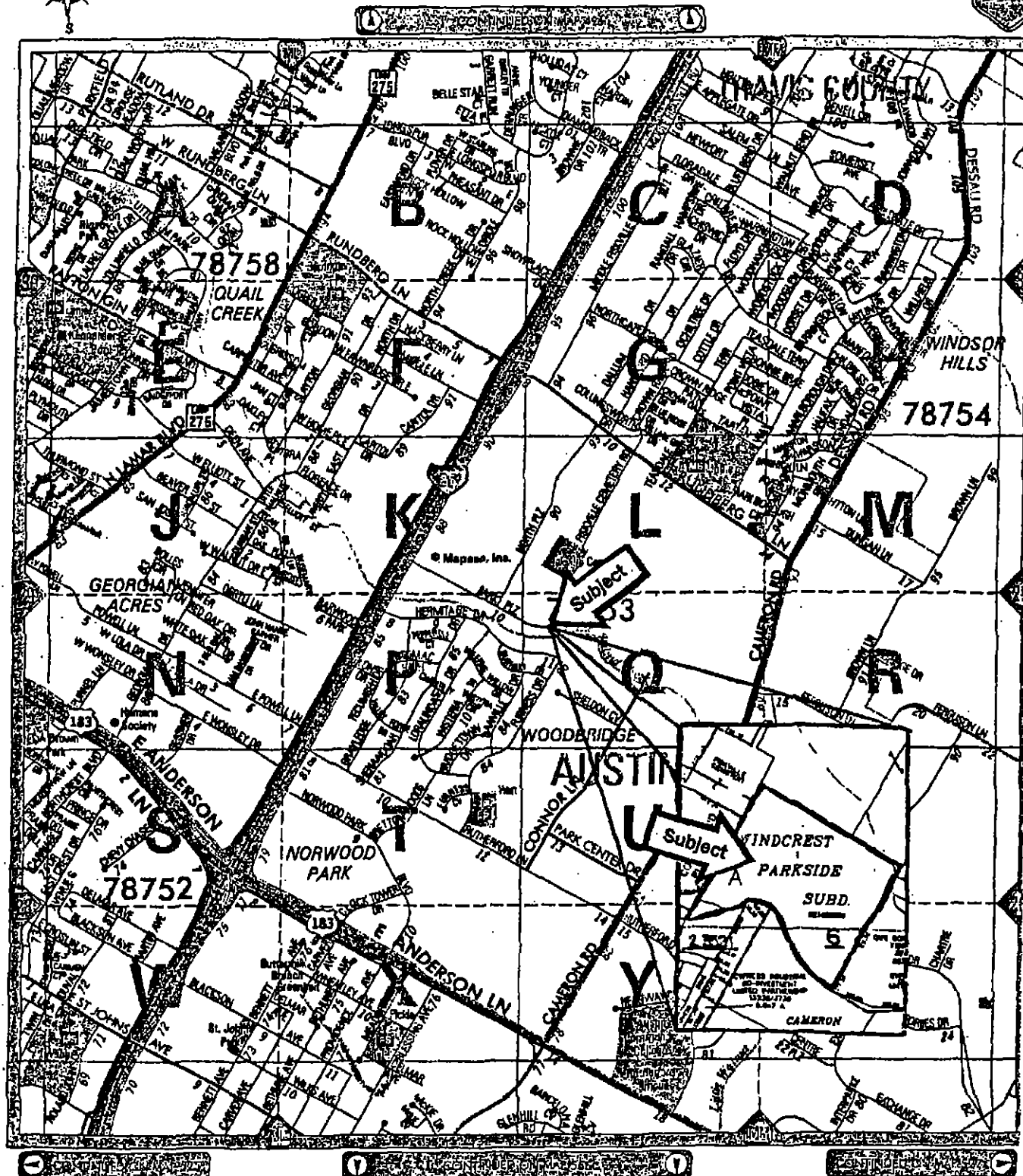
David Anders, Utilities Finance Manager

Date: _____

REF. # 4570 237 8578



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RESOLUTION NO. 051905-

WHEREAS, the Council finds that acquisition of the property interests 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 interests.

The owner of the property interests to be acquired is Austin Windcrest Park Plaza Limited Partnership and the property is located at 1088 Park Plaza, Austin, Travis County, Texas.

ADOPTED: May 19, 2004

ATTEST: _____
Shirley A. Brown
City Clerk