



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 25
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution amending Resolution No. 041028-19 to clarify the City Council's statement of public purpose related to the acquisition by eminent domain of 0.009 of an acre for a temporary working space easement out of a portion of a 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163 in Travis County, Texas, generally known as 1509 Three Points Road, Travis County, Texas, owned by Jackie L. Payne, for the amount of \$100.00, because the parties have been unable to agree on an appropriate purchase price.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Anne Morgan**

FOR MORE INFORMATION CONTACT: Chester Beaver, Assistant City Attorney, 974-2317

PRIOR COUNCIL ACTION: Council approved Resolution No. 041028-19

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 041028-19 authorized the City Attorney to file a lawsuit in eminent domain to acquire 0.009 of an acre for a temporary working space easement out of a portion of a 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163 in Travis County, Texas, generally known as 1509 Three Points Road, Travis County, Texas. This acquisition will be used by the City to install a wastewater line in an adjoining right-of-way. The proposed action clarifies the intended public uses for the property interests to be acquired.

RESOLUTION NO. 20050623-

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of a certain real property interest as stated hereinafter for the purpose hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owner of that real property interest on the fair market value 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 owner now having or who may acquire an interest in the real property interest needed by the City, to acquire a certain real property interest at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or his successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

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

Owner: Jack L. Payne, also known as Jackie L. Payne

Project: IH 35 North; Windermere Sarah's Creek Wastewater Extension Project

Intended Purpose: the temporary working space easement is necessary to construct a permanent wastewater line in an adjacent right-of-way to increase and improve the City of Austin's ability to provide wastewater service to the public.

Location: 1509 Three Points Road, Pflugerville, Texas, and see attached field note.

ADOPTED: June 23,, 2005

ATTEST: _____
Shirley A. Brown
City Clerk