



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

**AGENDA ITEM NO.: 15
AGENDA DATE: Thu 08/05/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - North/Capital Drive project as part of the Austin Clean Water Program to acquire a (1) 18,038 square foot permanent wastewater line easement, (2) 63,686 square foot permanent access easement, (3) 71 square foot temporary working space easement, and (4) 2,418 square foot temporary staging area and material storage site easement out of Lot 1, Block A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, for the amount of \$68,013. The owner of the property interests sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, Austin, TX. The property is located at 1088 Park Plaza, 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

The design plans for the Little Walnut/Buttermilk - North/Capital Drive project as part of the Austin Clean Water Program require acquisition of a permanent wastewater line easement, a permanent access easement, a temporary working space easement, and a temporary staging area and material storage site easement on land located at 1088 Park Plaza, Austin, Texas.

The City of Austin has attempted to purchase the (1) permanent wastewater line easement, (2) permanent access easement, (3) temporary working space easement, and (4) temporary staging area and material storage site easement from the landowner; 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.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

8//05/04
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - North Capital Drive portion of the Austin Clean Water Program to acquire (1) 18,038 square foot permanent wastewater line easement, (2) 63,686 square foot permanent access easement, (3) 71 square foot temporary working space easement, and (4) 2,418 square foot temporary staging area and material storage site easement out of Block 1, Lot A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, in the amount of \$68,013. The owner of the property sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, of West Springfield, MA. The property is located at 1088 Park Plaza, 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	144,838,586.32 *
Amount of This Action	<u>(68,013.00)</u>
Remaining Balance	<u>\$ 144,770,573.32</u>
 Current Available Balance	 \$ 159,253,600.31
Less Outstanding Commitments	<u>(14,415,013.99)</u>
Estimated Unencumbered Balance	<u>\$ 144,838,586.32 *</u>

Utility Finance: _____



David Anders, Utilities Finance Manager

Date: 7/13/04

REF 4570 237 8578

RESOLUTION NO. 040805-

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**,

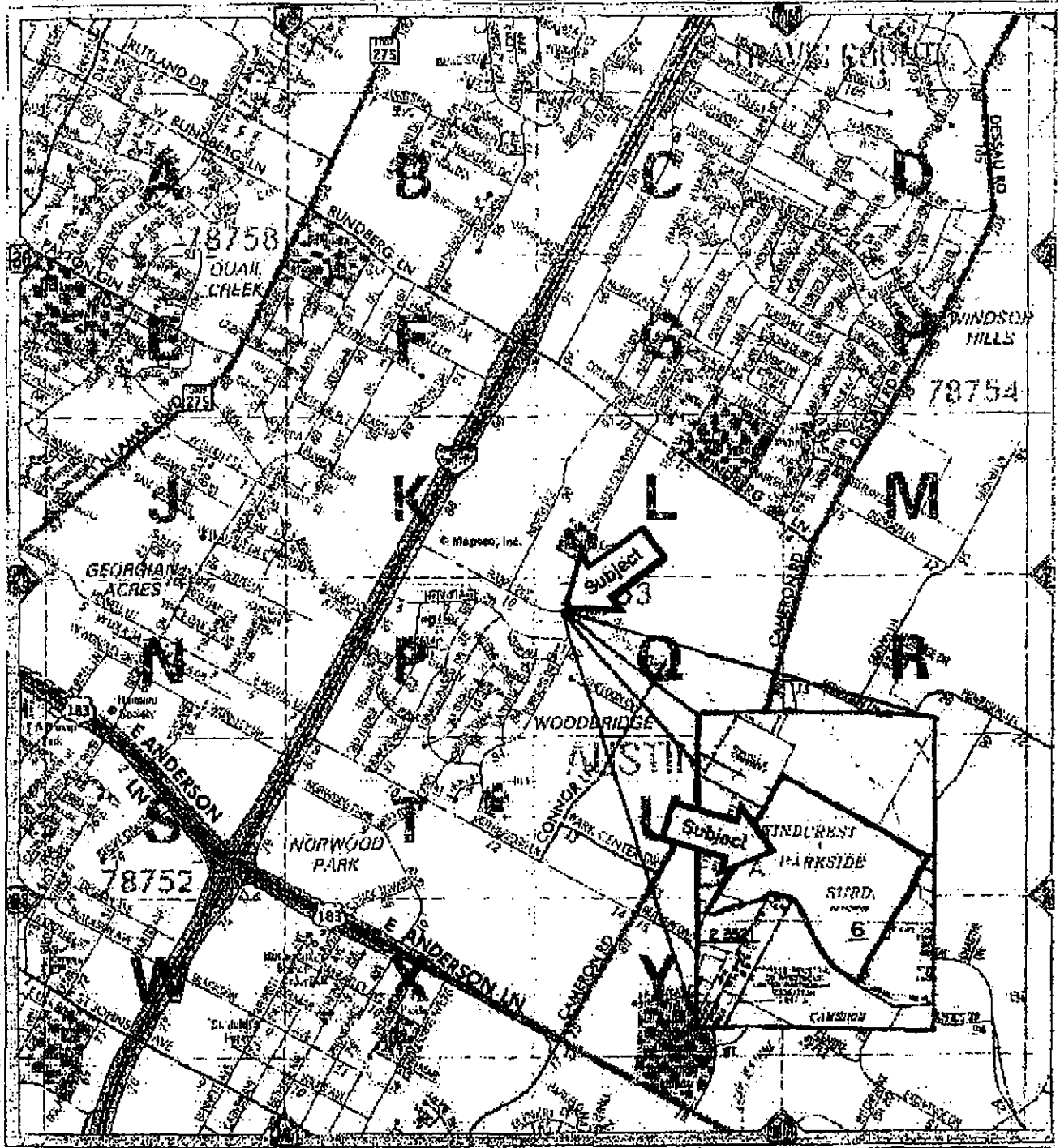
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 owner of the property interests to be acquired is Austin Windcrest Park Plaza Limited Partnership and the property is located at 1088 Park Plaza, Austin, Travis County, Texas.

ADOPTED: July 29, 2004

ATTEST: _____
Shirley A. Brown
City Clerk



SCALE IN MILES

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SCALE IN FEET