



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

AGENDA ITEM NO.: 47
AGENDA DATE: Thu 06/23/2005
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SUBJECT: Approve a resolution amending Resolution No. 030515-6 to clarify the City Council's statement of public purpose related to the Del Valle Water and Wastewater Annexation Project, and acquisition by eminent domain of a permanent wastewater line easement containing 775 square feet of land and a temporary workspace easement containing 776 square feet of land out of Lot 4, Block 1, A.L. Royster Addition, Travis County, Texas, generally located on Royster Avenue, in Travis County, Texas, owned by Mr. and Mrs. Nealie Walker, because the parties have been unable to agree on an appropriate purchase price.

AMOUNT & SOURCE OF FUNDING: NA

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. 030515-6

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 030515-6 authorized the City Attorney to file a lawsuit in eminent domain to acquire a permanent wastewater easement containing 775 square feet of land and a temporary workspace easement containing 776 square feet of land out of Lot 4, Block 1, A.L. Royster Addition, Travis County, Texas, generally located on Royster Avenue, in the City of Austin, Travis County, Texas. The property interest to be acquired in the proposed action are to be used to expand and improve the City's ability to provide sanitary sewer service to the public. The proposed action clarifies the location of 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 owners 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 owners 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 owners hereinafter stated and/or their 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: Mr. and Mrs. Nealie Walker

Project: Del Valle Water and Wastewater Annexation 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: Across land that is located on Royster Avenue, Travis County, Texas, please see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____
Shirley A. Brown
City Clerk