



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

**AGENDA ITEM NO.: 19
AGENDA DATE: Thu 03/02/2006
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 1,985 square foot permanent wastewater line easement out of Lot 25, in unrecorded subdivision of Block 1B of the Swisher Addition, Isaac Decker League, in the City of Austin, Travis County, TX, in the amount of \$21,840. The owners of the needed property interest are W. T. Ley and Mary Ley. The property is located at 404 West Monroe Street, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2005-2006 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 Govalle 1 - Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, require the acquisition of a permanent wastewater line easement on the property located at 404 West Monroe Street, Austin, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowners; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

3/2/2008
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution to authorize the filing of eminent domain proceedings for the Austin Clean Water Program: Goyalle 1-Newton Street Area Wastewater Improvements Project, to acquire a permanent wastewater easement comprising 1,985 square-feet of land out of a portion of the Isaac Decker League, in Travis County, TX, in the amount of \$21,840. The owner of the needed property interests is W. T. Ley and Mary Ley. The property is located at 404 West Monroe Street, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2005-06 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 575,217,293.00
Unencumbered Balance	185,017,381.83 *
Amount of This Action	<u>(21,840.00)</u>
Remaining Balance	<u>\$ 184,995,541.83</u>
Current Available Balance	\$ 205,015,581.01
Less Outstanding Commitments	<u>(19,998,199.18)</u>
Estimated Unencumbered Balance	<u>\$ 185,017,381.83 *</u>

