



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

**AGENDA ITEM NO.: 71  
AGENDA DATE: Thu 06/23/2005  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk/North Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 3,453 square foot permanent wastewater line easement, a 1,342 square foot temporary working space easement, and a 4,168 square foot temporary staging area and material storage site easement out of a portion of Lots 1 and 2, Courtlandt Place III, a Subdivision in the City of Austin, in the amount of \$22,100. The owner of the property interests sought to be condemned is Austin Park Plaza, LLC, an Oregon Limited Liability Company. The property is located at 829 Park Plaza, Austin, Travis County, TX.

**AMOUNT & SOURCE OF FUNDING:** Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works                      **DIRECTOR'S**  
**DEPARTMENT:**for Austin Water Utility; **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

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The design plans for Little Walnut/Buttermilk/North Capital Drive Project, a portion of the Austin Clean Water Program require acquisition of a permanent wastewater line easement, temporary working space easement, and temporary staging area and material storage site easement across the property located at 829 Park Plaza, Austin, Texas.

The City of Austin has attempted to purchase a permanent wastewater line easement, temporary working space easement, and temporary staging area and material storage site easement from the landowner. The parties, however, have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

06/23/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk/North Capital Drive Project to acquire a permanent wastewater easement comprised of 3,453 square feet of land, temporary working space easement comprised of 1,342 square feet of land and temporary staging area and material storage site easement comprised of 4,168 square feet of land out of a portion of Lots 1 and 2, Courtland Place III, a Subdivision in the City of Austin, in the amount of \$22,100. The owner of the property sought to be condemned is Austin Park Plaza, LLC, an Oregon Limited Liability Company. The property is located at 829 Park Plaza, Austin, TX.

**FINANCIAL INFORMATION:**

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

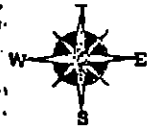
Current Appropriation	\$ 494,873,293.00
Unencumbered Balance	151,326,519.19 *
Amount of This Action	<u>(22,100.00)</u>
Remaining Balance	<u>\$ 151,304,419.19</u>
 Current Available Balance	 \$ 171,180,472.04
Less Outstanding Commitments	<u>(19,853,952.85)</u>
Estimated Unencumbered Balance	<u>\$ 151,326,519.19 *</u>

Utility Finance: \_\_\_\_\_

David Anders, Utilities Finance Manager

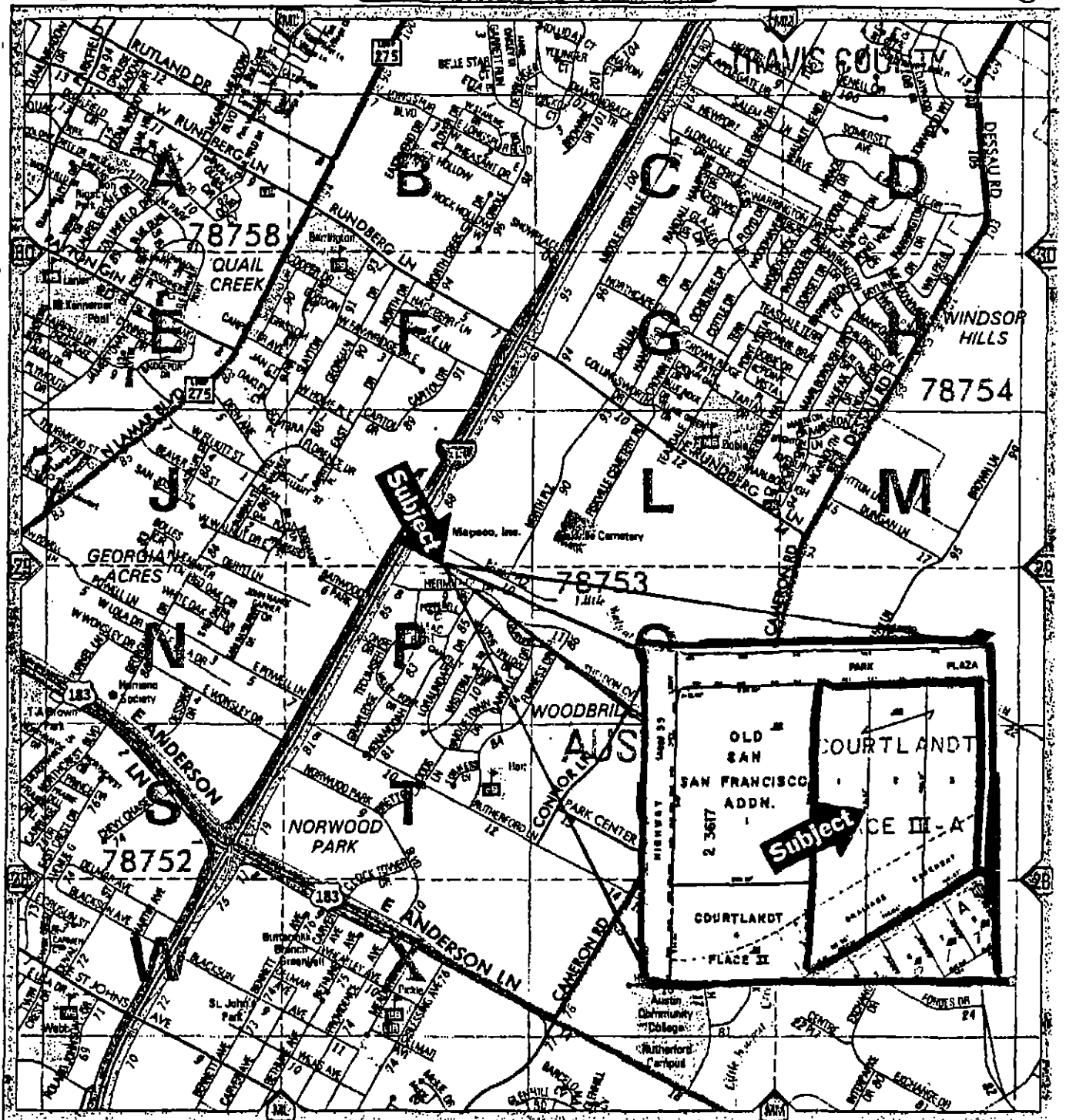
Date: \_\_\_\_\_

REF. # 4570 237 8578



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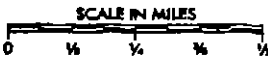
CONTINUED ON MAP 525



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**RESOLUTION NO. 20050623-**

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

**WHEREAS**, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owners of the real property interests 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 owners now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owners hereinafter stated and/or their successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C," which are attached hereto and made a part hereof for all purposes.

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

**Owner:** Austin Park Plaza, LLC

**Project:** Little Walnut/Buttermilk/North Capital Drive, a portion of the Austin Clean Water Program

**Intended Purpose:** permanent wastewater line easement, temporary working space easement and temporary staging area and material storage site easement; all temporary easements listed above are necessary to install permanent wastewater lines; to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

**Location:** 829 Park Plaza, Austin, Texas, and see attached field notes.

**ADOPTED:** June 23, 2005

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk