



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

**AGENDA ITEM NO.:** 30  
**AGENDA DATE:** Thu 07/29/2004  
**PAGE:** 1 of 1

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Tannehill - Broadmoor and Cameron project of the Austin Clean Water Program to acquire a 547 square feet permanent wastewater line easement out of Lot 16, Block D, Windsor Park Section, 4A, a subdivision in Travis County, TX, in the amount of \$3,650. The owners of the property interests sought to be condemned are EDWARD D. HILL and JERAL TATUM HILL. The property is located at 1307 Broadmoor Drive, Austin, TX.

**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

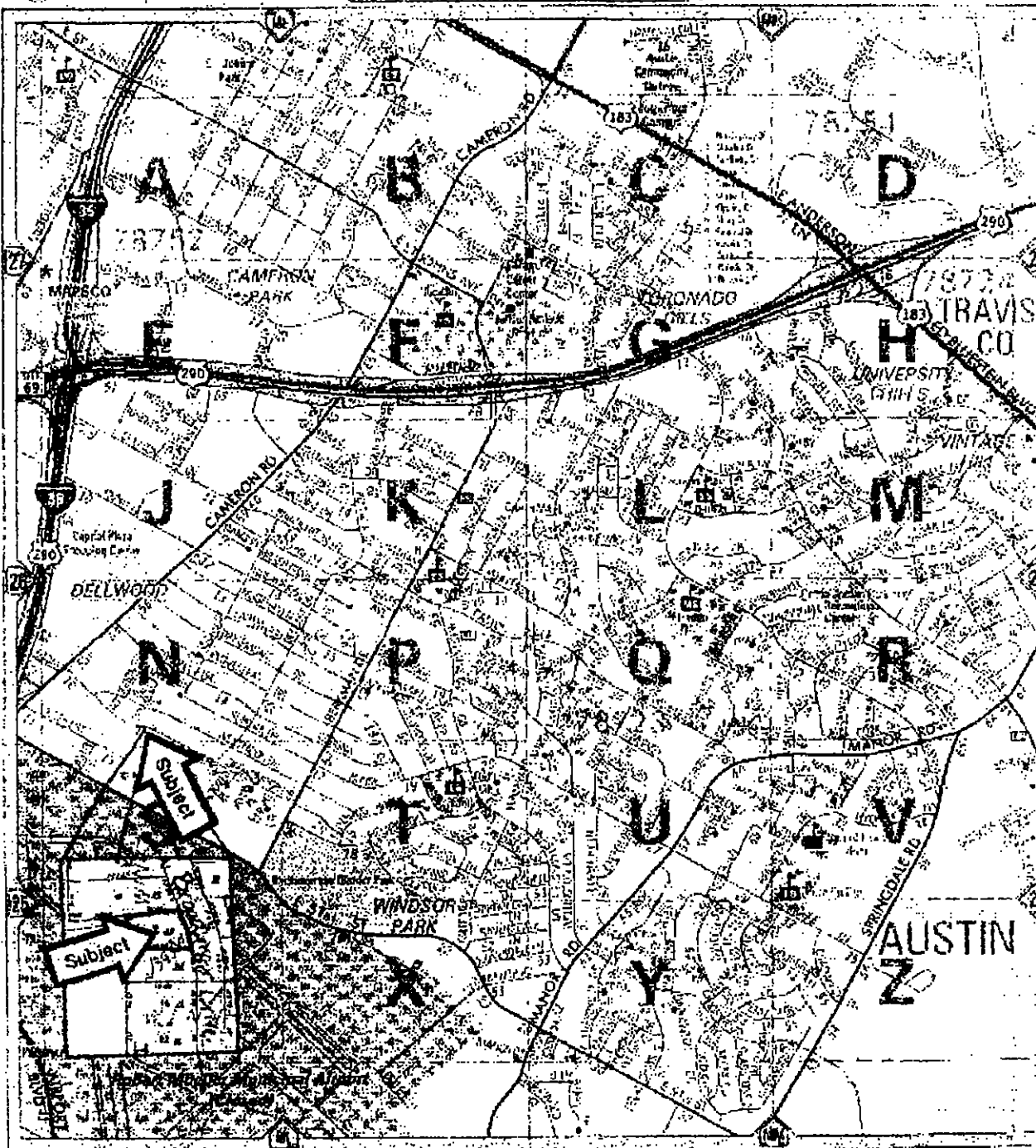
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The City of Austin is upgrading its wastewater collection system as mandated by the U.S. Environmental Protection Agency's Administrative Order, received April 29, 1999, requiring the City to eliminate sanitary sewer overflows from its wastewater collection 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 Upper Tannehill - Broadmoor and Cameron project of the Austin Clean Water Program require acquisition of a permanent wastewater line easement on land located at 1307 Broadmoor Drive.

The City of Austin has attempted to purchase the permanent wastewater line easement 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.



CONTINUED ON MAP 557

CONTINUED ON MAP 557

CONTINUED ON MAP 557

SCALE IN MILES  
0 1 2 3 4 5

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SCALE IN FEET  
0 1000 2000 3000

556A-1000

## 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 Upper Tannehill - Broadmoor and Cameron portion of the Austin Clean Water Program to acquire a 547 square foot permanent wastewater line easement out of Lot 16, Block "D", Windsor Park Section Four-A, a subdivision in the City of Austin, in the amount of \$3,650. The owner of the property sought to be condemned is EDWARD D. HILL and wife, JERAL TATUM HILL. The property is located at 1307 Broadmoor 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	145,136,995.12 *
Amount of This Action	<u>(3,650.00)</u>
Remaining Balance	<u><u>\$ 145,133,345.12</u></u>
Current Available Balance	\$ 159,253,600.31
Less Outstanding Commitments	<u>(14,116,605.19)</u>
Estimated Unencumbered Balance	<u><u>\$ 145,136,995.12 *</u></u>

Utility Finance: \_\_\_\_\_

  
David Anders, Utilities Finance Manager

Date: \_\_\_\_\_

7/8/04

**REF 4570 237 8566**

**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 Edward D. Hill and Jeral Tatum Hill and the property is located at 1307 Broadmoor Drive, Austin, Travis County, Texas.

**ADOPTED:** July 29, 2004

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk