



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

**AGENDA ITEM NO.: 13
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 - Broadmoor and Cameron portion to acquire a 600 square foot temporary ingress and egress easement and a 1,194 square foot temporary staging area and material storage site easement out of Lot 10, of the CDN Addition No. 2, James P. Wallace Survey, in the City of Austin, Travis County, in the amount of \$1,426. The owner of the property sought to be condemned is WESTHEIMER TRACE L.P., a Texas Limited Partnership.

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 - Broadmoor and Cameron portion of the Austin Clean Water Program require acquisition of a temporary staging area and material storage site easement and a temporary ingress and egress easement on land located at 1206 East 52nd Street.

The City of Austin has attempted to purchase the temporary ingress and egress easement and the temporary staging area and material storage site easement from the landowner by offering \$1,426, but the landowner has not given us a counter offer. 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 Westheimer Trace L.P., and the property is located at 1206 East 52nd 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 - Broadmoor and Cameron portion of the Austin Clean Water Program to acquire a 600 square foot temporary ingress and egress easement and a 1,194 square foot temporary staging area and material storage site easement out of Lot 10, of C.D.N. Addition No. 2, James P. Wallace Survey, in the City of Austin, in the amount of \$1,426. The owner of the property sought to be condemned is WESTHEIMER TRACE LP, a Texas Limited Partnership. The property is located at 1206 East 52nd Street.

FINANCIAL INFORMATION:

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

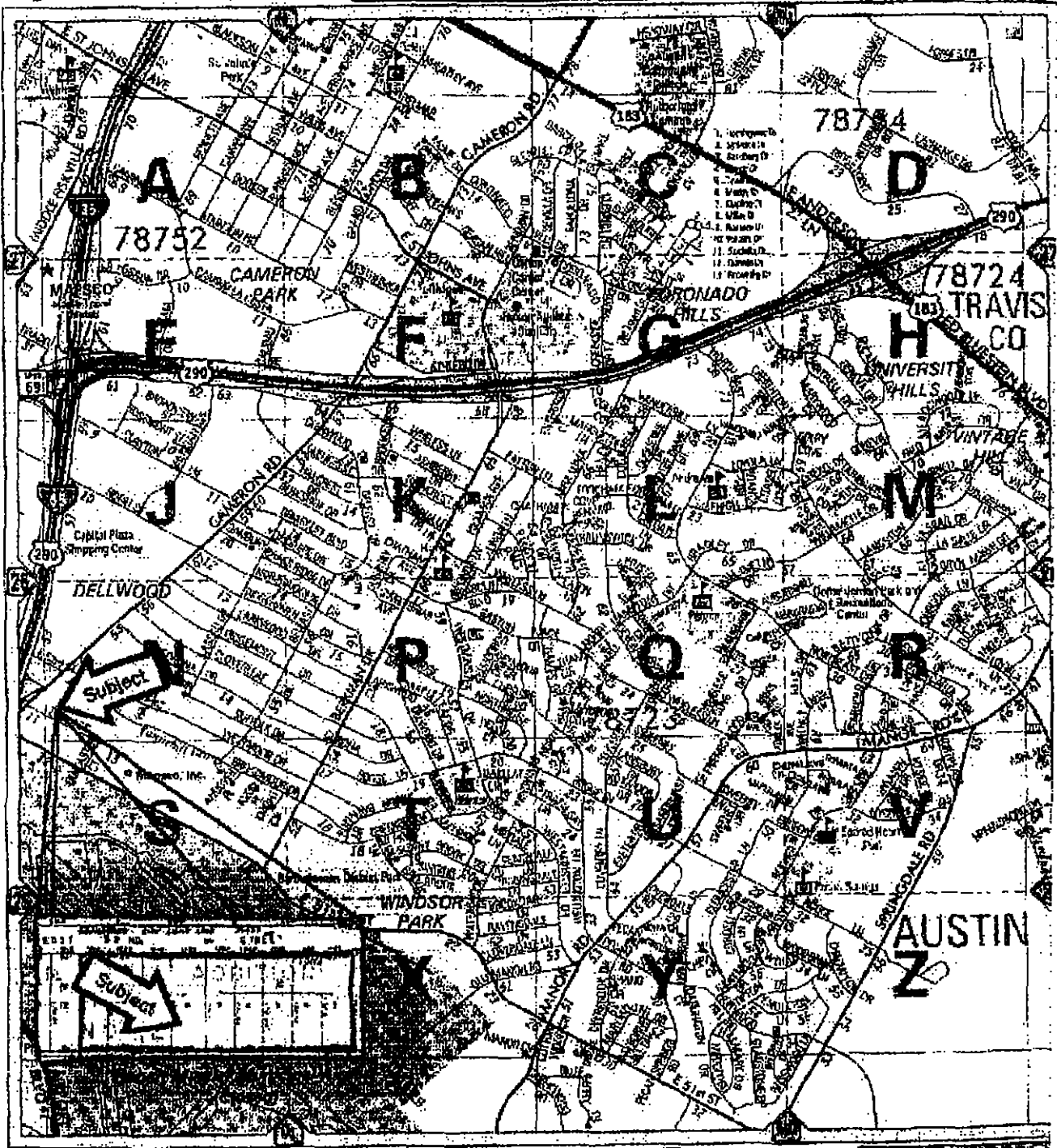
Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	185,230,277.92 *
Amount of This Action	<u>(1,426.00)</u>
Remaining Balance	<u>\$ 185,228,851.92</u>
Current Available Balance	\$ 190,380,075.55
Less Outstanding Commitments	<u>(5,149,797.63)</u>
Estimated Unencumbered Balance	<u>\$ 185,230,277.92 *</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date: 3/24/04

REF. #4570 237 8566



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