

## AGENDA



## Recommendation for Council Action

## AUSTIN CITY COUNCIL

Regular Meeting: June 28, 2018

Item Number: 081

## Eminent Domain

Approve a resolution authorizing the filing of eminent domain proceedings for the fee simple title acquisition of approximately 0.852 acre (37,104 SF) out of the Santiago Del Valle Survey, Abstract No. 24, Travis County, Texas; and being a portion of that called 1.82 acre tract conveyed by deed recorded in Volume 1297, Page 401, Deed Records, Travis County, Texas in the amount of \$362,000 for the public use the restoration, programming, and maintenance of 500 Montopolis Drive as a historic museum. The owner of the needed property is KEEP Investment Group, LLC. The property is located entirely in District 3, at 500 Montopolis Drive, Austin, Texas 78741.

District(s) Affected: District 3

<b>Lead Department</b>	Office of Real Estate Services.
<b>Fiscal Note</b>	Funding will be provided by the Historic Preservation Fund. Funding for the agreement is contingent upon available Council-approved funding in future budgets.
<b>Prior Council Action</b>	<p>September 28, 2017, Council approved Resolution No. 20170928-056 authorizing negotiation of the acquisition, restoration, programming, and maintenance of 500 Montopolis Drive as a historic museum that would attract tourists with a 10-0 vote. Council Member Troxclair was absent.</p> <p>August 31, 2017, Council approved Resolution No. 20170831-060 authorizing use of 15% of hotel occupancy taxes to fund operation/maintenance of City of Austin historic facilities in accordance of Texas Tax Code Section 351.101 (a)(5) as amended on Council Member Troxclair's motion, Council Member Houston's second on an 11-0 vote..</p>

<b>For More Information</b>	Alex Gale, Office of Real Estate Services, (512) 974-7078; Megan Herron, Office of Real Estate Services, (512) 974-5649; Tina Phifer, Office of Real Estate Services, (512) 974-7012.
<b>Council Committee, Boards and Commission Action</b>	<p>September 28, 2017, the Historic Landmark Commission approved historic zoning for the existing structure and a 25 foot buffer on a motion by Commissioner Myers, seconded by Commissioner Papavasiliou. Vote 8-0.</p> <p>September 12, 2017, the Planning Commission denied neighborhood mixed use on a motion by Commissioner Vela, seconded by Commissioner De Hoyos Hart on a vote of 12-0. Commissioner Schissler abstained.</p>

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### **Additional Backup Information:**

A vestige of segregated education in the Austin Community, of the 42 ‘Negro Schools’ once located in Travis County, the Montopolis Negro School is one of the last structures remaining and this particular school building still sits on its original site. The Historic Landmark and Planning Commissions both expressed a desire to preserve the property. The parents of the children that once attended this school were perhaps only one generation removed from plantations and cotton farms. African-American communities put a premium on education and this building served as a community hub for the African-American settlement at Montopolis. City Council Resolution 20170928-056 stated, “...the Montopolis Negro School is of undeniable historic significance and should be preserved by any means possible;...”

Austin City Council passed Resolution 20170831-060 with a unanimous vote, calling for a significant increase in the allocation of Hotel Occupancy Tax revenue for fiscal year 2018, a portion of which may be available for purchase of historic properties for preservation.

The City of Austin has attempted to purchase the needed property at 500 Montopolis Drive. The City and the property owner were unable to agree on the value of the needed acquisition. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin. Should Council approve this item, staff will return with a budget amendment to appropriate funding.