

## AGENDA



Thursday, February 4, 2010

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 9**

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**Subject:** Approve a resolution authorizing the filing of eminent domain proceedings for the Waller Creek Tunnel Project to acquire an 11,285 square foot exclusive drainage easement and a 16,461 square foot temporary working space easement, in the amount of \$226,408. The owner of the needed property interest is STENGER REAL ESTATE HOLDINGS, LTD. The property is located at 0 East Avenue.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

**Fiscal Note:** A fiscal note is attached.

**For More Information:** Lauraine Rizer 974-7078; Stan Evans 974-3378; April Thedford 974-7141

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Completion of the Waller Creek Tunnel Project requires the acquisition of an exclusive drainage easement and a temporary working space easement across land located at 0 East Ave.

The City of Austin has attempted to purchase the easements from the landowner; however, the parties have been unable to agree on the damages. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.