

## AGENDA



Thursday, July 29, 2010

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 14**

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**Subject:** Authorize the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary acquisition and demolition of approximately four (4) alternate properties in the 25-year floodplain of Williamson Creek for a total contract amount not to exceed \$1,671,872; and authorize additional funding for the original twenty-one (21) properties in the Burrough Cove and Bayton Loop area in an amount not to exceed \$1,600,000.

**Amount and Source of Funding:** Funding in the amount of \$3,271,872 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department buyout program.

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

**For More Information:** Lauraine Rizer, 974-7078; Jorge Morales, 974-3345; Sarah Terry, 974-7141; Felecia Shaw, 974-6017

**Prior Council Action:** January 28, 2010 - Council approved the voluntary buyout of twenty-one (21) properties.

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The Watershed Protection Department, in its mission to protect lives, property and the environment of our community has identified the acquisition and demolition of four properties in South Austin in the Bayton Loop and Burrough Cove area in its Watershed Master Plan. This project is voluntary in nature and property owners may elect not to participate in the buyout.

This area of the Williamson Creek Watershed experienced serious flooding and was evacuated in October 1998 and November 2001. The proposed buyout properties experienced inundation during those two storm events, which were estimated to be 10-year storm events. The likelihood that these same properties will flood again is 10% in any given year.

The total estimated cost of the buyout is \$3,271,872, which includes approximately \$400,000 for eligible relocation costs for the four (4) alternate properties.

This request will authorize the City Manager to proceed with the necessary acquisition and relocation activities to acquire by gift or negotiation the necessary property interests for the purchase of the four properties identified within the Program area provided the following criteria is met: The consideration paid by the City (excluding moving expenses and other relocation benefits) must be commensurate with the property's fair market value based on comparable sale identified in an appraisal of the property; The City must receive marketable title to the property free of all liens; The physical condition of the property must not subject the City to unreasonable risk of liabilities or costs; Payment of relocation benefits and all other aspects of the acquisition must comply with all applicable statutory and regulatory requirements, federal and state grant or contractual requirements, and any other applicable legal requirements; There must be sufficient funds in the City budget for the acquisition; The properties and all occupants in the Program will be acquired and relocated in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised; Authorization does not include the initiation of eminent domain proceedings.