



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

**AGENDA ITEM NO.: 84
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the exercise by the City of Austin of the easement and use rights granted in the plat of Bello Vista Subdivision, recorded in Volume 76, Page 150, of the Travis County Plat Records on January 31, 1978, for the Govalle 5-Taylor Slough South Wastewater Improvements Project, a portion of the Austin Clean Water Program, to use the Common Area, Lot 43 of Bello Vista, for the governmental purpose of wastewater line improvements, including the use of vehicles and machinery necessary to install the wastewater line improvements. The owner of the property upon which these rights have been granted is BELLO VISTA HOMEOWNER'S ASSOCIATION. The property is located between the west end of Reed Park and Scenic Drive.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: N/A

REQUESTING Public Works
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

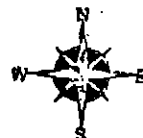
PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

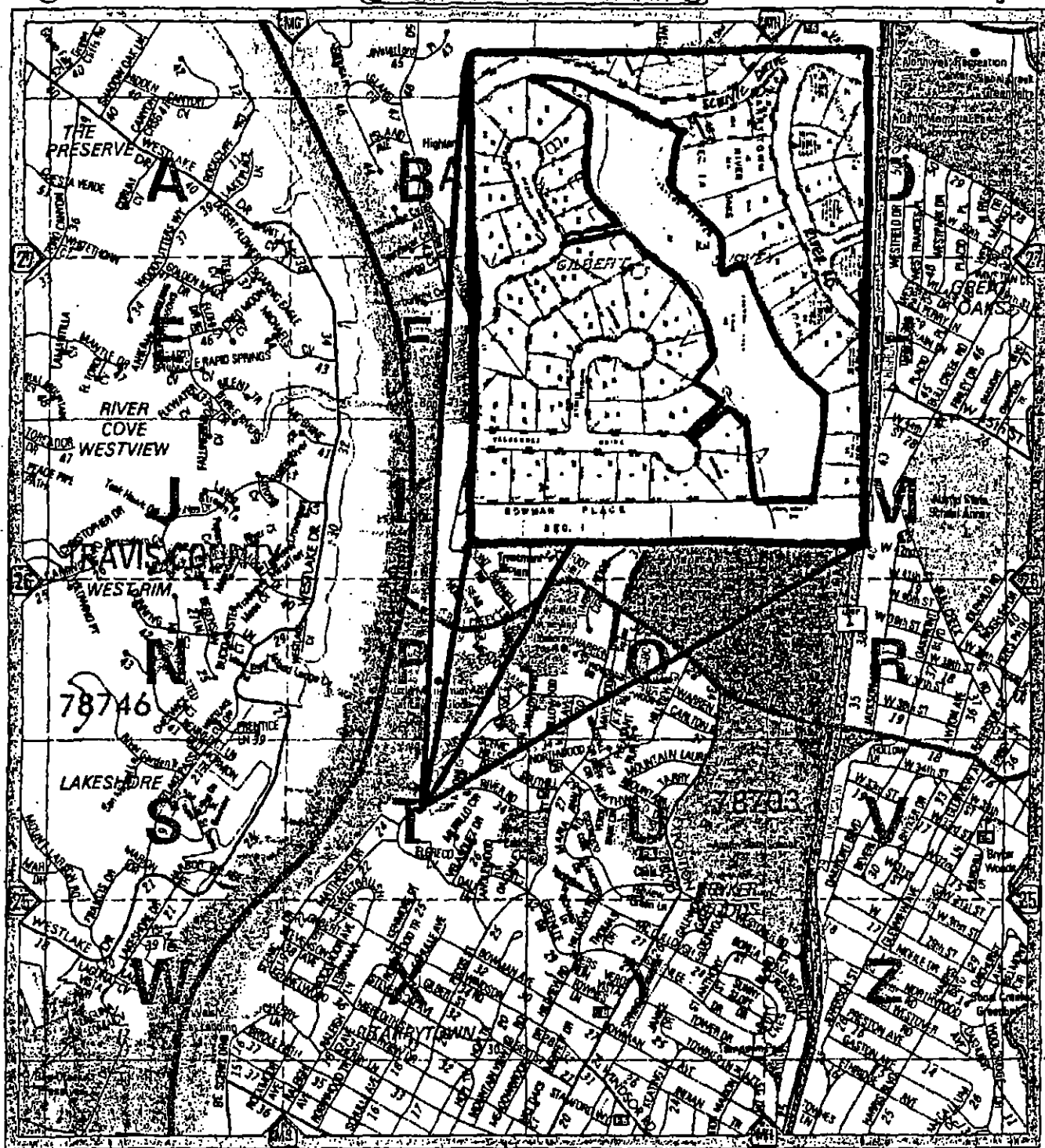
The design plans for the Govalle 5-Taylor Slough South Wastewater Improvements Project, a portion of the Austin Clean Water Program, require exercising the easement and use rights granted to governmental entities when the plat for Bello Vista Subdivision was filed of record. A permanent wastewater line easement will cross Lot 43, and much of Lot 43 will be used for temporary workspace in order to preserve as many trees as possible. Lot 43 is essentially the canyon and slough area between Bello Vista Subdivision and Tarrytown River Oaks, west of Reed Park and east of Scenic Drive.

The City of Austin will be restoring the temporary work space area, including trees and other landscaping, and restoring only the ground cover vegetation (no trees) in the area of the permanent wastewater line easement. Funding for restoring the work area and the easement were included in the project cost, which is part of the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.

554



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SCALE IN MILES
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SCALE IN FEET
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RESOLUTION NO. 20050623-

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to exercise a certain real property interest granted by the plat of Bello Vista Subdivision, recorded in Volume __, Page __, of the Travis County Plat Records on January 31, 1978 (Bello Vista Plat), being the governmental purpose of wastewater line improvements; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Director of the Public Works Department, or other authorized designee, is hereby authorized and directed to exercise the governmental easement and use rights authorized by the Bello Vista Plat at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to exercise these rights in the real property described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

Owner: Bello Vista Homeowners Association

Project: Govalle 5-Taylor Slough South Wastewater Improvements Project, a portion of the Austin Clean Water Program

Intended Purpose: The exercise of the easement and use rights granted by the Bello Vista Plat is necessary to install a permanent

wastewater line, to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

Location: a portion of Lot 43, Bello Vista Subdivision, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005 **ATTEST:** _____
Shirley A. Brown
City Clerk