



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

**AGENDA ITEM NO.: 23  
AGENDA DATE: Thu 06/23/2005  
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**SUBJECT:** Approve a resolution amending Resolution No. 020718-57 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of the fee simple interest in 1,979 square feet of land, out of Lot A, Resubdivision of Kenray Corners and Lot 1-C, Resubdivision of Lot 1, Block C, Ramsey Place, locally known as 4501 Guadalupe Street, in the City of Austin, Travis County, Texas, owned by A. G. Ainsworth, Jr., Individually and as Trustee of the A. G. Ainsworth, Sr. Testamentary Trust, Garrison Gray Ainsworth, Don Ray Ainsworth, Spencer James Ainsworth, and Mark Hutton Ainsworth, in the amount of \$55,317, because the parties have been unable to agree on an appropriate purchase price.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION: Anne Morgan**

**FOR MORE INFORMATION CONTACT:** Chester Beaver, Assistant City Attorney, 974-2317

**PRIOR COUNCIL ACTION:** Council approved Resolution 020718-57

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Resolution No. 020718-57 authorized the City Attorney to file a lawsuit in eminent domain to acquire the fee simple interest in 1,979 square feet of land, out of Lot A, Resubdivision of Kenray Corners and Lot 1-C, Resubdivision of Lot 1, Block C, Ramsey Place, located at 4501 Guadalupe Street, in the City of Austin, Travis County, Texas, owned by A. G. Ainsworth, Jr., Individually and as Trustee of the A. G. Ainsworth, Sr. Testamentary Trust, Garrison Gray Ainsworth, Don Ray Ainsworth, Spencer James Ainsworth, and Mark Hutton Ainsworth for additional right-of-way for the 45th and Guadalupe transportation system management project. The proposed action clarifies the intended public uses for the property interests to be acquired.

**RESOLUTION NO. 20050623-**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of a certain real property interest as stated hereinafter for the purpose hereinafter stated; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owners of that real property interest on the fair market value thereof; **NOW, THEREFORE**,

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

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owners now having or who may acquire an interest in the real property interest needed by the City, to acquire a certain real property interest at the location hereinafter stated, for the purpose hereinafter stated, and from the owners hereinafter stated and/or their successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner:      A.G. Ainsworth, Jr., Individually and as Trustee of the A.G.

Ainsworth, Sr. Testamentary Trust, Garrison Gray  
Ainsworth, Don Ray Ainsworth, Spencer James Ainsworth  
and Mark Hutton Ainsworth

Project: 45<sup>th</sup> and Guadalupe Transportation System Management  
(TSM) Project.

Intended Purpose: fee simple interest in right-of-way; for improvements  
and/or widening of a City of Austin street for public  
use.

Location: 4501 Guadalupe Street, Austin, Texas, and see attached field  
note.

**ADOPTED:** June 23,  2005

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk