



## Recommendation for Action

**File #:** 20-2014, **Agenda Item #:** 46.

5/21/2020

### **Posting Language**

Approve a resolution authorizing the filing of eminent domain proceedings for the Country Club Creek Trail project for the public use of providing connectivity between many local attractions, homes, sidewalks, and bicycle lanes, the acquisition of one Sidewalk, Trail and Recreational Easement and one Temporary Working Space Easement. The Sidewalk, Trail and Recreational Easement being approximately 1.133 Acre (49,334 sq. ft.) tract of land out of Lot 3 and a portion of Lot 2, Chevy Chase South Phase Six, a subdivision of record in Book 85, Page 127B of the Plat Records of Travis County, Texas. Said Lot 3 and said portion of Lot 2 conveyed to F&B 4404 Oltorf, LP by special warranty deed recorded in Document No. 2013130889 of the Official Public Records of Travis County, Texas. The Temporary Working Space Easement being approximately 0.518 acre (22,581 sq. ft.) tract of land, being comprised of four tracts of land situated in Travis County, Texas. The tract of land hereinafter referred to as "Tract One", containing 0.058 acre of land (2,543 sq. ft.) being out of Lot 3, Chevy Chase South Phase Six, a subdivision of record in Book 85, Page 127B of the Plat Records of Travis County, Texas, the tract hereinafter referred to as "Tract Two" containing 0.182 acre of land (7,907 sq. ft.) being out of said Lot 3, Chevy Chase South Phase Six, the tract of land hereinafter referred to as "Tract Three", containing 0.172 acres of land (7,495 sq. ft.) being out of said Lot 3 and a portion of Lot 2, Chevy Chase South Phase Six and the tract of land hereinafter referred to as "Tract Four" , containing 0.106 acres of land (4,636 sq. ft.) being out of said portion of Lot 2 conveyed to F&B 4404 Oltorf LP by special warranty deed recorded in Document No. 2013130889 of the Official Public Records of Travis County, Texas in the amount of \$398,798. The owner of the needed property is F&B Oltorf, LP. The property is located at 4404 E. Oltorf Street, Austin Texas 78741.

### **Lead Department**

Office of Real Estate Services.

### **Fiscal Note**

Funding is available in the FY 2019-20 Capital Budget of the Public Works Department.

### **For More Information:**

Alex Gale, Office of Real Estate Services, (512) 974-1416; Megan Herron, Office of Real Estate Services, (512) 974-5649; Scott Cameron, Public Works-Project Manager, (512) 974-2966.

### **Additional Backup Information:**

This project is identified as a Tier I (high priority) Urban Trail in the Urban Trail Master Plan. The Country Club Creek Trail was also identified as a priority in the East Riverside Combined Neighborhood Master Plan and the Parks Long Range Facilities Master Plan. The project limits for this project are from E. Oltorf Street to East Riverside Drive along Country Club Creek, and from East Riverside Drive to Elmont Drive along Wickersham Lane. This project will connect to existing trails to the south and the north, from Elmont Drive to E. Oltorf Street along Country Club Creek. It will also provide a connection from Roy G. Guerrero Park to Mabel Davis Park.

This section of Country Club Creek Trail is being developed through the Local Mobility Program of the 2016 Mobility Bond. The Mobility Bond was approved by voters in November 2016. It dedicates \$26 million for urban

trails with a transportation and mobility purpose.

This project will connect to existing trails to the south and the north, from Elmont Drive to E. Oltorf Street along Country Club Creek. It will also provide a connection from Roy G. Guerrero Park to Mabel Davis Park. This trail is close to local attractions, homes, sidewalks, and bicycle lanes.

The Sidewalk, Trail and Recreational Easement being approximately 1.133 Acre (49,334 Sq.Ft.) tract of land out of Lot 3 and a portion of Lot 2, Chevy Chase South Phase Six, a Subdivision of Record in Book 85, Page 127B of the Plat Records of Travis County, Texas. Said Lot 3 and Said Portion of Lot 2 Conveyed to F&B 4404 Oltorf, LP by Special Warranty Deed Recorded in Document No. 2013130889 of the Official Public Records of Travis County, Texas.

The Temporary Working Space Easement being approximately 0.518 acre (22,581 sq.ft.) Tract of Land, being comprised of four tracts of land situated in Travis County Texas. The tract of land hereinafter referred to as "Tract One", containing 0.058 acre of land (2,543 sq.ft.) being out of Lot 3, Chevy Chase South Phase Six, a Subdivision of Record in Book 85, Page 127B of the Plat Records of Travis County, Texas, the Tract hereinafter referred to as "Tract Two" containing 0.182 acre of land (7,907 sq.ft.) being out of said Lot 3, Chevy Chase South Phase Six, the tract of land hereinafter referred to as "Tract Three", containing 0.172 acres of land (7,495 sq.ft.) being out of said Lot 3 and a Portion of Lot 2, Chevy Chase South Phase Six and the Tract of land hereinafter referred to as "Tract Four" , containing 0.106 acres of land (4,636 sq.ft.) being out of said portion of Lot 2 conveyed to F&B 4404 Oltorf LP by Special Warranty Deed recorded in Document No. 2013130889 of the Official Public Records of Travis County, Texas.

An independent, third-party appraisal was procured to establish the fair-market valuation of the proposed acquisition. The appraisal supports the purchase price of \$398,798 for the Sidewalk, Trail and Recreational Easement and Temporary Working Space Easement needed for this project.

The City of Austin has attempted to purchase the needed property at 4404 E. Oltorf Street, Austin Texas 78741. Negotiations have come to an impasse. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

**Strategic Outcome(s):**

Mobility.