



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

**AGENDA ITEM NO.: 16
AGENDA DATE: Thu 06/24/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek - Lower Hancock Branch portion of the Austin Clean Water Program to acquire a 365 permanent wastewater line easement, a 1,057 square foot temporary working space easement, and a 3,043 square foot temporary ingress and egress easement out of Lot 1, Block A, Podolnick Place, a subdivision in Travis County, in the amount of \$63,100. The owner of the property sought to be condemned is POTH INVESTMENTS, INC., Austin, TX. The property is located at 2211 Hancock Drive, Austin, Texas.

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:** Leon Barba

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 Shoal Creek-Lower Hancock Branch portion of the Austin Clean Water Program require acquisition of a permanent wastewater line easement, a temporary working space easement, and a temporary ingress and egress easement on land located at 2211 Hancock Drive.

The City of Austin has attempted to purchase the permanent wastewater line easement, temporary working space easement, and temporary ingress and egress easement from the landowner for \$63,100, but the landowner neither accepted nor made a counteroffer. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

6/24/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek - Lower Hancock Branch portion of the Austin Clean Water Program to acquire a 365 permanent wastewater line easement, a 1,057 square foot temporary working space easement and a 3,043 square foot temporary ingress and egress easement out of Lot 1, Block A, Podolnick Place, a subdivision in the City of Austin, Travis County, in the amount of \$63,100. The owner of the property sought to be condemned is POTH INVESTMENTS, INC.. The property is located at 2211 Hancock Drive, Austin, Texas.

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	148,817,921.36 *
Amount of This Action	<u>(63,100.00)</u>
Remaining Balance	<u>\$ 148,754,821.36</u>
Current Available Balance	\$ 183,940,241.59
Less Outstanding Commitments	<u>(35,122,320.23)</u>
Estimated Unencumbered Balance	<u>\$ 148,817,921.36 *</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date:

6/2/04

REF #4570 237 8569

RESOLUTION NO. 040624-

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 Poth Investments, Inc., and the property is located at 2211 Hancock Drive, Austin, Travis County, Texas.

ADOPTED: June 24, 2004

ATTEST: _____
Shirley A. Brown
City Clerk