



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

**AGENDA ITEM NO.: 30  
AGENDA DATE: Thu 06/23/2005  
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**SUBJECT:** Approve a resolution amending Resolution No. 030731-12 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a temporary workspace easement containing 0.126 acre of land and a permanent wastewater line easement containing 0.128 acre of land out of the L. C. Cunningham Survey 63, Abstract No. 163, Travis County, Texas, generally located on the south side of FM 1825 east of IH-35, in the City of Austin, Travis County, Texas, owned by S. Thurman Blackburn, III, in the amount of \$7,655, 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 No. 030731-12

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

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Resolution No. 030731-12 authorized the City Attorney to file a lawsuit in eminent domain to acquire a temporary workspace easement and a permanent wastewater line easement out of the L. C. Cunningham Survey 63, Abstract No. 163, Travis County, Texas, generally located on the south side of FM 1825 east of IH-35, in the City of Austin, Travis County, Texas, owned by S. Thurman Blackburn, III. The property rights to be acquired are to be used for a City wastewater line. The proposed action clarifies the location of the property to be acquired and 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 certain real property interests as stated hereinafter for the purposes hereinafter stated; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests 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 owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or his successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

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

**Owner:** S. Thurman Blackburn, III

**Project:** North IH 35 Project; Windermere Sarah's Creek Wastewater Extension Project

**Intended Purpose:** permanent wastewater line easement to increase and improve the City of Austin's ability to provide wastewater service to the public and a temporary working space easement; the temporary easement shown above is necessary to install the permanent wastewater line

**Location:** South side of FM 1825 east of IH 35, Travis County, Texas, and see attached field notes.

**ADOPTED:** June 23, , 2005

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk