

RESOLUTION NO. _____

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the damages 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 interests 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 effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: AusPro Enterprises, L.P.

Project: Tillery Street Storm Drain Outfall Stabilization Project

Public Purpose: the permanent slope easement described in the attached Exhibit "A" is needed to construct, place, maintain, replace, upgrade, and repair fill for the lateral support of the abutting drainage facility; and

the temporary access easements described in the attached Exhibits "B," "C," and "D" are needed to construct, maintain, and use, and then repair, replace, use, upgrade, or remove a drainage facility and storm drain outfall stabilization for the Project.

Location: 3107 and 3109 East Cesar Chavez Street, Austin, Texas.

Property: Described in the attached and incorporated Exhibits A, B, C, and D.

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk