



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

AGENDA ITEM NO.: 19
AGENDA DATE: Thu 10/28/2004
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire 0.009 of an acre for a temporary working space easement out of a portion of a 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163 in Travis County, Texas, for the amount of \$100. The owner of the property interest sought to be condemned is JACKIE L. PAYNE. The property is located at 1509 Three Points Road, Pflugerville, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 1999-2000 Amended 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 IH 35 North Project require acquisition of a temporary working space easement on land located at 1509 Three Points Road, Pflugerville, TX.

The City of Austin has attempted to purchase the temporary working space easement from the landowner; however, the parties have been unable to agree on an appropriate amount. 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:

10/28/2004
Resolution
Austin Water Utility

DESCRIPTION:

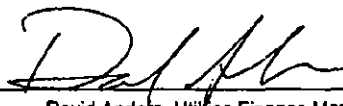
Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire 0.009 of an acre for a temporary working space easement out of a portion of 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163, in the amount of \$100. The owner of the property interest sought to be condemned is JACKIE L. PAYNE, Pflugerville, TX. The property is located at 1509 Three Points Road, Pflugerville, TX

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Improvements- Citywide
Project Authorization:	1999-2000 Amended Capital Budget
Funding Source:	Current Revenue
Number:	4480 237 2016

Current Appropriation	\$ 95,563,829.00
Unencumbered Balance	11,704,064.19 *
Amount of This Action	<u>\$ (100.00)</u>
Remaining Balance	<u>\$ 11,703,964.19</u>
Current Available Balance	\$ 11,783,299.19
Less Outstanding Commitments	<u>(79,235.00)</u>
Estimated Unencumbered Balance	<u>\$ 11,704,064.19 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

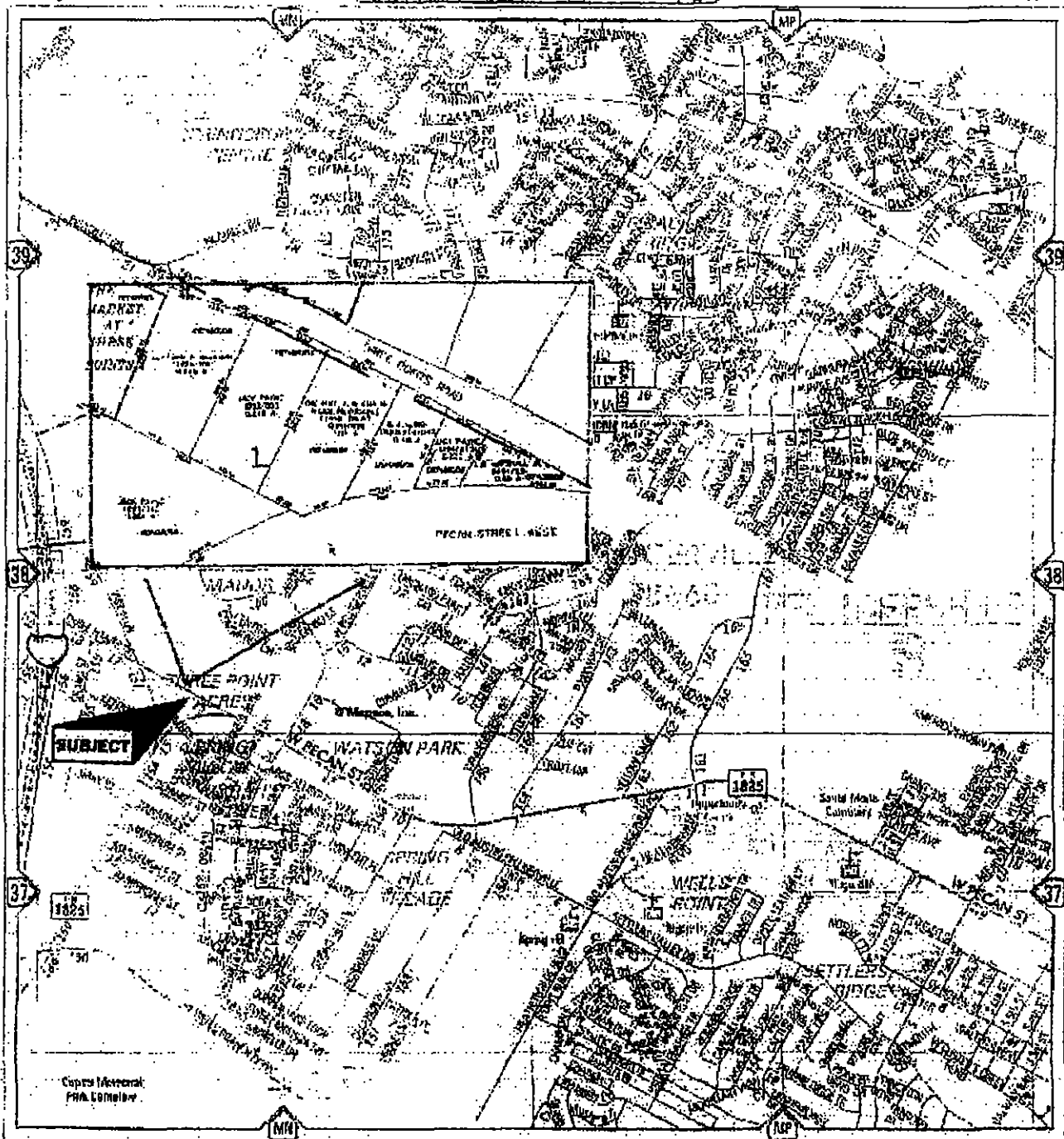
Date:

10/6/04

REF. # 4480 237 8762

437

(4) CONTINUED ON MAP 437 (A)



CONTINUED ON MAP 436

CONTINUED ON MAP 437

CONTINUED ON MAP 438

SCALE IN FEET
0 100 200 300

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SCALE IN FEET
0 1000 2000 3000

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RESOLUTION NO. 041028-

WHEREAS, the Council finds that acquisition of the property interest 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 interest 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 interest.

The owner of the property interest to be acquired is Jackie L. Payne and the property is located at 1509 Three Points Road, Pflugerville, Travis County, Texas.

ADOPTED: _____ October 28 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk