



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

**AGENDA ITEM NO.: 19
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 Spicewood Branch portion of the Austin Clean Water Program to acquire a 1,450 square foot temporary ingress and egress easement and 0.390 of one acre of land for a temporary staging area and material storage site easement out of Lot 1, of Resubdivision of Lot A, Austin Northwest Subdivision, Travis County, in the amount of \$54,471. The owner of the property sought to be condemned is HUB PROPERTIES TRUST, Austin, TX, a Maryland Real Estate Investment Trust. The property is located at 7800 Shoal Creek Boulevard, 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

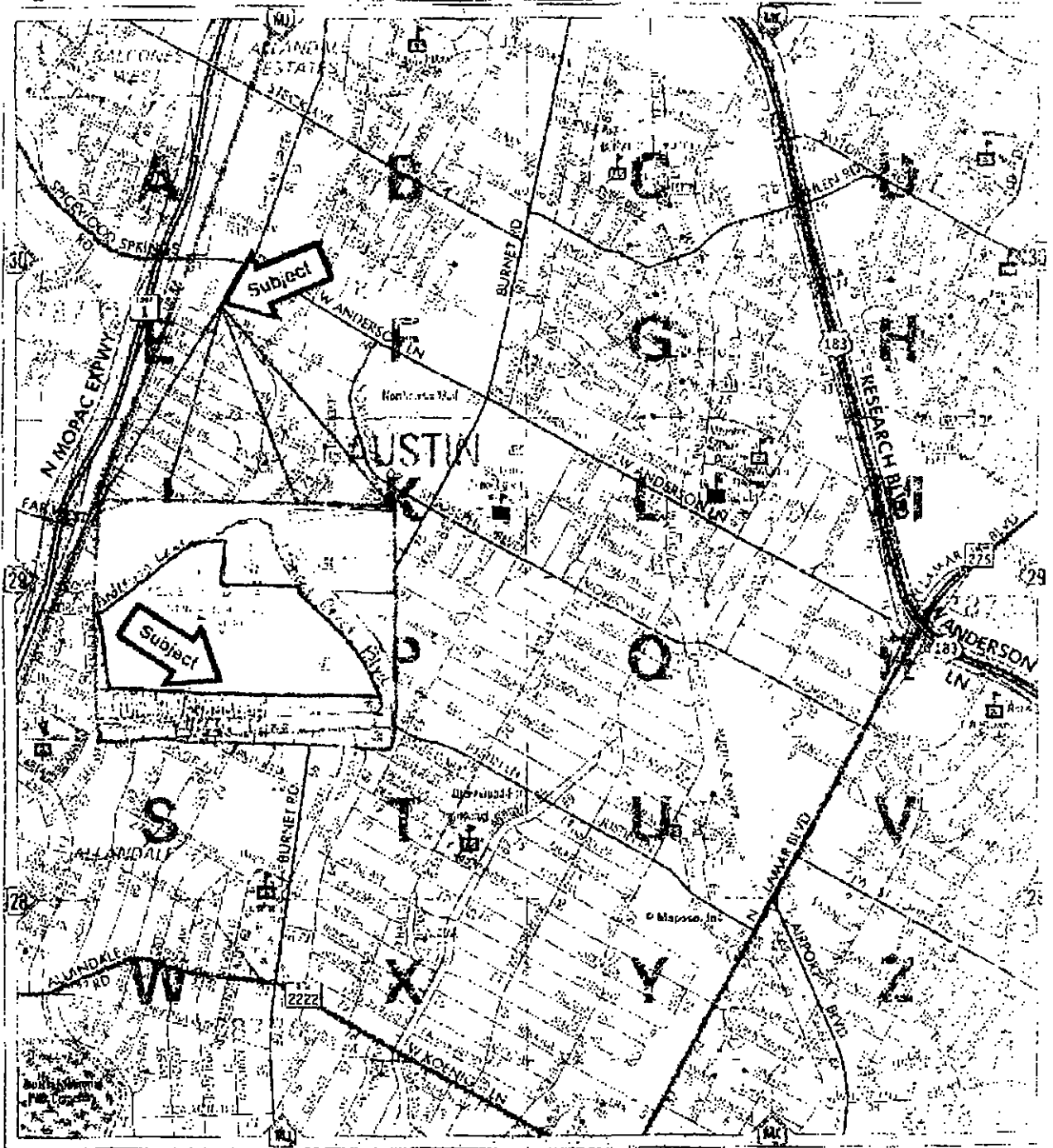
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Upper Shoal Spicewood Branch portion of the Austin Clean Water Program require acquisition of a temporary ingress and egress easement and a temporary staging area and material storage site easement on land located at 7800 Shoal Creek Boulevard.

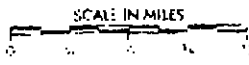
The City of Austin has attempted to purchase the temporary ingress and egress easement and temporary staging area and material storage site easement from the landowner by offering \$54,471, but the landowner neither accepted nor made a counteroffer. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



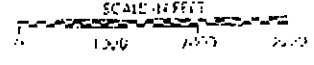
CONTINUED MAP 525

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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

6/24/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve resolution authorizing the filing of condemnation proceedings for the Austin Clean Water Program portion of Upper Shoal Spicewood Branch to acquire a 1,450 square foot temporary ingress and egress easement and a 16,988 square foot temporary staging area and material storage site easement out of Lot 1, a Resubdivision of Lot A, Austin Northwest Subdivision, in the City of Austin, in the amount of \$54,471. The owner of the property sought to be condemned is HUB PROPERTIES TRUST, a Maryland Real Estate Investment Trust. The property is located at 7800 Shoal Creek Boulevard, 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	148,872,392.36 *
Amount of This Action	<u>(54,471.00)</u>
Remaining Balance	<u>\$ 148,817,921.36</u>
Current Available Balance	\$ 183,940,241.59
Less Outstanding Commitments	<u>(35,067,849.23)</u>
Estimated Unencumbered Balance	<u>\$ 148,872,392.36 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

6/2/04

REF #4570 237 8570

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 HUB Properties Trust, and the property is located at 7800 Shoal Creek Boulevard, Austin, Travis County, Texas.

ADOPTED: June 24, 2004

ATTEST: _____
Shirley A. Brown
City Clerk