

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, August 31, 2006

 + [Back](#) [Print](#)**Public Works**
RECOMMENDATION FOR COUNCIL ACTION**ITEM No. 12**

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 1,401 square foot permanent wastewater line easement out of the Isaac Decker League and being a portion of Lot 13, Block B5, R.L. Sweetman's Addition, Block 35, 36, B5, B6, B7, in Travis County, Texas, in the amount of \$22,930. The owners of the needed property interest are Ira Lee Shaw, George Davis, Jr., Alan Shaw, Craig Shaw, George Davis III, Elizabeth Shaw, Oliver Shaw, Elvis Shaw, Michael Gene Shaw, Raymond Shaw, and Nora Lee Shaw. The property is located at 411 West Mary Street, Austin, Travis County, Texas.

Amount and 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.

**Additional Backup
Material**

(click to open)

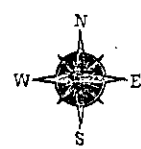
- ☐ [MAP](#)
- ☐ [Resolution](#)
- ☐ [AWU FISCAL NOTE](#)
- ☐ [Resoution Exhibit](#)
- [A-Field notes](#)

For More Information: Lauraine Rizer 974-7078; Laura Bohl 974-7064.

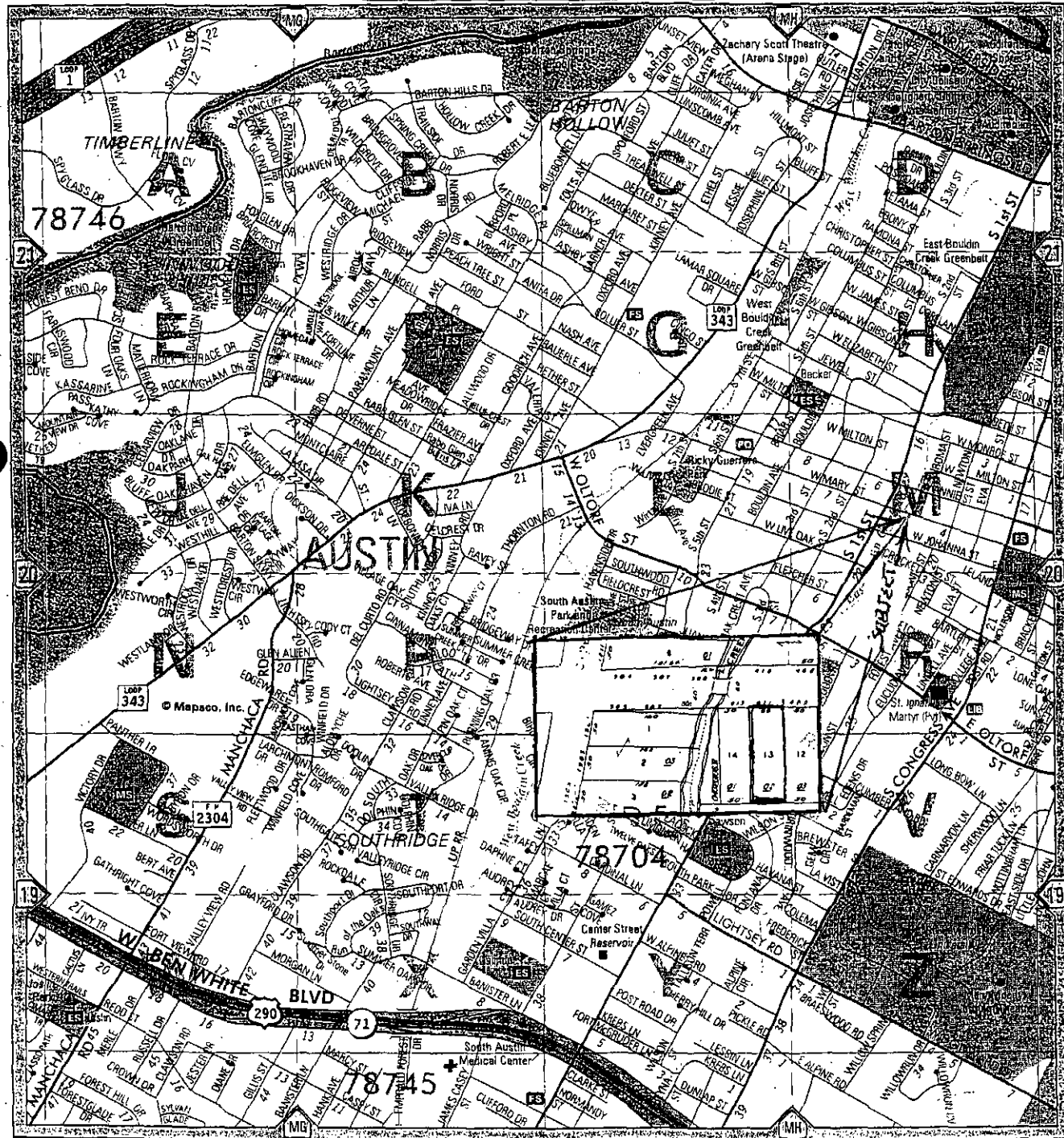
The design plans for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement on the property located at 411 West Mary Street, Austin, Texas.

