



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

AGENDA ITEM NO.: 9
AGENDA DATE: Thu 04/22/2004
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program portion of Little Walnut/Buttermilk - Quail Creek to acquire a 0.265 acre permanent wastewater line easement, a 0.043 acre temporary working space easement, a 0.349 acre temporary ingress and egress easement, and a 0.251 acre temporary staging area and material storage site easement out of a Lot 1, Capital City Section One, a subdivision in the City of Austin, in the amount of \$45,441. The owner of the property sought to be condemned is WILDFLOWER ASSOCIATES, a Texas General 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

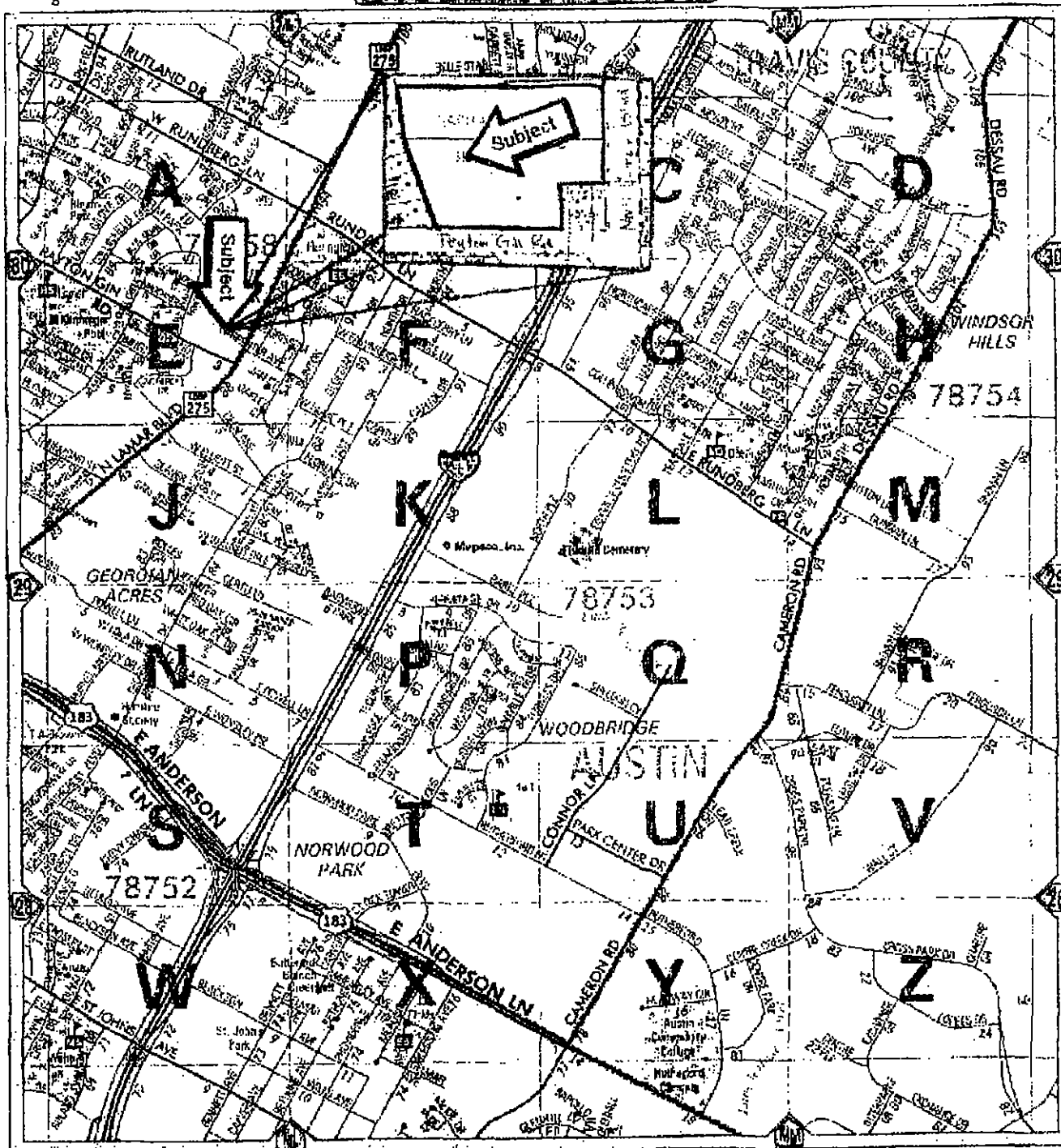
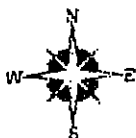
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Austin Clean Water Program portion of Little Walnut/Buttermilk – Quail Creek requires acquisition of a permanent wastewater line easement, a temporary working space easement, a temporary ingress and egress easement, and a temporary staging area and material storage site easement at land located at 8912 North Lamar Boulevard.

The City of Austin has offered the landowner \$45,441 to purchase the permanent wastewater line easement, temporary working space easement, temporary ingress and egress easement, and temporary staging area and material storage site easement from the landowner; however, the owner has refused our offer and not give us a counter offer. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



SCALE IN MILES

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SCALE IN FEET

BOOK PAGE 1164

RESOLUTION NO. 040422-

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 Wildflower Associates and the property is located at 8912 North Lamar Boulevard, Austin, Travis County, Texas.

ADOPTED: _____ April 22 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

4/22/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution to authorize the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Quail Creek portion of the Austin Clean Water Program to acquire a 0.265 acre permanent wastewater line easement, a 0.043 acre temporary working space easement, a 0.349 acre temporary ingress and egress easement and a 0.251 acre temporary staging area and material storage site easement out of a Lot 1, Capital City Section One, a subdivision in the City of Austin, in the amount of \$45,441. The owner of the property sought to be condemned is WILDFLOWER ASSOCIATES, a Texas General Partnership.

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	180,012,047.06 *
Amount of This Action	<u>(45,441.00)</u>
Remaining Balance	<u>\$ 179,966,606.06</u>
Current Available Balance	\$ 189,409,052.69
Less Outstanding Commitments	<u>(9,397,005.63)</u>
Estimated Unencumbered Balance	<u>\$ 180,012,047.06 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

Date:

3/31/04

REF. #4570 237 8579