Utility Finance


David Anders, Utility Finance Manager

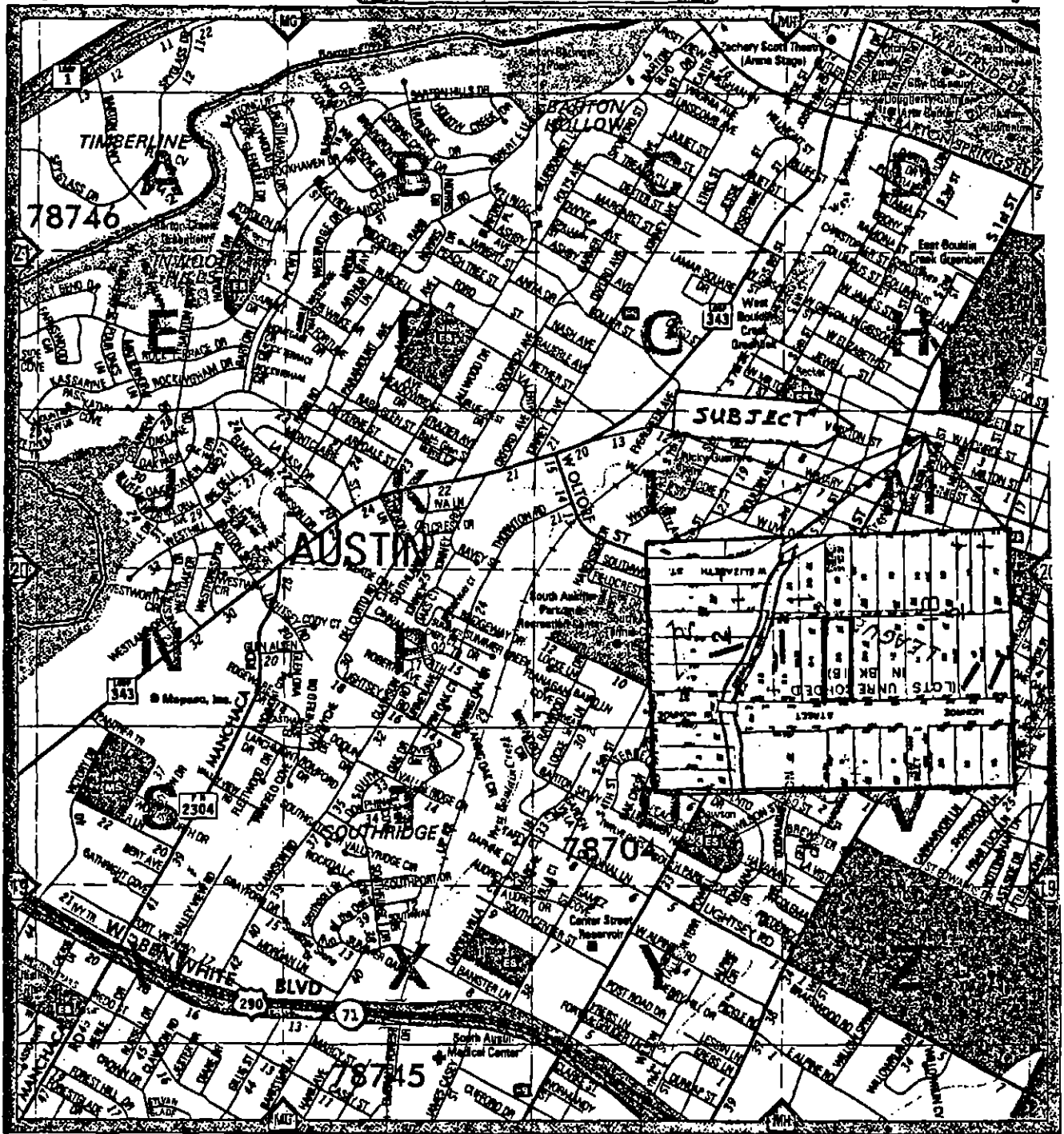
Date: 2/8/06

REF. # 4570 237 4560

614



CONTINUED ON MAP 58



CONTINUED ON MAP 58

CONTINUED ON MAP 58

CONTINUED ON MAP 58



COPYRIGHT 1993, 2003 by MAPSCO INC. - ALL RIGHTS RESERVED



RESOLUTION NO. 20060302-0

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 the needed real property interest but has been unable to agree with the owners 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, described and located below, for the public purpose 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:

Owners: W.T. Ley and Mary Ley

Project: Govalle 1 - Newton Street Area Wastewater Improvement 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.

Location: 404 West Monroe Street, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: March 3, 2006

ATTEST: _____

Shirley A. Gentry
City Clerk

W.T. Ley and Mary E. Ley
to
City of Austin
(Wastewater Easement)

Field Notes for Parcel 5119.45WE

BEING 0.046 OF ONE ACRE (1985 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE ISAAC DECKER LEAGUE, SAME BEING A PORTION OF LOT 25, AN UNRECORDED SUBDIVISION OF BLOCK 1B OF THE SWISHER ADDITION, RECORDED IN BOOK 1, PAGE 2 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO W.T. LEY AND WIFE, MARY E. LEY BY WARRANTY DEED WITH VENDOR'S LIEN FILED FOR RECORD ON JUNE 18, 1984, RECORDED IN VOLUME 8651, PAGE 80 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.046 OF ONE ACRE (1985 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the northeasterly right-of-way line of West Monroe Street (R.O.W. width varies), same being in the southwesterly line of said Lot 25, same also being North 71°33'48" West, a distance of 37.69 feet from a 1/2 inch iron rod found at the most southerly corner of said Lot 25, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93)HARN, US Feet, Combined Scale Factor 0.99994) values of N=10063759.76 and E=3110928.99;

1) THENCE, North 71°33'48" West, a distance of 12.26 feet, with the northeasterly right-of-way line of West Monroe Street and the southwesterly line of said Lot 25, to a calculated point at the most westerly corner of Lot 25, same being the most southerly corner of Lot 24, an unrecorded subdivision of said Block 1B, conveyed to Manuel R. Cepeda and Dora Cepeda by deed recorded in Volume 5166, Page 1928 of the Deed Records of Travis County, Texas, for the most westerly corner of the herein described tract of land;

2) THENCE, North 16°22'03" East, a distance of 160.21 feet, with the northwesterly line of said Lot 25 and the southeasterly line of said Lot 24, to a 1/2 inch iron pipe found at the common corner of said Lots 24 and 25, and of Lots 19 and 20, unrecorded subdivisions of said Block 1B, conveyed together with Lots 13, 14, 18 and 21, unrecorded subdivisions of said Block 1B, to Howard Burtttschell and Marie Burtttschell by deed recorded in Document No. 2000034948 of the Official Public Records of Travis County, Texas, for the most northerly corner of the herein described tract of land

3) THENCE, South 73°34'18" East, a distance of 13.03 feet, with the northeasterly line of said Lot 25 and the southwesterly line of said Lot 19, to a calculated point, for the most easterly corner of the herein described tract of land;

4) THENCE, South 16°38'34" West, a distance of 105.35 feet, leaving the northeasterly line of said Lot 25 and the southwesterly line of said Lot 19 and crossing said Lot 25 to a calculated point for a corner;