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 a lawsuit in eminent domain on behalf of the City of Austin.

614



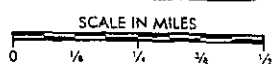
CONTINUED ON MAP 584



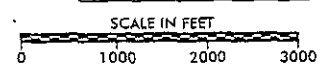
CONTINUED ON MAP 613

CONTINUED ON MAP 644

CONTINUED ON MAP 615



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RESOLUTION NO. 20060831-0

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire 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 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: Ira Lee Shaw, George Davis, Jr., Alan Shaw, Craig Shaw, George Davis III, Elizabeth Shaw, Oliver Shaw, Elvis Shaw, Michael Gene Shaw, Raymond Shaw, and Nora Lee Shaw

Project: Govalle 1-Newton Street Area Wastewater Improvement, a portion of the Austin Clean Water Program

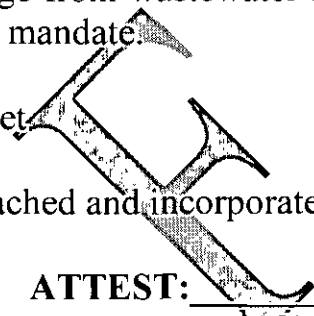
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services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

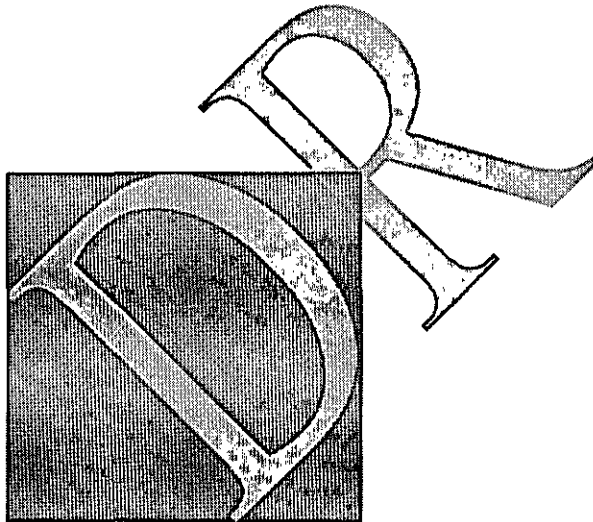
Location: 411 West Mary Street

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 31, 2006

ATTEST:


Shirley A. Gentry
City Clerk



**CIP
FISCAL NOTE**

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

8/31806
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution to authorize the filing of eminent domain proceedings for the Austin Clean Water Program: Govalle 1-Newton Street Area Wastewater Improvements Project, to acquire a permanent wastewater easement comprising 1,401 square feet of land out of a portion of the Isaac Decker League, in Travis County, Texas, in the amount of \$22,930. The owners of the needed property interests are Ira Lee Shaw, George Davis, Jr., Alan Shaw, Craig Shaw, George Davis III, Elizabeth Shaw, Oliver Shaw, Elvis Shaw, Michael Gene Shaw, Raymond Shaw, and Nora Lee Shaw. The property is located at 411 West Mary 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	139,985,875.49
Amount of This Action	(22,930.00)
Remaining Balance	<u>\$ 139,962,945.49</u>
Current Available Balance	\$ 154,803,824.25
Less Outstanding Commitments	(14,817,948.76)
Estimated Unencumbered Balance	<u>\$ 139,985,875.49</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date:

