



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

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

SUBJECT: Authorize the filing of eminent domain proceedings for the Escarpment Right-of-Way Project to acquire fee simple title to 0.467 acre of land in the Samuel Hamilton Survey No. 16, in Travis County, TX, in the amount of \$40,674. The owner of the property interests sought to be condemned is DANIEL J. BRUSTKERN, Austin, TX. The property is located approximately 650 feet north of Slaughter Lane and 650 feet south of the intersection of Salcon Cliff Drive and Escarpment Boulevard, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Council approved funding by Escarpment Village, L.P. in a Community Facilities Contract and placed it in escrow on May 27, 2004.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078, Laura Bohl 974-7064

PRIOR COUNCIL ACTION: Council approved funding by Escarpment Village, L.P. in the amount not to exceed \$190,000.00 through a Community Facilities Contract and placed in Escrow on May 27, 2004.

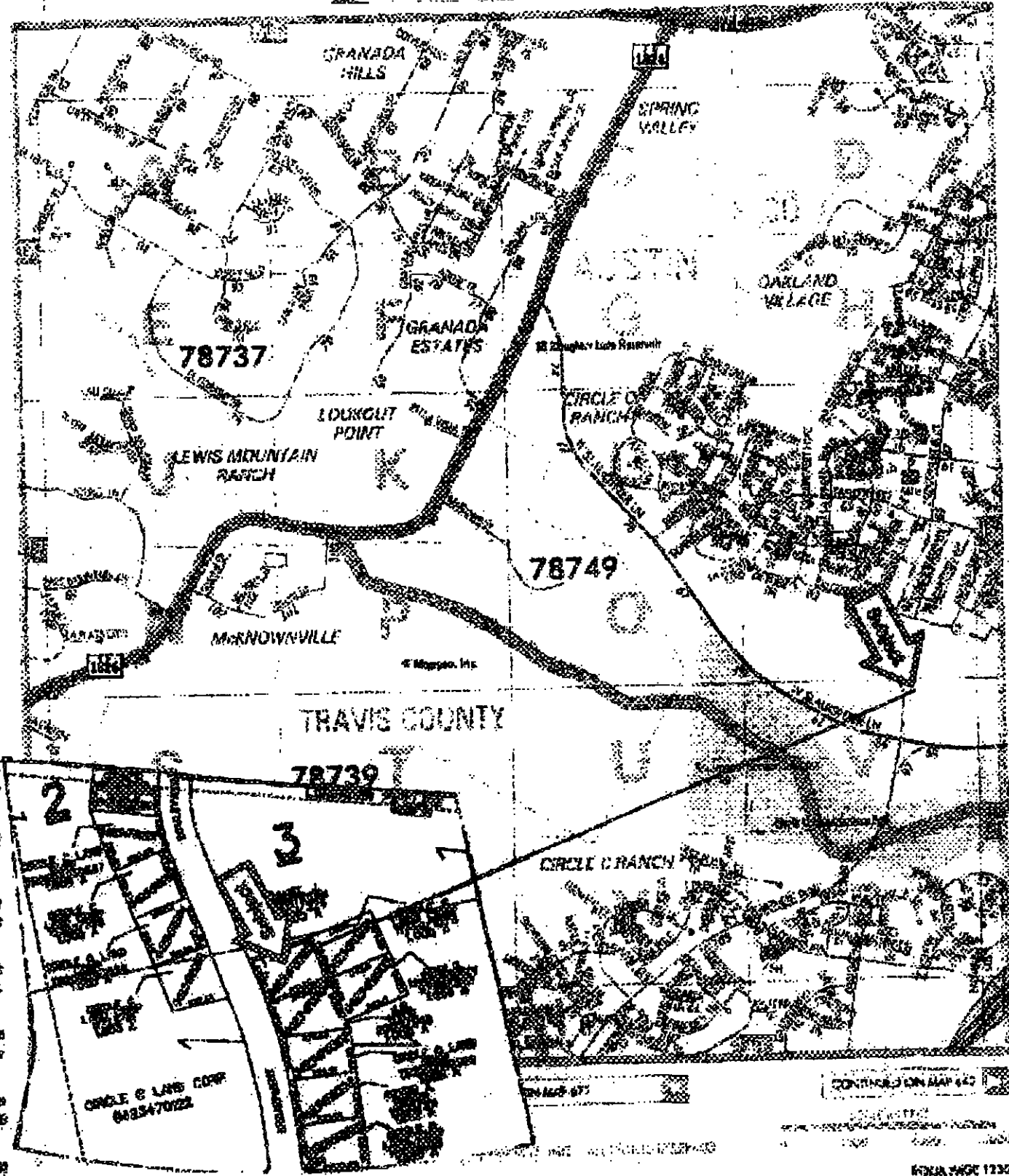
BOARD AND COMMISSION ACTION: N/A

The design plans for the extension of the arterial roadway Escarpment Boulevard (described generally as a four traffic lane roadway with an asymmetric median, curb and gutter, related drainage improvements, bike lanes and sidewalks on both sides) requires the acquisition of a street deed for the land located +/- 640 feet north of Slaughter Lane, +/- 640 feet south of the intersection of Salcon Cliff Drive and Escarpment Boulevard and more particularly described as 0.467 of an acre of land, more or less, out of the Samuel Hamilton Survey No. 16, in Travis County, Texas.

Escarpment Village, L.P. will reimburse the City for all third party costs incurred in connection with any acquisition or condemnation of a portion of the right-of-way required for the project.

The City of Austin has attempted to purchase fee simple title 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.

CONTINUED ON MAP 641



RESOLUTION NO. 041118-

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 Daniel J. Brustkern and the property is located approximately 650 feet north of Slaughter Lane and 650 feet south of the intersection of Salcon Cliff Drive and Escarpment Boulevard, Austin, Travis County, Texas.

ADOPTED: _____ November 18 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk