



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

AGENDA ITEM NO.: 17
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 13,724 square foot permanent wastewater line easement, a 19,299 square foot temporary working space easement, and a 0.298 acre temporary staging area and materials storage site easement out of the John Applegait Survey No. 58, ABS. 29 in Travis County, TX, the same being a portion of Lot 1, Stoney Creek Landing, Phase 2 in the City of Austin, in the amount of \$41,737. The owner of the property interests sought to be acquired is WDOP SUB I, L.P., A DELAWARE LIMITED PARTNERSHIP. The property is located at 9200 North Plaza, Austin, TX.

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 required.

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

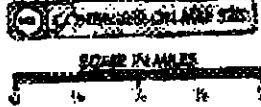
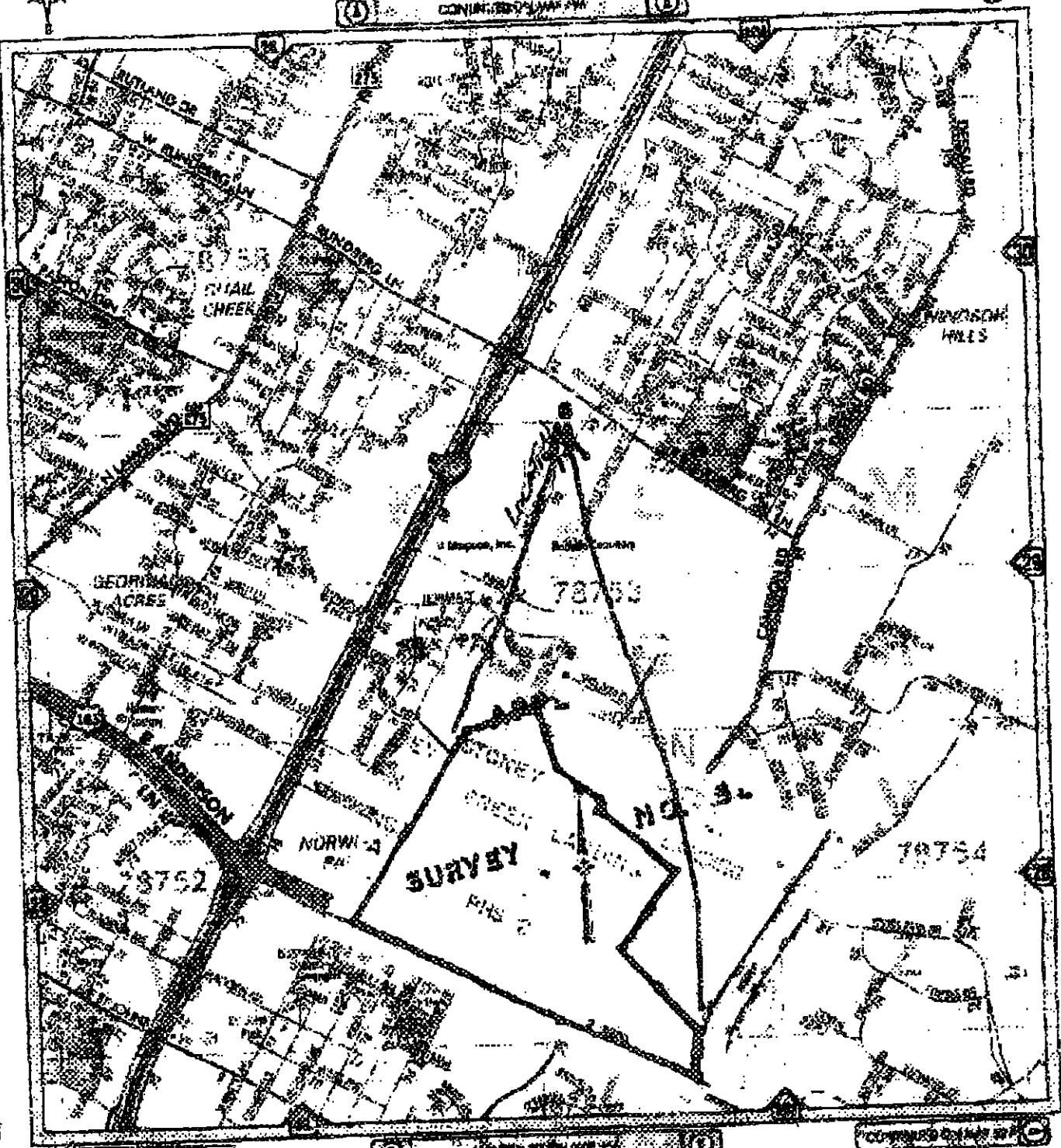
BOARD AND COMMISSION ACTION: N/A

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 staging area and materials storage site easement at 9200 North Plaza.

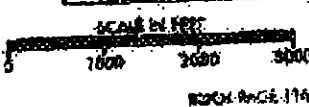
The City of Austin has attempted to purchase the permanent wastewater line easement, temporary working space easement, and temporary staging area and materials storage site easement from the landowner; however, the parties have not been able to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



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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 13,724 square foot permanent wastewater line easement, a 19,299 square foot temporary working space easement, and a 0.298 acre temporary staging area and material storage site easement out of and a part of the John Applegate Survey No. 58, ABs. 29 in Travis County, TX, same being a portion of Lot 1, stoney creek landing, phase 2 in the City of Austin, in the amount of \$41,737. The owner of the property sought to be condemned is WDOP SUB I, A DELAWARE LIMITED PARTNERSHIP (Fee Simple). The property is located at 9200 North Plaza, Austin, TX.

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	198,031,996.72 *
Amount of This Action	<u>(41,737.00)</u>
Remaining Balance	<u>\$ 197,990,259.72</u>
Current Available Balance	\$ 216,541,835.48
Less Outstanding Commitments	<u>(18,509,838.76)</u>
Estimated Unencumbered Balance	<u>\$ 198,031,996.72 *</u>

Utility Finance: _____



David Anders, Utilities Finance Manager

Date: 10/25/04

REF. #4570 237 8578

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 WDOP Sub I, L.P., and the property is located at 9200 North Plaza, Austin, Travis County, Texas.

ADOPTED: _____ November 18 _____, **2004**

ATTEST: _____

Shirley A. Brown
City Clerk