



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

**AGENDA ITEM NO.: 29
AGENDA DATE: Thu 07/29/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Colony North project of the Austin Clean Water Program to acquire a 1,639 square feet permanent wastewater line easement and a 339 square foot temporary working space easement out of Lot 3A, Block B, Resubdivision of Lots 1, 2, 5, and 6, Block B of the Bilton Subdivision in the City of Austin and a 1,065 square foot permanent wastewater line easement and two temporary working space easements containing 53 square feet and 1,093 square feet of land out of Lot 3, Block B, Resubdivision of Lots 1, 2, 5, and 6, Block B of the Bilton Subdivision in Austin, TX, in the amount of \$3,079. The owners of the property interests sought to be condemned are AMTEC MEDICAL, INC.; METRIC LAND TRUST; ATARA GROUP, L.L.C.; L & C LIGHTING GROUP, INC., now known as Acuity Lighting Group, Inc.; and REGAL PLASTICS SUPPLY CO., INC. The properties are located at 9117 Metric Boulevard and 9119 Metric Boulevard, Austin, TX, respectively.

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 City of Austin is upgrading its wastewater collection system as mandated by the U.S. Environmental Protection Agency's Administrative Order, received April 29, 1999, requiring the City to eliminate sanitary sewer overflows from its wastewater collection system.

In response to the U.S. Environmental Protection Agency's Administrative Order, the City of Austin has assembled the Austin Clean Water Program to plan, design, and construct sustainable wastewater collection system improvements that will result in a collection system free from sanitary sewer overflows.

The design plans for the Little Walnut/Buttermilk - Colony North project of the Austin Clean Water Program require acquisition of a permanent wastewater line easement and one temporary working space easement on land located at 9117 Metric Boulevard and a permanent wastewater line easement and two temporary working space easements on land located at 9119 Metric Boulevard.

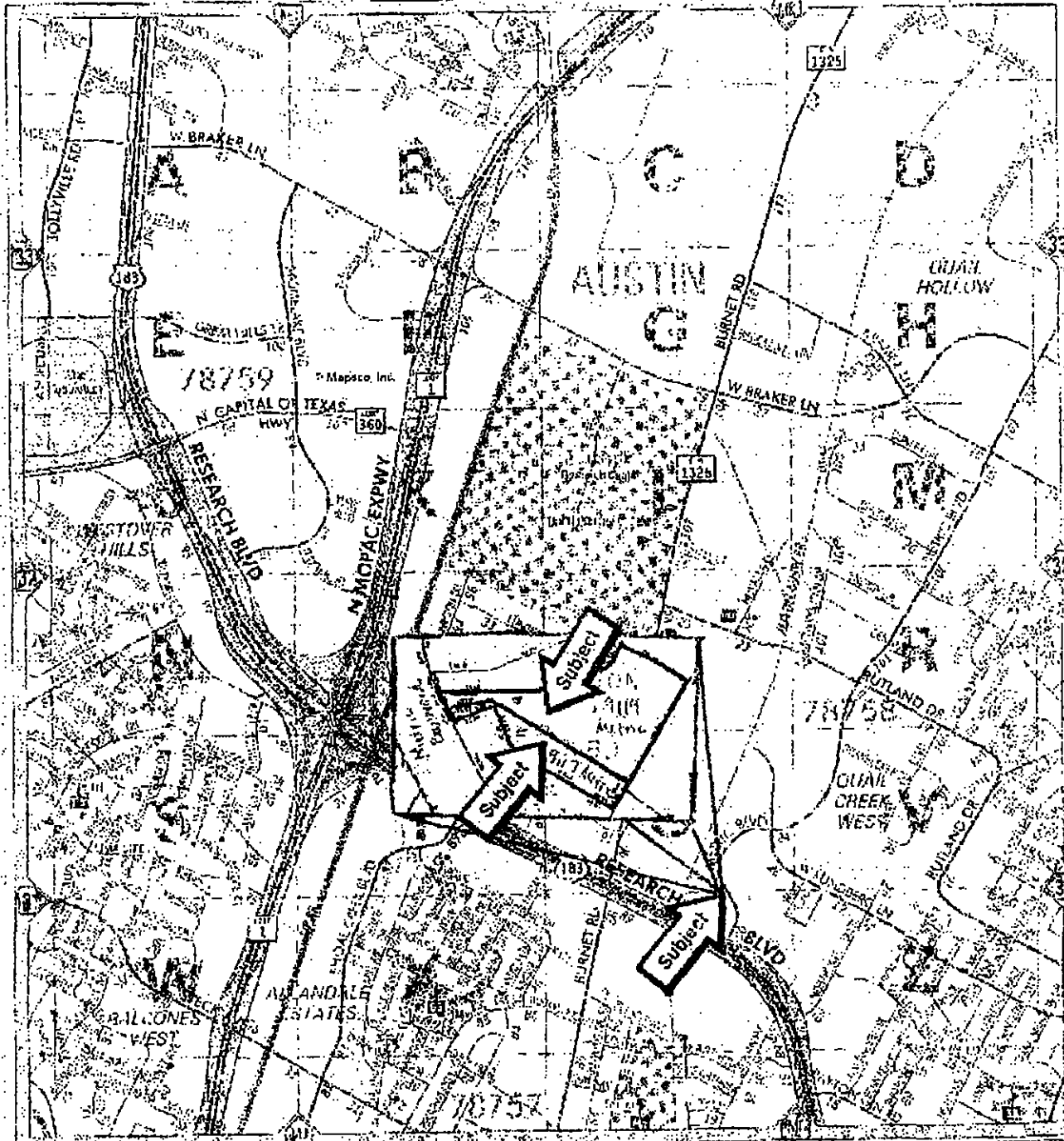
The City of Austin has attempted to purchase the two permanent wastewater line easements and three temporary working space easements from the landowners; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



