



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

**AGENDA ITEM NO.: 72
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the East 11th Streetscaping Project to acquire a 585 square foot permanent sidewalk easement out of a part of the southeast portion of Lot 1, Outlot No. 55 Division "B", made for George L. Robertson, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$47,800. The owner of the property interests sought to be condemned is Deborah Attal, of Austin, Texas. The property is located at 904 East 11th St., Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.

FISCAL NOTE: A fiscal note is required.

REQUESTING Public Works
DEPARTMENT:

DIRECTOR'S
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 East 11th Streetscaping Project require the acquisition of a permanent sidewalk easement on land located at 904 East 11th Street. The property to be acquired is intended for a bus stop and sidewalk improvements.

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 BUDGET
FISCAL NOTE**

DATE OF COUNCIL CONSIDERATION:

23-Jun-05

WHERE ON AGENDA:

Resolution

DEPARTMENT:

Public Works Department

DESCRIPTION: Approve a resolution authorizing the filing of eminent domain proceedings for the East 11th Streetscaping Project to acquire a 585 square foot permanent sidewalk easement out of a part of the Southeast quarter of Lot 1, of the Subdivision of Outlot No. 55 Division "B", made for George L. Robertson, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$47,800. The owner of the property interests sought to be condemned is Deborah Attal, of Austin, Texas. The property is located at 904 East 11th St., Austin, TX.

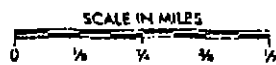
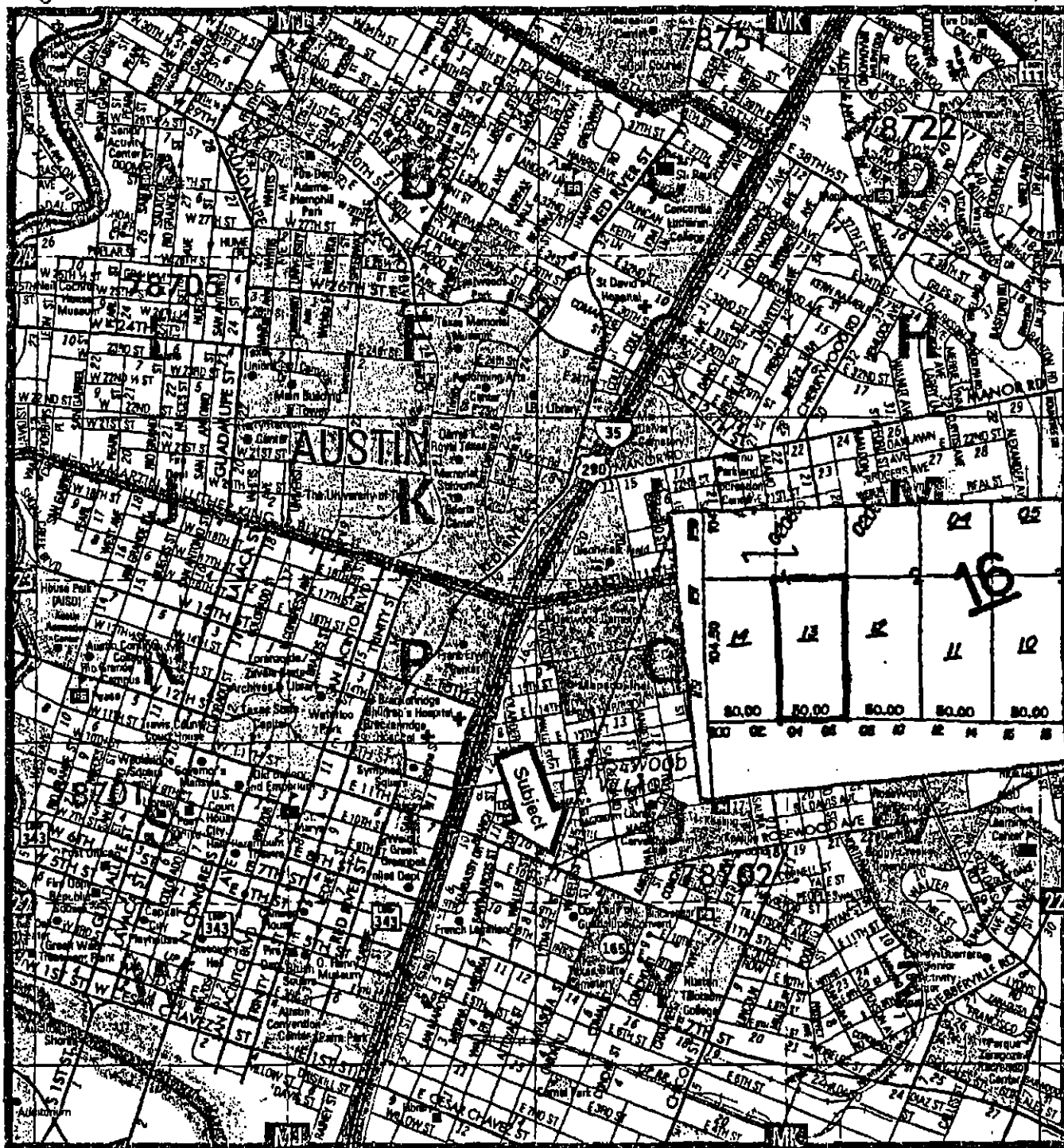
FINANCIAL INFORMATION:

Project Name:	E. 11th Street ROW
Project Authorization:	2004-2005 Amended Capital Budget
Funding Source:	Capital Metro Quarter Cent Funds
Fund/Agency/Orgr:	8581-257-NEW

Total Current Appropriation	\$90,000.00
Unencumbered Balance	\$90,000.00
Amount of this Action	<u>(\$47,800.00)</u>
Estimated Available	<u><u>\$42,200.00</u></u>

Financial Approval: Rusty Cobem

Date: June 1, 2005



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 interest as stated hereinafter for the purposes 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: Deborah Attal

Project: East 11th Streetscaping Project

Intended Purpose: permanant sidewalk easement for sidewalk
improvements and a bus stop

Location: 904 East 11th Street, Austin, Texas, and see attached field
note.

ADOPTED: June 23, 2005

ATTEST: _____
Shirley A. Brown
City Clerk