



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

**AGENDA ITEM NO.: 14  
AGENDA DATE: Thu 09/01/2005  
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**SUBJECT:** Approve a resolution to amend Resolution No. 20050623-063, authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 2,256 square foot temporary working space easement out of Lot 60, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,392 to correct the misspelling of one of the property owners' names and to correctly reflect the owners as Michael R. Hemer and Carolyn Blasdel, of Austin, Texas for the property located at 2400 White Horse Trail, Austin, TX.

**AMOUNT & SOURCE OF FUNDING:** N/A

**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:** June 23, 2005 approved on consent.

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** N/A

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**RESOLUTION NO. 20050901-0**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interest as stated hereinafter for the purposes hereinafter stated; and

**WHEREAS**, this resolution amends Resolution No. 20050623-063 and corrects the misspelling of one of the property owners name and correctly reflects the owners; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owners of that real property interest on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owners now having or who may acquire an interest in the real property interest needed by the City, to acquire a certain real property interest at the location hereinafter stated, for the purpose hereinafter stated, and from the owners hereinafter stated and/or their successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition; said real property interest to be acquired is described in Exhibits "A," which is attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Michael R. Hemer and Carolyn Blasdel

Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program

Intended Purpose: temporary working space easement, the temporary easement listed above is necessary to install wastewater lines to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

Location: 2400 White Horse Trail, Austin, Texas, and see attached field note.

ADOPTED: September 1, 2005

ATTEST: \_\_\_\_\_  
Shirley A. Brown  
City Clerk