8/15/06

REF# 4570 237 4560

Nora Lee Shaw, Walter Shaw, Oliver Shaw,
Elvis Shaw, Michael Gene Shaw,
Lizanda Shaw and Raymond Shaw
to
City of Austin
(Wastewater Easement)

Field Notes for Parcel 5119.29WE

BEING 0.032 OF ONE ACRE (1401 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 13, BLOCK B5, R. L. SWEETMAN'S ADDITION, BLOCK 35, 36, B5, B6, B7, RECORDED IN BOOK 1, PAGE 58 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO NORA LEE SHAW, WALTER SHAW, OLIVER SHAW, ELVIS SHAW, MICHAEL GENE SHAW, LIZANDA SHAW AND RAYMOND SHAW, BY WARRANTY DEEDS FILED FOR RECORD ON NOVEMBER 13, 1984, RECORDED IN VOLUME 8897, PAGES 249, 251 AND 253 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.032 OF ONE ACRE (1401 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 an alley (16' R.O.W.) dedicated by said R. L. Sweetman's Addition, Block 35, 36, B5, B6, B7, same being in the southwesterly line of said Lot 13, same also being North 73°51'30" West, a distance of 35.36 feet from a 3/4 inch iron pipe found at the most southerly corner of said Lot 13, 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=10062603.44 and E=3110420.99;

1) THENCE, North 73°51'30" West, a distance of 10.00 feet, with the northeasterly line of said alley and the southwesterly line of said Lot 13, to a calculated point for the most westerly corner of the herein described tract of land;

2) THENCE, North 16°48'00" East, a distance of 140.10 feet, leaving the northeasterly line of said alley and the southwesterly line of said Lot 13 and crossing said Lot 13, to a calculated point in the southwesterly right-of-way line of West Mary Street (R.O.W. varies), same being in the northeasterly line of said Lot 13, for the most northerly corner of the herein described tract of land;

3) THENCE, South 73°25'44" East, a distance of 10.00 feet, with the southwesterly right-of-way line of West Mary Street and the northeasterly

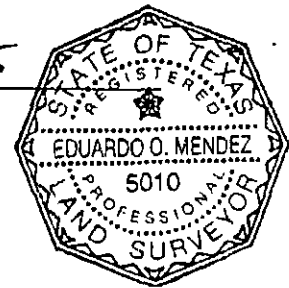
line of said Lot 13, for the most easterly corner of the herein described tract of land;

4) THENCE, South 16°48'00" West, a distance of 140.03 feet, leaving the southwesterly right-of-way line of West Mary Street and the northeasterly line of said Lot 13 and crossing said Lot 13, to the Point of Beginning and containing an area of 0.032 of one acre (1401 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

4/27/05
Date



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.

