



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

**AGENDA ITEM NO.: 8
AGENDA DATE: Thu 04/01/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - North Capital Drive project, a part of the Austin Clean Water Program, to acquire a 0.373 acre permanent wastewater line easement and a 16,430 square foot temporary working space easement out of Lot One, Reindale Acres, a subdivision in the City of Austin, in the amount of \$64,295. The owner of the property sought to be condemned is LV Investment, Inc., a Texas Corporation. The property is located at 9220 Interstate Highway 35 North, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sandra Creighton

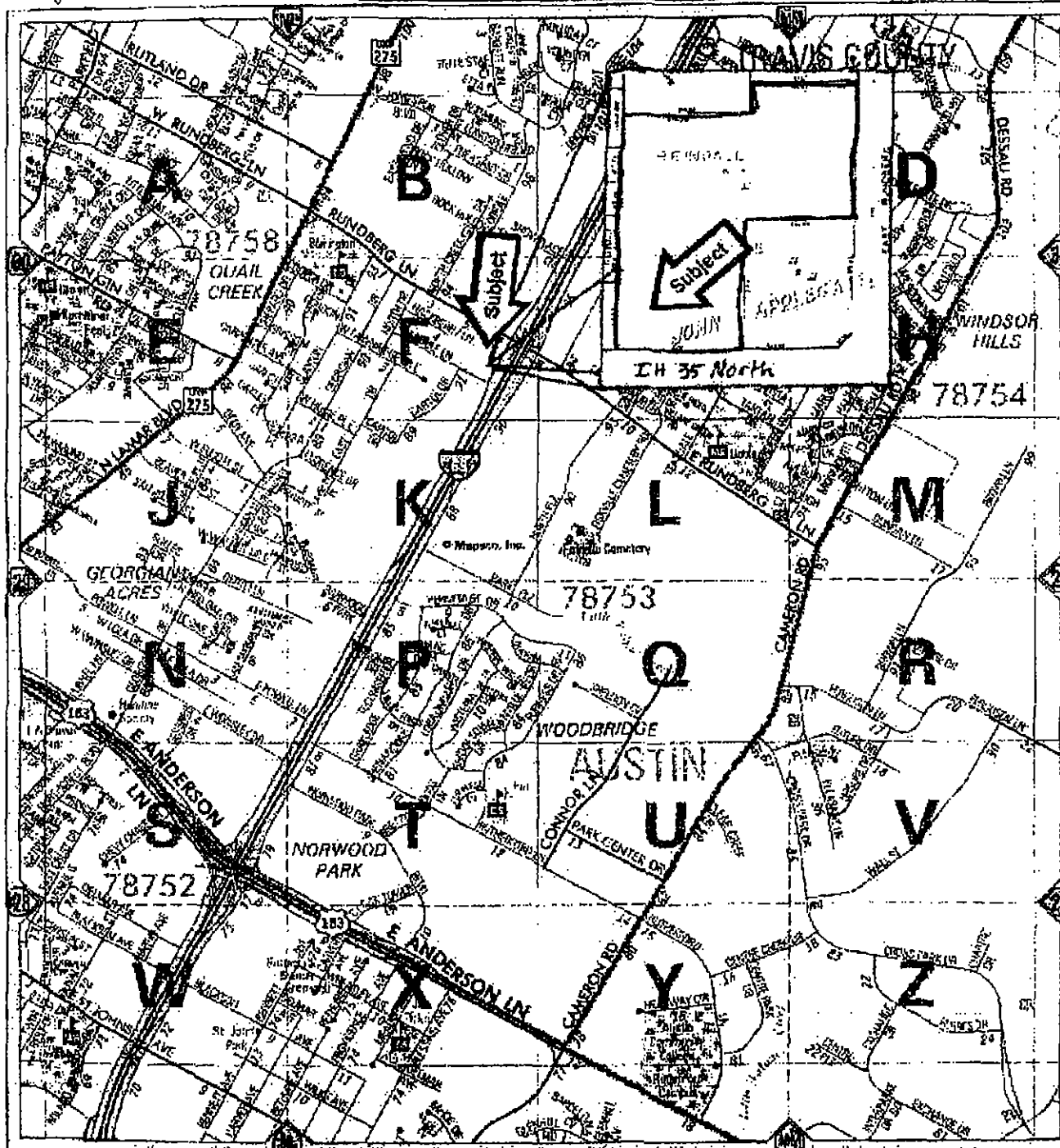
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Little Walnut/Buttermilk - North Capital Drive project, a part of the Austin Clean Water Program, requires acquisition of a permanent wastewater line easement and a temporary working space easement on land located at 9220 Interstate Highway 35 North.

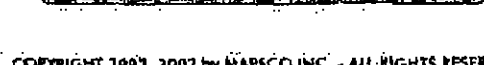
The City of Austin has attempted to purchase the permanent wastewater line easement and temporary working space easement from the landowner. The parties have agreed on a price, however; the property title is not curable through standard processes thereby necessitating a friendly condemnation. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



SCALE IN MILES



SCALE IN FEET



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

4/1/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive project to acquire a 0.373 acre permanent wastewater line easement and a 16,430 square foot temporary working space easement out of Lot One, Reindale Acres, a subdivision in the City of Austin, in the amount of \$64,295. The owner of the property sought to be condemned is LV INVESTMENTS, INC., a Texas Corporation. The property is located at 9220 Interstate Highway 35 North.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2003-04 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	187,289,289.55 *
Amount of This Action	<u>(64,295.00)</u>
Remaining Balance	<u>\$ 187,224,994.55</u>
 Current Available Balance	 \$ 197,242,998.48
Less Outstanding Commitments	<u>(9,953,708.93)</u>
Estimated Unencumbered Balance	<u>\$ 187,289,289.55 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 3/9/04

REF. #4570 237 8578

RESOLUTION NO. 040401-

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 LV Investment, Inc. and the property is located at 9220 Interstate Highway 35 North, Austin, Travis County, Texas.

ADOPTED: April 1, 2004 **ATTEST:** _____
Shirley A. Brown
City Clerk