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SCALE IN MILES

SCALE IN FEET

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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

7/29/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Colony North portion of the Austin Clean Water Program to acquire a 1,639 square foot permanent wastewater line easement and a 339 square foot temporary working space easement out of Lot 3A, Block "B", Resubdivision of Lots 1, 2, 5 and 6, Bilton Subdivision, a subdivision in the City of Austin, and a 1,065 square foot permanent wastewater line easement and two temporary working space easements containing 53 square feet and 1,093 square feet of land out of Lot 3, Block "B", Resubdivision of Lots 1, 2, 5 and 6, Bilton Subdivision, a subdivision in the City of Austin, in the amount of \$3,079. The owner of the property sought to be condemned is AMTEC MEDICAL, INC. (Fee Simple) and METRIC LAND TRUST; ATARA GROUP, LLC; L & C LIGHTING GROUP, INC., now known as Acuity Lighting Group, Inc.; REGAL PLASTICS SUPPLY COMPANY and AMTEC MEDICAL, INC. (Easement Rights Only). The properties are respectively located at 9117 Metric Boulevard and 9119 Metric 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	145,133,345.12 *
Amount of This Action	<u>(3,079.00)</u>
Remaining Balance	<u>\$ 145,130,266.12</u>
Current Available Balance	\$ 159,253,600.31
Less Outstanding Commitments	<u>(14,120,255.19)</u>
Estimated Unencumbered Balance	<u>\$ 145,133,345.12 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 7/8/04

REF 4570 237 8576

RESOLUTION NO. 040729-

WHEREAS, the Council finds that the property interests 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 interests.

The owners of the property interests to be acquired are Amtec Medical, Inc.; Metric Land Trust; Atara Group, L.L.C.; L & C Lighting Group, Inc., now known as Acuity Lighting Group, Inc.; and Regal Plastics Supply Co., Inc., and the property is located at 9117 Metric Boulevard and 9119 Metric Boulevard, Austin, Travis County, Texas.

ADOPTED: July 29, 2004

ATTEST: _____
Shirley A. Brown
City Clerk

2005