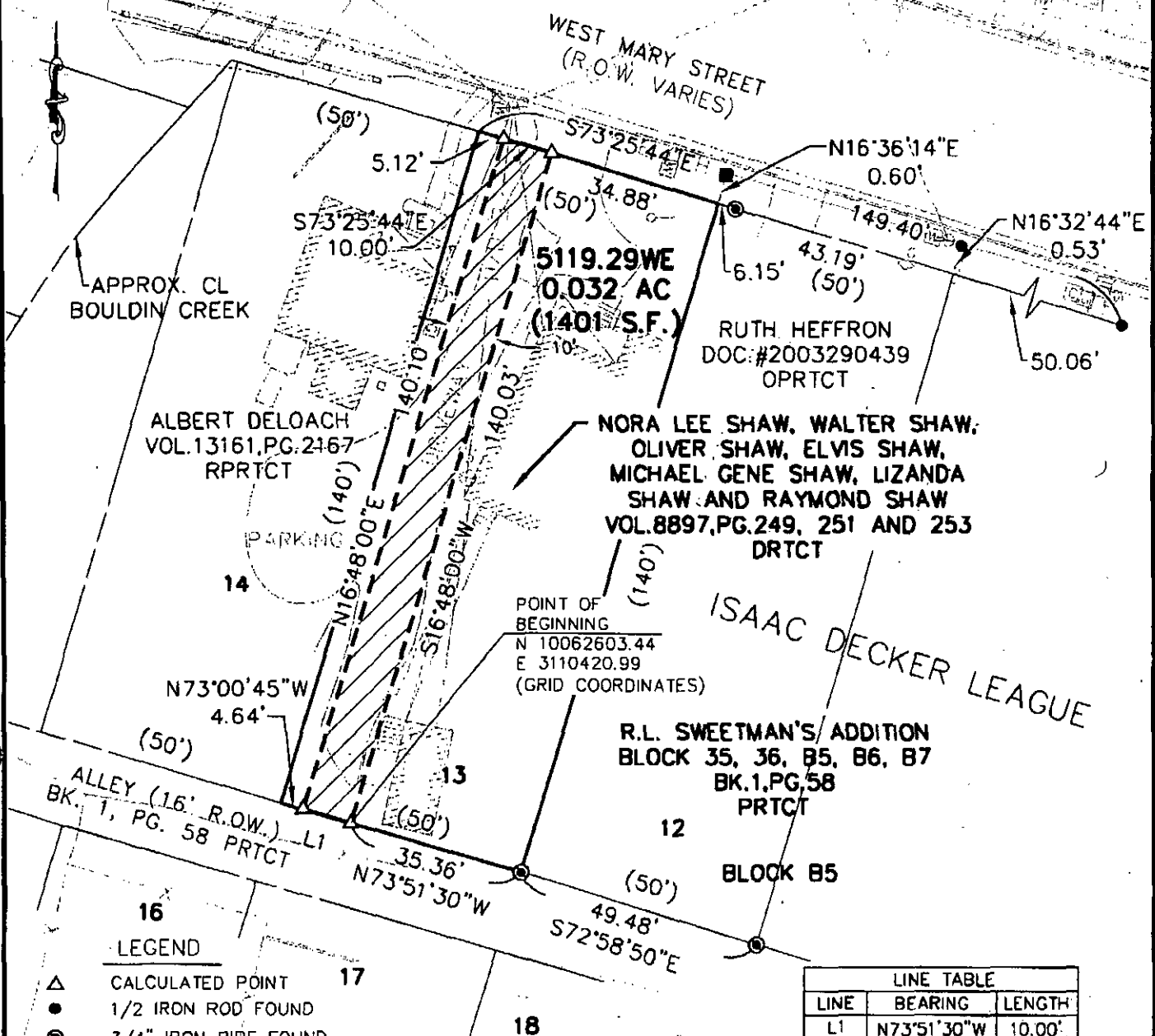
TCAD No. : 04-0201-0602
Austin Grid: H20-3

FIELD NOTES REVIEWED

By: RF Date: 5-2-05

**Austin Clean Water Program
Survey Coordinator**

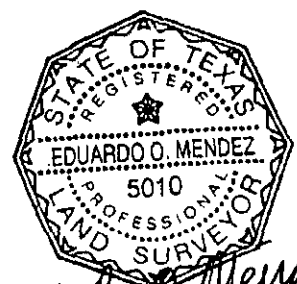
SCALE: 1" = 30'



LEGEND

- △ CALCULATED POINT
- 1/2 IRON ROD FOUND
- ⊙ 3/4" IRON PIPE FOUND
- NAIL FOUND
- () RECORD DATA
- PRCT PLAT RECORDS TRAVIS CO., TX
- DRTCT DEED RECORDS TRAVIS CO., TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO., TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO., TX
- ▨ AREA OF EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	N73°51'30"W	10.00'



Eduardo O. Mendez
4/27/05

THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (93)(HARN). 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
GV15.29

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

CHEVY CHASE ONE
7700 Chevy Chase Drive
Suite 100, Austin, Texas 78752
tel) 512

**SKETCH TO ACCOMPANY
FIELD NOTES**

TRAVIS COUNTY, TEXAS

DATE 26 APR 05
JOB NO. 31402b11
FILE 5119 29we
1
1 OF 1