RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 40
AGENDA DATE: Thu 06/23/2005
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SUBJECT: Approve a resolution amending Resolution No. 040226-14 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 3,845 square foot permanent wastewater line easement and a 4,003 square foot temporary working space easement out of Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin and a 4,906 square foot temporary working space easement out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin, Texas, for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program, generally located on West Rundberg Lane, in the City of Austin, Travis County, Texas, owned by Villas on Walnut Creek Association, an unincorporated Homeowner's Association, in the amount of $8,008, 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 DEPARTMENT: Law
DIRECTOR'S AUTHORIZATION: Anne Morgan

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

PRIOR COUNCIL ACTION: Council approved Resolution No. 040226-14

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 040226-14 authorized the City Attorney to file a lawsuit in eminent domain to acquire a 3,845 square foot permanent wastewater line easement and a 4,003 square foot temporary working space easement out of Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin and a 4,906 square foot temporary working space easement out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin, Texas, for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program, generally located on West Rundberg Lane, in the City of Austin, Travis County, Texas. Like the other projects in the Austin Clean Water Program, the property interests to be acquired in the proposed action are to be used to prevent leakage and sanitary sewer overflows from its wastewater collection system. 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 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," "B," and "C" 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: The Villas on Walnut Creek

Project: Little Walnut/Buttermilk - Colony Creek North Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement and two temporary working space easement; the temporary easement listed above is necessary to install permanent wastewater lines; to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

Location: South side of West Rundburg Lane, Austin, Texas, and see attached field notes.

ADOPTED: June 23, **2005** **ATTEST:**_____

Shirley A. Brown
City Clerk