

RCA CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 17 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 41 square foot permanent wastewater line easement, a 156 square foot temporary working space easement, and a 4,793 square foot temporary ingress and egress easement out of Lot 2, Block A, Podolnick Place, a subdivision in Travis County, in the amount of \$8,644. The owner of the property sought to be condemned is AUSTIN PC-1, LTD, Austin, TX. The property is located at 2209 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'SDEPARTMENT:** for Austin Water Utility;**AUTHORIZATION:** Leon Barba

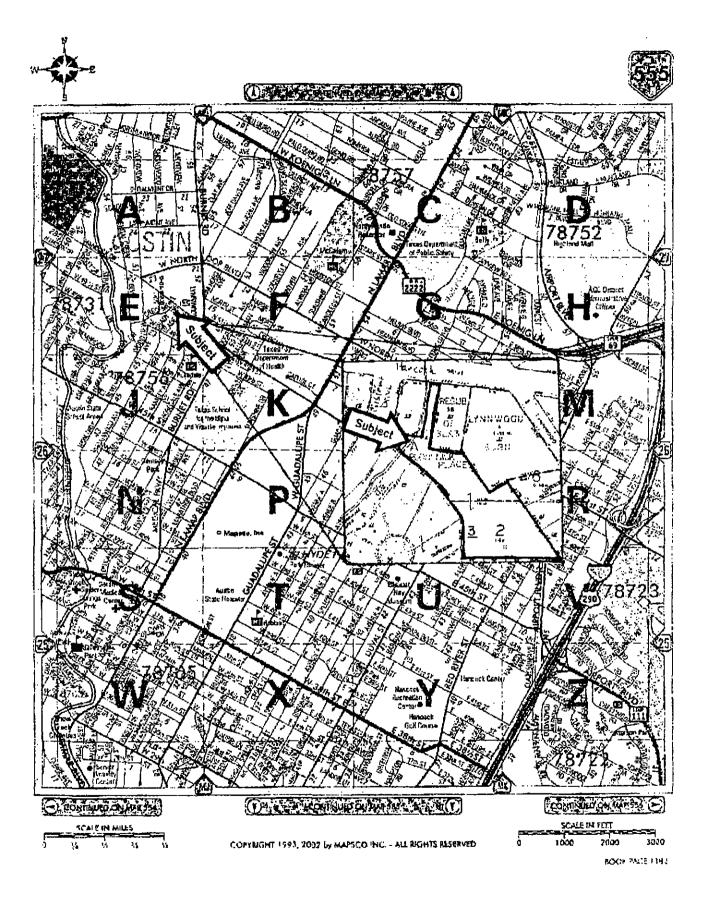
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

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 2209 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 by offering the landowner \$8,644.00, 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.



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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 41 square foot permanent wastewater line easement, a 156 square foot temporary working space easement and a 4,793 square foot temporary ingress and egress easement out of Lot 2, Block A, Podolnick Place, a subdivision in the City of Austin, Travis County, in the amount of \$8,644. The owner of the property sought to be condemned is AUSTIN PC-I LTD. The property is located at 2209 Hancock Drive, Austin, Texas.

FINANCIAL INFORMATION:

Parent Project Name: Project Authorization: Funding Source: Number:	Wastewater Unfunded Future 2003-04 Approved Capital Budget Commercial Paper 4570 237 2017	
Current Appropriation	\$	410,907,293.00
Unencumbered Balance		148,741,149.36
Amount of This Action	_	(8,644.00)
Remaining Balance	_\$	148,732,505.36
Current Available Balance	\$	i 183,940,241.59
Less Outstanding Commitme	nts	(35,199,092.23)
Estimated Unencumbered Balance		148,741,149.36

6/2/04 Date:

David Anders, Utilities Finance Manager

REF #4570 237 8569

Utility Finance:_

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 Austin PC-1, Ltd., and the property is located at 2209 Hancock Drive, Austin, Travis County, Texas.

Shirley A. Brown City Clerk