



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

**AGENDA ITEM NO.: 19
AGENDA DATE: Thu 11/18/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the ABIA Noise Mitigation Project to acquire fee simple title to a tract of land containing 33.893 acres out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, TX, in the amount of \$325,000. The owner of the property interests sought to be acquired is W.A. DENTON also known as WILLIAM ALVIN DENTON. The Property is located at 11506 McAngus Road, Del Valle, TX.

AMOUNT & SOURCE OF FUNDING: Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grant.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works
DEPARTMENT:for Aviation;

**DIRECTOR'S
AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Melinda Ruby 530-6634; Lauraine Rizer 974-7078; Laura Bohl 974-7064.

PRIOR COUNCIL ACTION: 09/09/99 - Federal Aviation Regulations (FAR) Noise Study; 08/23/01 - Consultant Selection for Noise Mitigation Program.

BOARD AND COMMISSION ACTION: N/A

The property and residence located at 11506 McAngus Road, Del Valle, TX, is a part of the approved ABIA Noise Mitigation Project. The purpose of the project is to reduce noise impacts and ensure land use compatibility within the airport vicinity.

The land to be acquired is approximately 33.893 acres. The improvements include a: 1,673 square foot manufactured home (believed to have been constructed in 1985); 2,450 square foot metal workshop; 3,000 square foot barn; 2,173 square foot horse stable; riding arena; 160 square foot storage container; 7,700 linear feet of fencing; and three stock ponds. The fair market value of the property including improvements is \$325,000, as determined by an independent appraiser.

The City of Austin has attempted to purchase the property from the landowner, but the parties have been unable to agree on an appropriate price.

The City of Austin Law Department is requesting authorization to file a suit in eminent domain on behalf of the City of Austin and the Federal Aviation Administration.

FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
HERE ON AGENDA:
DEPARTMENT:

18-Nov-04
Resolution
Aviation

Description: Approve a resolution authorizing the filing of eminent domain proceedings for the Airport Noise Mitigation program to acquire the fee simple interest of a tract of land containing 33.893 acres out of the N.M. Bain Survey, Abstract No. 61, in Travis County, TX, in the amount of \$325,000. The owner of the property sought to be condemned is W.A. DENTON also known as WILLIAM ALVIN DENTON, Del Valle, TX. The Property is located at 11506 McAngus Road, Del Valle, TX.

FINANCIAL INFORMATION:

Project Name:	ABIA Improvements
Project Authorization:	2004-05 Capital Budget
Funding Source:	Airport Capital Fund
	Discretionary grants
	Entitlement grants
Fund/Agency/Orgn:	4910-817-3073

Current Appropriation	\$	122,152,000
Unencumbered Balance		42,872,942
Amount of this Action		<u>(325,000)</u>
Available Balance	\$	42,547,942

Use of Estimated Remaining Balance

Noise Mitigation and Flight Track Monitoring System	\$	13,620,693
Terminal Modifications		49,266
Taxiway A, K (J to L)		990
Balcony Etched Glass		48,900
Etched Glass, Engineering Support		6,988
Airfield Security Gates, Improvements		165,720
Field Maintenance Facility		69,811
Pavement Rehabilitation		191,176
Security System Improvements		158,351
Alternative Fuel (Propane) Facility		5,099
Parking Structure Rehabilitation		43,857
Emergency Dispatch Center at Ops Building		74,428
Public Parking Improvements		304,065
Pavement Maintenance		1,199,969
Terminal Improvements		2,305,474
National Guard		300,000
APPD CIP		81,373
DVISD Land		21

Air Cargo Pond Correction	150,657
Baggage Screen	1,245,272
Terminal Leak Repairs	1,699,215
Roof Repairs Bldg 7350	217,853
ERS Perimeter Road Study	167,802
Runway Sweeper	39,472
Runway Friction Test Unit	140,500
AIPP Ped Bridge	15,474
Elevator & Escalator Improvements	4,869,250
Maynard Tract	6,459
ARFF Vehicle Replacement	1,067,000
Airfield Pavement Reheb	1,500,000
Airfield Lighting Improvements	1,500,000
Noise Mitigation	4,675,000
ABIA Security Improvements Phase 2	200,000
Parent level	6,415,053

\$	42,547,942	\$	42,547,942
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Currently Unbudgeted/Unobligated

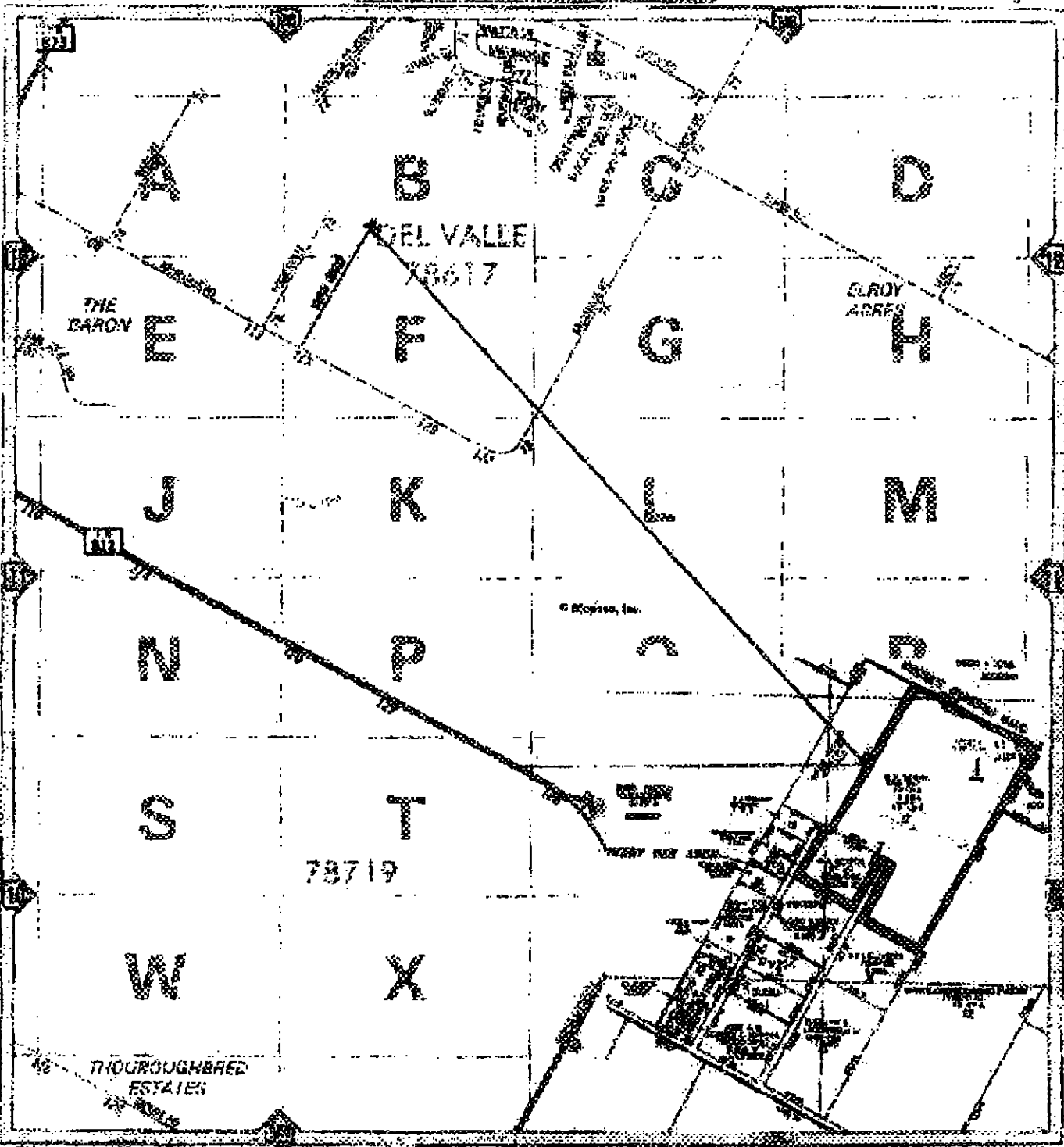
\$	<u>0</u>
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Finance:

Barbara E. Jipke

Date:

10-22-04



CONTOUR LINE

1

1

SCALE IN FEET
0 100 200 300

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SCALE IN FEET
0 1000 2000 3000

SOOT PAGE 1281

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 W.A. Denton aka William Alvin Denton and the property is located at 11506 McAngus Road, Del Valle, Travis County, Texas.

ADOPTED: _____ November 18 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk