

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL

Regular Meeting : February 15, 2018

Item Number: 058

Eminent Domain

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Energy Circuit 975 Phase 2 Project for the acquisition of easement rights consisting of approximately 0.249 acres or 10,833 square feet of land in the Samuel Cushing Survey 70, Abstract Number 164, Travis County, Texas, and being out of and a portion of that called 11.4257 acres of land as described to Grantia, LLC, in that certain warranty deed with vendor's lien and recorded as Document Number 2016055587 in official public records of Travis County, Texas, in the amount of \$23,156. The owner of the needed property interest is Grantia, LLC. The property is located within Austin's 2-mile extraterritorial jurisdiction (ETJ) surrounded by District 1, at 2601 East Howard Lane, Austin, Texas 78653. The public use necessitating this acquisition is for the relocation of a section of the electric transmission and distribution facilities. The general boundary of this project includes the area on the south side of East Howard Lane between Dessau Road and Harris Branch Parkway, approximately one-half mile south of Immanuel Road, within Austin, 2-Mile ETJ, in Travis County, Texas.

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| Lead Department | Austin Energy |
| Fiscal Note | Funding is available in the Fiscal Year 2017-2018 Capital Budget of Austin Energy. |
| Prior Council Action | |
| For More Information | Jeff Vice, Director, Local Government Issues (512) 322-6087; Dan Smith, VP, Electric Service Delivery, (512) 505-7009; Pamela England, Manager, Public Involvement & Real Estate Services, (512) 322-6442, Angela Rodriguez, Staff Attorney, Law Department (512) 974-6032. |
| Council Committee, Boards and Commission Action | January 22, 2018 - Unanimously recommended by the Electric Utility Commission on a vote of 8-0, with Commissioner Stout absent and two vacancies. |

Additional Backup Information:

Austin Energy's Transmission Circuit 975 Upgrade Project requires the relocation of a 2.3 mile section of the existing transmission circuit out of the Missouri-Kansas Railroad ("MOKAN") corridor. This portion of Circuit 975 must be upgraded from a 2,000 amp rating to 3,000 amps. It has been notably unreliable due to inadequate shielding and minimal phase-phase and phase-structure spacing. The line is also currently inaccessible for construction, and in its current location, will not meet National Electric Safety Code clearance requirements.

The new location along East Howard Lane will provide increased safety and reliability, as well as improved connectivity within the overall electric service system. This transmission line realignment project requires the purchase of 17 easement tracts. To date, nine property owners have accepted the appraised value for the acquisition.

The acquisition consists of an easement and right of way along, over, under, and across that portion of the property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and telecommunications lines and systems and all necessary or desirable appurtenances and structures (the "Facilities"), and to permit telephone and cable television lines and systems to be placed, constructed, reconstructed, installed, operated, repaired, maintained, inspected, replaced, upgraded or removed (in whole or in part), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

The current fair market value of this tract of land, as determined by an independent third-party appraiser, is \$23,156. The City attempted to purchase the needed property, however; the City and the property owner were unable to agree on its value. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City.