



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

**AGENDA ITEM NO.: 20  
AGENDA DATE: Thu 12/02/2004  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a 2,250 square foot permanent waterline easement out of Lot A, Daywood Subdivision No. 2 in Travis County, Texas in the amount of \$1,069. The owner of the property interest sought to be acquired is ROOHI-JOOHI, INC., Austin, TX. The property is located at 7700 East Martin Luther King Boulevard, 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 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

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The design plans for the FM 969 and Decker to 183 Project require the acquisition of a permanent waterline easement on land located at 7700 East Martin Luther King Jr. Boulevard, Austin, TX.

The City of Austin is relocating the utilities located in the Right-of-Way of FM Road 969 pursuant to a request from the Texas Department of Transportation in order to construct a raised median with left-turn lanes to improve traffic flow and enhance safety.

The City of Austin has attempted to purchase the permanent waterline easement 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.

**RESOLUTION NO. 041202-**

**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 Roohi-Joohi Inc., and the property is located at 7700 East Martin Luther King Jr. Boulevard, Austin, Travis County, Texas.

**ADOPTED:** \_\_\_\_\_ December 2 \_\_\_\_\_, 2004

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

Shirley A. Brown  
City Clerk



SCALE IN FEET



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# CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

12/2/2004  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 amd Decker to US 183 Project to acquire a 2,250 square foot permanent waterline easement out of a portion of Lot A, Daywood Subdivision No. 2 in Travis County, Texas in the amount of \$1,069. The owner of the property interests sought to be acquired is JOOHI ROOHI, INC., Austin, TX. The property is located at 7700 East Martin Luther King Boulevard, Austin, TX.

**FINANCIAL INFORMATION:**

Parent Project Name:	Water Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	3960 227 1019

Current Appropriation	\$ 298,783,739.00
Unencumbered Balance	101,056,086.32 *
Amount of This Action	<u>(1,069.00)</u>
Remaining Balance	<u>\$ 101,055,017.32</u>
Current Available Balance	\$ 102,694,815.32
Less Outstanding Commitments	<u>(1,638,729.00)</u>
Estimated Unencumbered Balance	<u>\$ 101,056,086.32 *</u>

Utility Finance: \_\_\_\_\_

  
David Anders, Utilities Finance Manager

Date: \_\_\_\_\_

11/9/04

**REF. # 3960 227 7368**