



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

**AGENDA ITEM NO.: 7  
AGENDA DATE: Thu 03/04/2004  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent detention and water quality pond easement containing 0.4875 of an acre of land out of Lot 1, Block A, Springfield Section Twelve in Travis County, TX, located at 6500 East William Cannon Drive, from FC PROPERTIES ONE, LTD., in the amount of \$27,235 for the East William Cannon Detention & Water Quality Pond Project.

**AMOUNT & SOURCE OF FUNDING:** Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:** for Transportation,  
Planning and  
Sustainability;

**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

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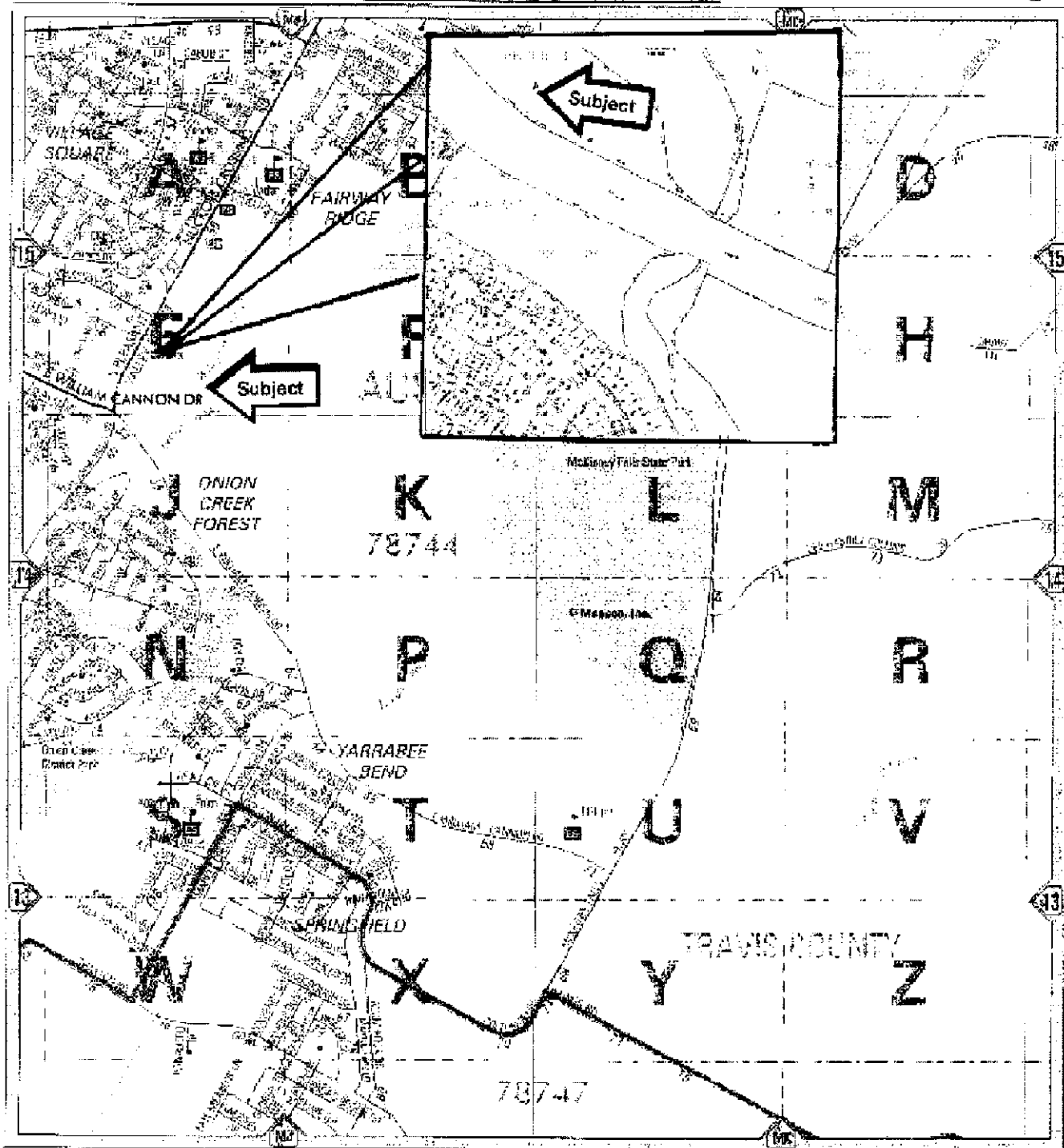
The design plans for the East William Cannon Detention & Water Quality Pond Project require the acquisition of a permanent detention and water quality pond easement across land located at 6500 East William Cannon Drive. The easement will be utilized to install a water quality pond to capture water runoff from the adjacent property and surrounding roadways. The landowner has not accepted the City's offer of \$27,235.

The City of Austin has attempted to purchase the permanent detention and water quality pond easement 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.



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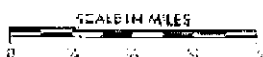
SECTIONAL ENGINEERING MAP 675



CONTINUED ON MAP 674

CONTINUED ON MAP 676

CONTINUED ON MAP 678



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BOOK PAGE 1259

## CIP BUDGET FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**

4-Mar-04

**WHERE ON AGENDA:**

Resolution not required

**DEPARTMENT:**

Transportation Planning and Sustainability

Description: Approve a resolution authorizing the filing of eminent domain proceedings to acquire the detention and water quality pond easement containing 0.487 of an acre of land out of and a part of Lot 1, Block A, of Springfield Section Twelve in Travis County, TX, located at 6500 East William Cannon Drive, from FC Properties One, LTD., in the amount of \$27,235 for the East William Cannon Detention & Water Quality Pond Project.

### FINANCIAL INFORMATION:

Project Name:	Wm. Cannon Street Improvements
Project Authorization:	2000-2001 Amended Capital Budget
Funding Source:	Capital Metro Build Greater Austin Funding
Fund/Agency/Orgn:	8581-257-9212

Total Current Appropriation	\$3,000,000.00
Unencumbered Balance	\$1,564,059.00
Amount of this Action	<u>(\$27,235.00)</u>
Estimated Available	<u><u>\$1,536,824.00</u></u>

Financial Approval: \_\_\_\_\_

Date: \_\_\_\_\_

02/09/04

**RESOLUTION NO. 040304-**

**WHEREAS**, the Council finds that the property described in the attachment is necessary for a public use; and

**WHEREAS**, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property.

The owner of the property to be acquired is FC Properties One, Ltd. and the property is located at 6500 East William Cannon Drive, Austin, Travis County, Texas.

**ADOPTED:** January 29, 2004      **ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk