



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

AGENDA ITEM NO.: 14
AGENDA DATE: Thu 04/15/2004
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program - Upper Tannehill - Airport and IH 35 portion to acquire a 245 square foot permanent wastewater line easement out of a 0.535 acre tract of land, more or less, being Lots 1, 2 and a portion of Lot 3, F. Haster Subdivision, and the east 50' of Lot 1, Block O, Ridgetop, a subdivision in Travis County, in the amount of \$772. The owner of the property sought to be condemned is MOHAMMAD H. GHARBI.

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:** 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

The design plans for the Upper Tannehill – Airport and IH 35 portion of the Austin Clean Water Program require acquisition of a permanent wastewater line easement across land located at 1014 East 53rd Street.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowner, however, the parties have been unable to agree on an appropriate price. The City of Austin offered \$772 and Mohammad H. Gharbi demanded \$6,125. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

RESOLUTION NO. 040415-

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 Mohammad H. Gharbi and the property is located at 1014 East 53rd Street, Austin, Travis County, Texas.

ADOPTED: _____ April 15 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

4/15/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution to authorize the filing of eminent domain proceedings for the Upper Tannehill - Airport and IH 35 portion of the Austin Clean Water Program to acquire a 245 square foot permanent wastewater line easement out of a 0.535 acre tract of land, being Lots 1, 2 and a portion of Lot 3, F. Haster Subdivision, and the east 50' of Lot 1, Block O, Ridgetop, a subdivision in the City of Austin, in the amount of \$772. The owner of the property sought to be condemned is MOHAMMAD H. GHARBI. The property is located at 1014 East 53rd Street.

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	185,231,049.92 *
Amount of This Action	<u>(772.00)</u>
Remaining Balance	<u>\$ 185,230,277.92</u>
 Current Available Balance	 \$ 190,380,075.55
Less Outstanding Commitments	<u>(5,149,025.63)</u>
Estimated Unencumbered Balance	<u>\$ 185,231,049.92 *</u>

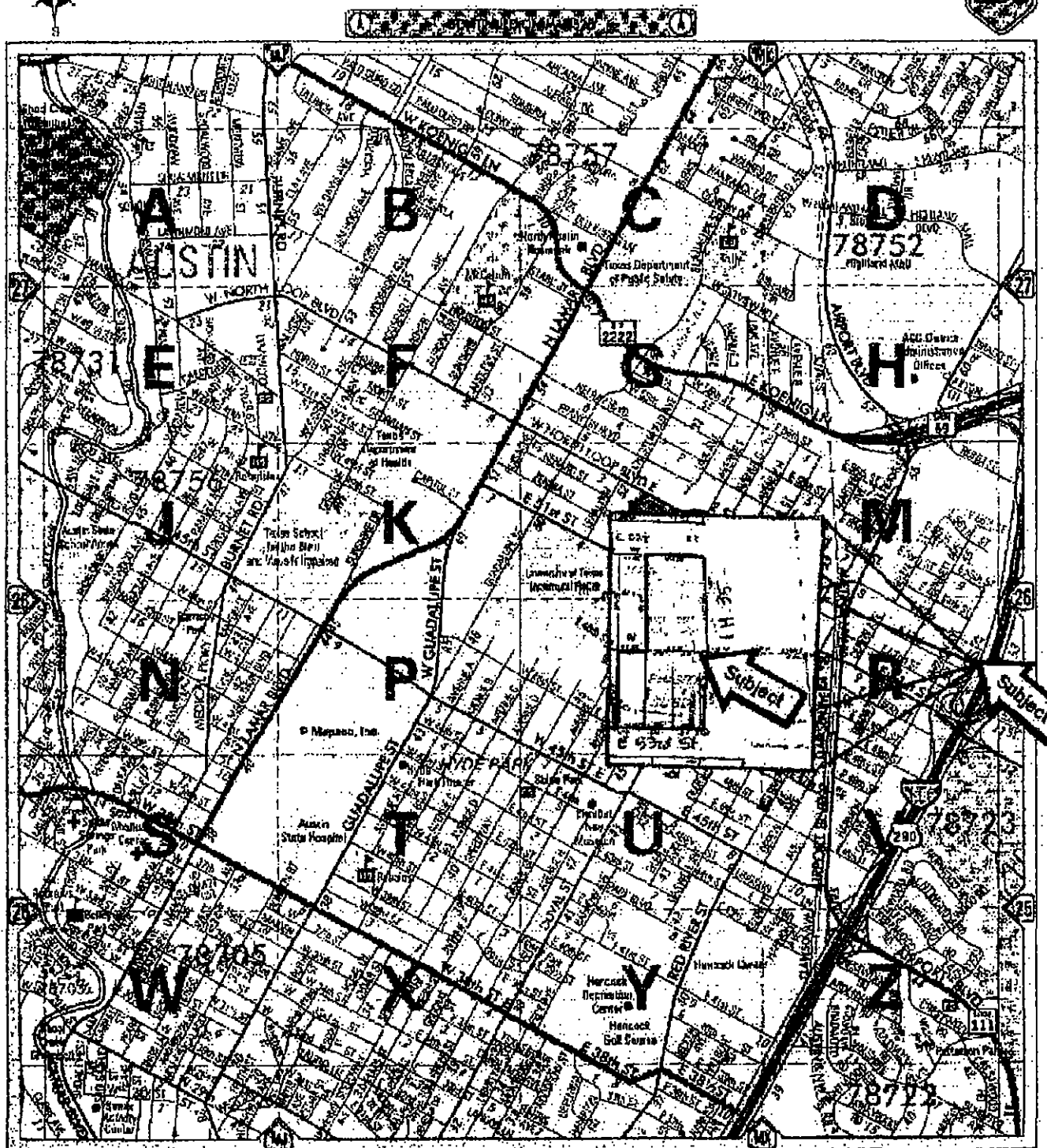
Utility Finance: _____


David Anders, Utilities Finance Manager

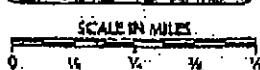
Date: _____

3/24/04

REF. #4570 237 8564



SCALE IN MILES



COPYRIGHT 1993, 2002 by MAPSCO INC. ALL RIGHTS RESERVED

