



## Recommendation for Action

**File #: 22-1859, Agenda Item #: 50.**

**5/19/2022**

### **Posting Language**

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the William Cannon Drive Corridor Project for the public use of reducing vehicular delay, improving the effectiveness of transit, and creating continuous ADA-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project, the acquisition of a Sidewalk, Trail, and Recreational Easement comprising approximately 0.0520 of an acre of land (approximately 2,267 square feet), and a Temporary Construction Easement of approximately 0.0138 of an acre of land (approximately 602 square feet), being out of and a portion of Lot 1, Cannon Oaks Subdivision, a subdivision recorded in Volume 87 Pages 32A - 32B of the Plat Records, City of Austin, Travis County, Texas currently appraised at amount of \$378,192 subject to an increase in value based on updated appraisal(s) or a Special Commissioners' award. The owner of the needed property is National Retail Properties LP, a Delaware limited partnership. The property is located at 3431 W. William Cannon Drive, Austin, TX 78745. The general route of the project is along William Cannon Drive between Southwest Parkway to McKinney Falls Parkway.

### **Lead Department:**

Financial Services Department.

### **Fiscal Note:**

Funding is available in the FY 2021-22 Capital Budget of the Austin Transportation Department.

### **Prior Council Action:**

September 3, 2020 - City Council approved an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple or acquire other real property interest in properties throughout the City that are necessary to construct mobility improvements for the Corridor Construction Program in a total amount not to exceed \$23,000,000 establishing acquisition and relocation guidelines, and waiving requirements of City Code Chapter 14-3 (Relocation Benefits).

### **For More Information:**

Michael Gates, Financial Services Department, (512) 974-5639; Diana Justice, Financial Services Department (512) 974-7170; Mike Trimble, Corridor Program Office, (512) 974-3442; Kathryn Potenza-Arnold, Corridor Program Office, (512) 974-7987; Anna Martin, Austin Transportation Department, (512) 974-7105.

### **Additional Backup Information:**

This request is related to Corridor Construction Program improvements, which are funded by the 2016 Mobility Bond.

The general route of the project is along William Cannon Drive between Southwest Parkway to McKinney Falls Parkway. The project will reduce vehicular delay, improve the effectiveness of transit, and create continuous ADA-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project. The project will utilize the property acquired by virtue of this request to address the bicycle and pedestrian improvements required to construct the items mentioned above. The acquisition of a Sidewalk, Trail, and Recreation Easement and Temporary

Construction Easement from this parcel is a critical project component.

The City has attempted to purchase the needed property at 3431 W. William Cannon Drive, Austin, TX 78745. The City and property owner have been 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, and to authorize the City to pay for the property interest in an amount determined by the appraisal, updated appraisal, or Special Commissioners' Award.

**Strategic Outcome(s):**

Mobility, Safety.