



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

**AGENDA ITEM NO.: 20
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek/Lower South Boggy Phase II Project, a portion of the Austin Clean Water Program, to acquire a 1,461 square foot permanent access easement out of the Santiago Del Valle Grant, being a portion of Lot 1, Boggy Creek Addition Amended, City of Austin, Travis County in the amount of \$300. The owner of the needed property interest is RIDGWAY-HENDRICKSON, INC., dba RIDGWAY, INC., of Austin, Texas. The property is located at 8201 Bluff Springs Road, Austin, Travis County, Texas.

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

The design plans for the Onion Creek/Lower South Boggy Phase II Project, a portion of the Austin Clean Water program, require acquisition of a permanent access easement on the property located at 8201 Bluff Springs Road, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent access easement from the landowner and the parties have agreed on an appropriate price. The property title, however, is not curable through standard means; therefore, friendly condemnation is required. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

RESOLUTION NO. 20050929-0

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase that real property interest but title to the needed real property interest is not curable through standard means; therefore condemnation is required; **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 owner now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

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

Owner: Ridgway-Hendrickson, Inc., dba Ridgway, Inc.

Project: Onion Creek/Lower South Boggy Phase II Project, a portion

of the Austin Clean Water Program

Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

the permanent access easement described in the attached Exhibit "A" is needed to access the permanent wastewater line easement that is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

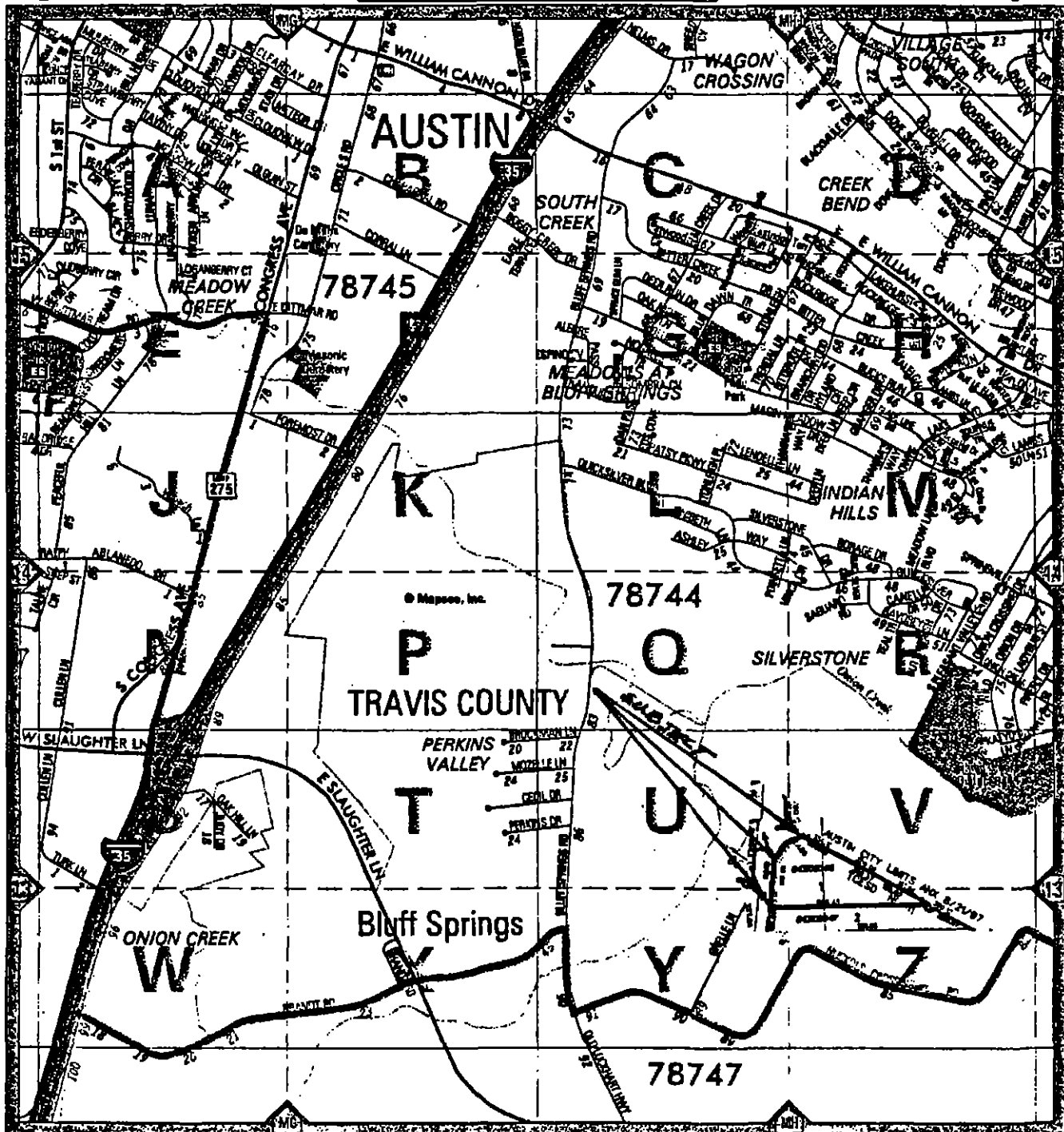
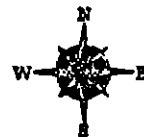
Location: 8201 Bluff Springs Road, Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: September 29, 2005

ATTEST: _____

Shirley A. Brown
City Clerk



CONTINUED ON MAP 623

CONTINUED ON MAP 704

CONTINUED ON MAP 675

SCALE IN MILES
0 1/4 1/2 3/4 1

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SCALE IN FEET
0 1000 2000 3000

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

09/29/05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek/Lower South Boggy Phase II project of the Austin Clean Water Program to acquire a permanent access easement comprised of 1,481 square feet of land out of a portion of the Santiago Del Valle Grant, Lot 1, Less 0.511 Acres, Buggy Creek Addition Amended, City of Austin, Travis County in the amount of \$300. The owner of the property interest sought to be acquired is RIDGWAY, INC., of Austin, Texas. The property is located at 8201 Bluff Springs Road, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Improvements- Citywide
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Current Revenue
Number:	4480 237 2016

Current Appropriation	\$ 109,530,828.00
Unencumbered Balance	12,474,019.83 *
Amount of This Action	<u>\$ (300.00)</u>
Remaining Balance	<u>\$ 12,473,719.83</u>
 Current Available Balance	 \$ 14,241,555.83
Less Outstanding Commitments	<u>(1,767,636.00)</u>
Estimated Unencumbered Balance	<u>\$ 12,474,019.83 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

9/29/05

REF. # 4480 237 8685