



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

**AGENDA ITEM NO.:** *47 46*  
**AGENDA DATE:** Thu 06/23/2005  
**PAGE:** 1 of 1

**SUBJECT:** Approve a resolution amending Resolution No. 020718-58 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 2,069 square feet, out of Lot 1, T.M.H.A. Subdivision, generally known as 2215 East Anderson Lane, in the City of Austin, Travis County, Texas, owned by Texas Manufactured Housing Association, as part of the U.S. 183-Cameron to U.S. 290 Utility Relocation Project, 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. 020718-58

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

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Resolution No. 020718-58 authorized the City Attorney to file a lawsuit in eminent domain to acquire a permanent wastewater easement containing 2,069 square feet, out of Lot 1, T.M.H.A. Subdivision, generally known as 2215 East Anderson Lane, in the City of Austin, Travis County, Texas. The property rights to be acquired will be used by the City to increase 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 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 owner 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 owner 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 owner hereinafter stated and/or its 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:** Texas Manufactured Housing Association

**Project:** U.S. 183 - Cameron to U.S. 290 Utility Relocation Project

**Intended Purpose:** permanent wastewater line easement to increase and improve the City of Austin's ability to provide wastewater service to the public

**Location:** 2215 East Anderson Lane, Austin, Texas, and see attached field note.

**ADOPTED:** June 23, 2005

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

Shirley A. Brown  
City Clerk