5) THENCE, North 73°21'26" West, a distance of 1.22 feet, to a calculated point for a corner;

6) THENCE, South 16°38'34" West, a distance of 35.81 feet, to a calculated point for a corner;

7) THENCE, South 73°21'26" East, a distance of 1.22 feet, to a calculated point for a corner;

8) THENCE, South 16°38'34" West, a distance of 19.48 feet, to the Point of Beginning and containing an area of 0.046 of one acre (1985 s.f.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez

Registered Professional Land Surveyor 5010

Date

6/8/05



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

The coordinates herein are Texas State Plane, Central Zone, NAD 83 (93) (HARN). These coordinates were established from City of Austin Monuments CB08, CB10, CB11, CB12, H-21-3001 and J-21-1001. Combined Scale Factor is 0.99994. All distances are surface distances.

TCAD No. : 04-0000-0516
Austin Grid: H20

FIELD NOTES REVIEWED

By: PLS Date: 6-10-05

Austin Clean Water Program
Survey Coordinator

SCALE: 1"=30'

LEGEND

- △ CALCULATED POINT
- 60D NAIL FOUND
- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND
- () RECORD DATA
- PRCT PLAT RECORDS
TRAVIS CO., TX
- DRTCT DEED RECORDS
TRAVIS CO., TX
- OPRTCT OFFICIAL PUBLIC RECORDS
TRAVIS CO., TX
- AREA OF EASEMENT

ISAAC DECKER
LEAGUE

ROBERT YOUNG
DOC. #2002067200
OPRTCT

*LOTS ARE UNRECORDED
SUBDIVISIONS OF SWISHER
ADDITION, BLOCK 1B

THE COORDINATES SHOWN ARE TEXAS STATE
PLANE, CENTRAL ZONE, NAD 83 (93)(HARN).
THE BEARINGS SHOWN ARE GRID BEARINGS.
THESE COORDINATES WERE ESTABLISHED FROM
CITY OF AUSTIN MONUMENTS CB08, CB11, CB12,
CB10, J-21-1001 AND H-21-3001. COMBINED
SCALE FACTOR 0.99994. ALL DISTANCES SHOWN
ARE SURFACE DISTANCES.

RECORD DATA REFERENCE:
TOWNE & COUNTRY TITLE CO.
ADDRESS 7900 SHOAL CREEK BLVD.
AUSTIN, TX 78757
GV15.45

**MARTINEZ
WRIGHT &
MENDEZ**
Civil Engineering, Land Surveying, Architects

CHEVY CHASE ONE
7700 Chevy Chase Drive
Suite 100, Austin, Texas 78752
MO 512-453-0747 FAX 512-453-1724

HOWARD BURTTSCHELL
MARIE BURTTSCHELL
DOC #2000034948
OPRTCT

BLOCK
1B

SWISHER ADDITION
BK.1, PG.2
PRCT

(NOTE: NO RECORD)

S72°42'37"E 49.99' S73°34'18"E 50.00'

S73°34'18"E
13.03'

MANUEL R. CEPEDA
DORA CEPEDA
VOL. 5166, PG. 1928
DRTCT

W.T. LEY
AND WIFE,
MARY E. LEY
VOL. 8651, PG. 80
DRTCT

150.60'

GONZALA CASTRO

5119.45WE
0.046 AC
(1985 S.F.)

S16°23'41"W
(NOTE: NO RECORD)

N73°21'26"W
1.22'

S16°38'34"W
35.81'

S73°21'26"E
1.22'

S16°38'34"W

N71°33'48"W
19.48'

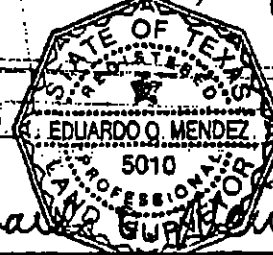
57.69'

N71°33'48"W
99.90'

(NOTE: NO RECORD)

WEST MONROE STREET
(R.O.W. WIDTH VARIES)

POINT OF
BEGINNING
N 10063759.76
E 3110928.99
(GRID COORDINATES)



Eduardo O. Mendez 6/8/05

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 6 JUN 05
JOB NO. 3146201
P.L.S. 0110-46-00

3

3 OF 3

Exhibit "A"
Page 3 of 3