



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

AGENDA ITEM NO.: 30
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal - Lower Hancock Branch project of the Austin Clean Water Program to acquire a 8,569 square foot permanent wastewater line easement, a 7,356 square foot temporary working space easement, and a 3,867 square foot temporary ingress and egress easement each in the George W. Spear Survey, City of Austin, TX, out of a 5.75 acre tract known as the Paddock Condominiums as recorded in the Condominium Declaration for the Paddock Condominiums in Volume 7973, Page 71 and Volume 8209, Page 849, et seq., of the Condominium Records of Travis County, in the amount of \$27,337. The owner of the property sought to be condemned is THE AUSTIN PADDOCK HOME OWNER'S ASSOCIATION, INC., Austin, TX, also known as THE AUSTIN PADDOCK HOME OWNER'S, INC. The property is a located at 1510 North Loop Boulevard West, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2003-2004 Approved 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 the 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 prevent future Sanitary Sewer Overflows in the collection system.

The design plans for the Upper Shoal - 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 at land located at 1510 North Loop Boulevard West.

The City of Austin has attempted to purchase the permanent wastewater line easement, temporary working space easement, and temporary ingress and egress easement from the landowner; however, the parties have not been able 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:

9/30/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal - Lower Hancock Branch project of the Austin Clean Water Program to acquire a 8,569 square foot permanent wastewater line easement, a 7,356 square foot temporary working space easement and a 3,867 square foot temporary ingress and egress easement out of a 5.75 acre tract of land, George W. Spear Survey Number 7, in the City of Austin, in the amount of \$27,337. The owner of the property sought to be condemned is THE AUSTIN PADDOCK HOME OWNER'S ASSOCIATION, INC., also known as THE AUSTIN PADDOCK HOME OWNER'S, INC. The property is located at 1510 North Loop Boulevard West, Austin, TX.

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	130,334,672.12 *
Amount of This Action	<u>(27,337.00)</u>
Remaining Balance	<u>\$ 130,307,335.12</u>
Current Available Balance	\$ 139,959,107.83
Less Outstanding Commitments	<u>(9,624,435.71)</u>
Estimated Unencumbered Balance	<u>\$ 130,334,672.12 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

Date:

9/2/04

REF # 4570 237 8569

RESOLUTION NO. 040930-

WHEREAS, the Council finds that acquisition of the property interests described in the attachment are 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:

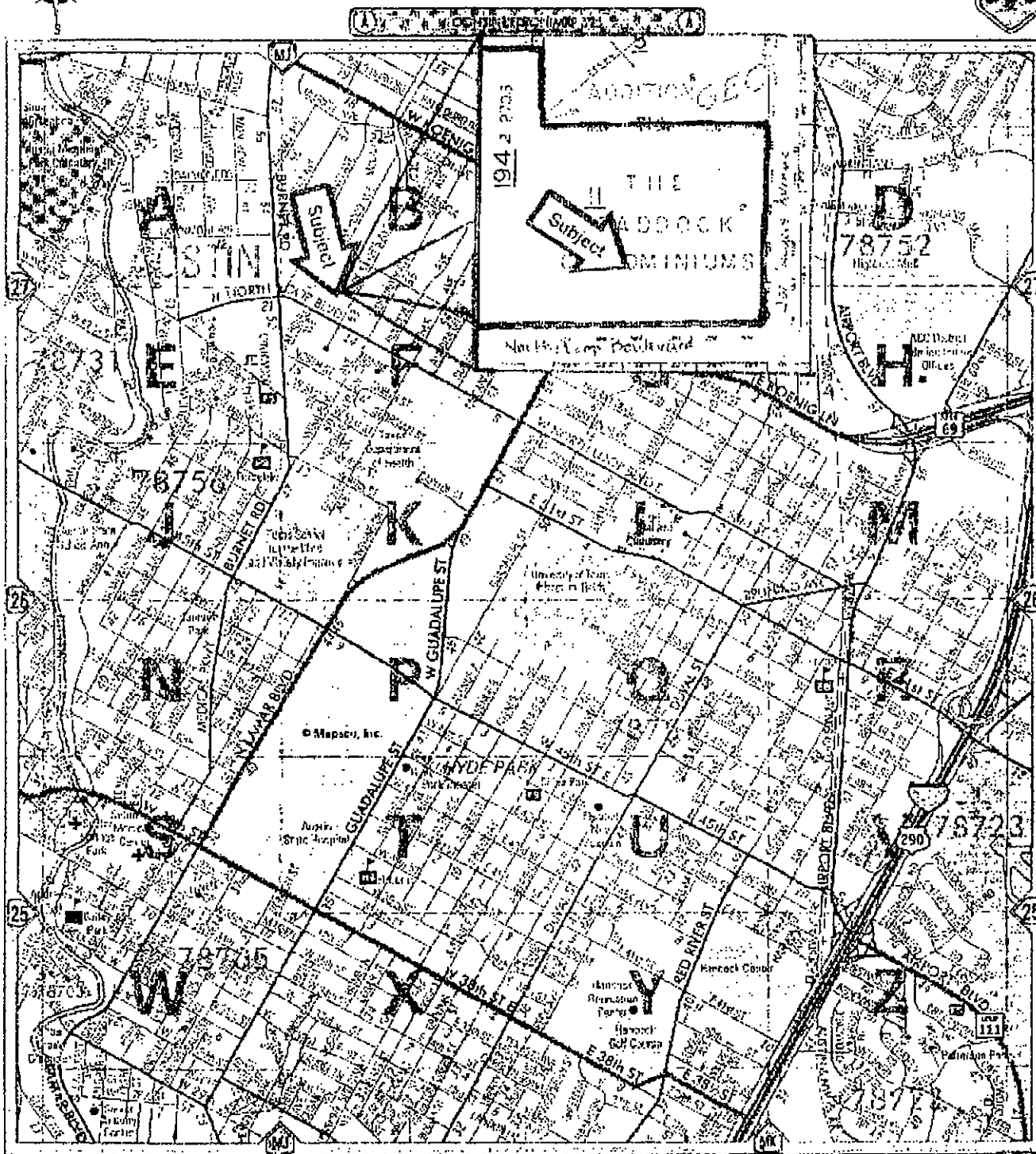
The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interests.

The owner of the property interests to be acquired is The Austin Paddock Home Owner's Association, Inc, also known as The Austin Paddock Home Owner's, Inc. and the property is located at 1510 North Loop Boulevard West, Austin, Travis County, Texas.

ADOPTED: _____ September 30 _____, **2004**

ATTEST: _____

Shirley A. Brown
City Clerk



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