

## AGENDA



Thursday, June 10, 2010

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 3**

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**Subject:** Approve a resolution authorizing the filing of eminent domain proceedings for the Pleasant Valley from St. Elmo to Button Bend Project to acquire 3.430 acres and 0.1404 acres of right of way; 2,961 sq. ft. and 13,099 sq. ft. of permanent slope and drainage easements and 2,775 sq. ft. of temporary working space, in the amount of \$413,454. The owner of the needed property interests is BARKLEY FAMILY FARM PARTNERSHIP, LTD., a Texas Limited Partnership. The property is located at 2501 E. St. Elmo Road, Austin, Travis County, Texas 78744.

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

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

**For More Information:** Lauraine Rizer 974-7078; Roger Hickman 974-7240; Tony Lopez 974-6581; April Theford 974 -7141

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Completion of the Pleasant Valley from St. Elmo to Button Bend Project requires acquisition of right of ways; permanent slope and drainage easements and a temporary working space easement.

During the "Walk with the City Manager" event held on August 28, 2009 in Dove Springs, the local community identified as a critical need greater pedestrian safety, primarily for children attending a nearby school, and traffic relief in the area. In an effort to address their concerns, the City committed to a "fill in the gap" project for Pleasant Valley from Button Bend Road to St. Elmo Road.

The City of Austin has attempted to purchase the right of way and 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.