



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

**AGENDA ITEM NO.: 16  
AGENDA DATE: Thu 11/18/2004  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive project to acquire a 0.037 acre permanent wastewater line easement, a 0.350 acre temporary working space easement, and a 0.309 acre temporary ingress and egress easement out of a 24.001 acre tract of land in the John Applegait Survey No. 58, Abs. 29, in Travis County, TX, in the amount of \$21,439. The owner of the property interests sought to be acquired is TEXRUN ENTERPRISES, INC., Austin, TX. The property is located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive, and west of IH-35, also known as 0 Longspur Boulevard East.

**AMOUNT & SOURCE OF FUNDING:** Funding is included in the Fiscal Year 2004-2005 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 Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive project require acquisition of a permanent wastewater line easement, a temporary working space easement, and a temporary ingress and egress easement on land located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive and west of IH-35, also known as 0 Longspur Boulevard East.

The City of Austin has attempted to purchase the three easements 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:

11/18/2004  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive Project to acquire a 0.037 acre permanent wastewater line easement, a 0.350 acre temporary working space easement, and a 0.309 acre temporary ingress and egress easement out of a 24.001 acre tract of land out of John Applegate Survey No. 58, in Travis County, TX, in the amount of \$21,439. The owner of the property sought to be condemned is TEXRUN ENTERPRISES, INC., Austin, TX. The property is located along the north side of east Rundberg Lane and east of Orlole Drive.

**FINANCIAL INFORMATION:**

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 494,673,293.00
Unencumbered Balance	197,990,259.72 *
Amount of This Action	<u>(21,439.00)</u>
Remaining Balance	<u>\$ 197,968,820.72</u>
Current Available Balance	\$ 216,541,835.48
Less Outstanding Commitments	<u>(18,551,575.76)</u>
Estimated Unencumbered Balance	<u>\$ 197,990,259.72 *</u>

Utility Finance:

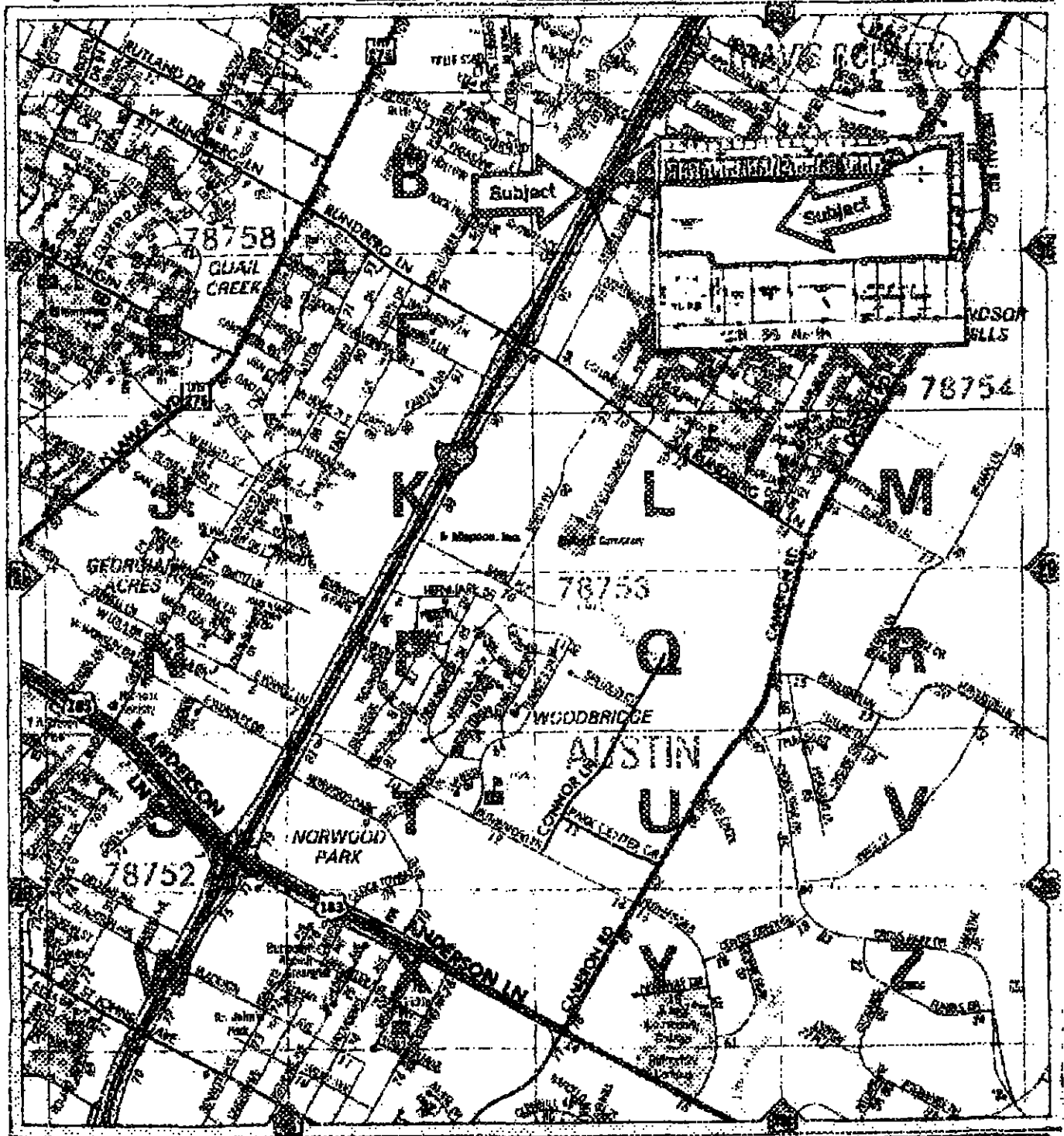


David Anders, Utilities Finance Manager

Date:

10/25/04

REF. #4570 237 8578



SCALE IN MILES  
0 1/4 1/2 3/4 1

COPYRIGHT 1995, 2002 by MAPSCO INC. - ALL RIGHTS RESERVED

SCALE IN FEET  
0 1000 2000 3000

BOOK PAGE 1144

**RESOLUTION NO. 041118-**

**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 Texrun Enterprises, Inc. and the property is located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive and west of IH-35, also known as 0 Longspur Boulevard East, Austin, Travis County, Texas.

**ADOPTED:** \_\_\_\_\_ November 18, 2004

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk