



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

**AGENDA ITEM NO.: 12  
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 two permanent wastewater line easements containing 108 square feet and 1,742 square feet and also a 21,166 square foot temporary working space easement out of 5.0 acres of land, more or less, in the James P. Wallace Survey No. 7, and Lots 1 and 2 of the Resubdivision of a part of Lot 9, Ridgetop Gardens, in the amount of \$9,735. The owner of the property sought to be condemned is THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES.

**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

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The design plans for the Upper Tannehill - Broadmoor and Cameron portion of the Austin Clean Water Program require acquisition of two permanent wastewater line easements and a temporary working space easement on land located at 1320 East 51st Street.

The City of Austin has attempted to purchase the two permanent wastewater line easements and temporary working space easement from the landowner; however, the parties have been unable to agree on an appropriate price. The City of Austin offered \$9,735 and The Eparchy of Our Lady of Lebanon of Los Angeles demanded \$21,300. 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**,

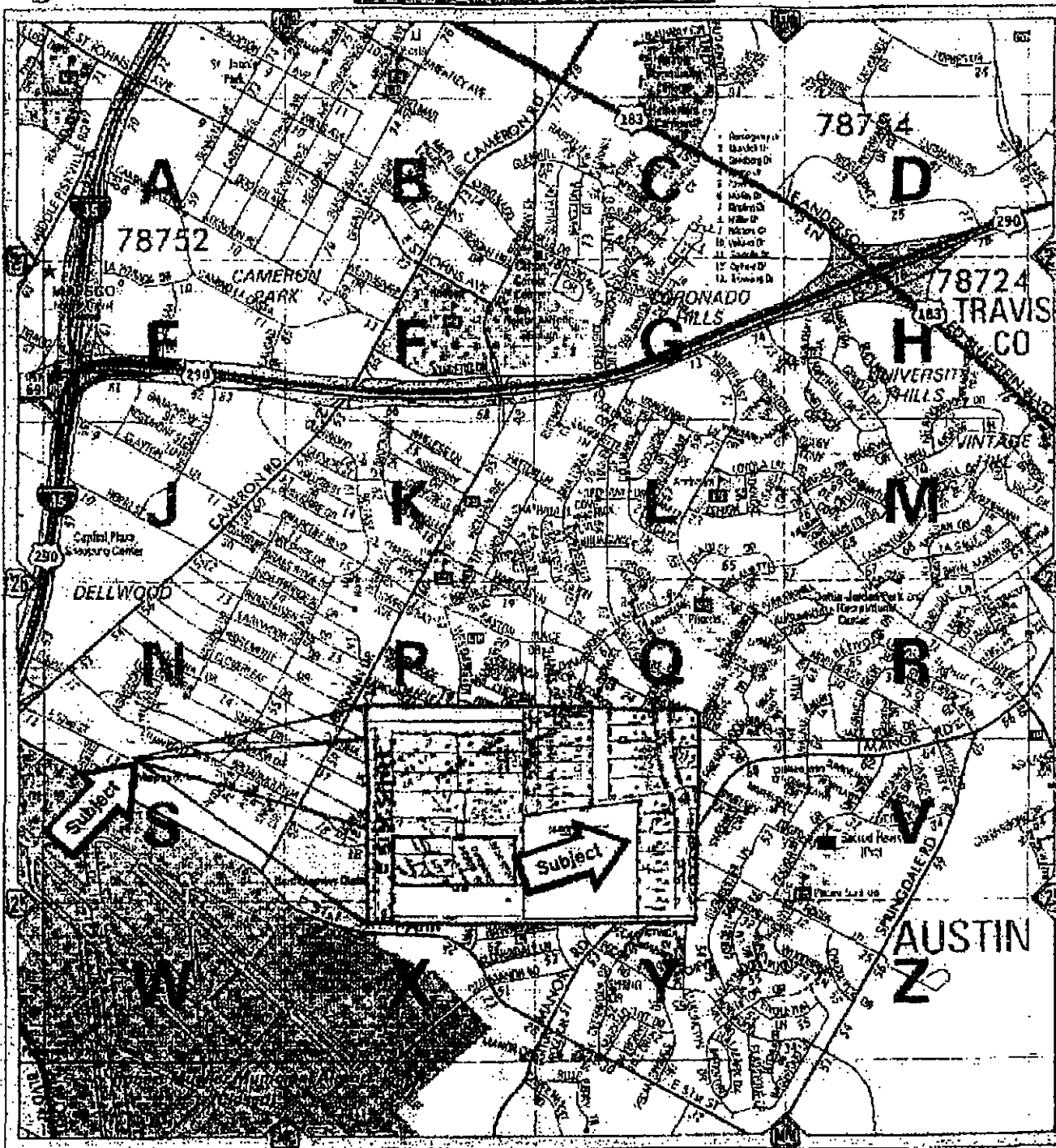
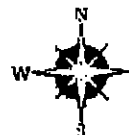
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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 The Eparchy of Our Lady of Lebanon of Los Angeles and the property is located at 1320 East 51<sup>st</sup> Street, Austin, Travis County, Texas.

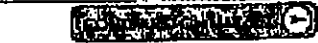
**ADOPTED:**\_\_\_\_\_ April 15 \_\_\_\_\_, **2004**  
**ATTEST:**\_\_\_\_\_

Shirley A. Brown  
City Clerk



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## 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 portion of the Austin Clean Water Program: Upper Tannehill - Broadmoor and Cameron to acquire two permanent wastewater line easements containing a 108 square feet and 1,742 square feet and a 21,166 square foot temporary working space easement out of 5.20 acres in the James P. Wallace Survey No. 7, and Lot 1 and 2 of the Resubdivision of a part of Lot 9, Ridgetop Gardens, located at 1320 East 51st Street, in the City of Austin, in the amount of \$9,735. The owner of the property sought to be condemned is THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES.

**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	185,228,851.92 *
Amount of This Action	<u>(9,735.00)</u>
Remaining Balance	<u>\$ 185,219,116.92</u>
Current Available Balance	\$ 190,380,075.55
Less Outstanding Commitments	<u>(5,151,223.63)</u>
Estimated Unencumbered Balance	<u>\$ 185,228,851.92 *</u>

Utility Finance: \_\_\_\_\_

  
David Anders, Utilities Finance Manager

Date: 3/24/04

**REF. #4570 237 8566**