



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

**AGENDA ITEM NO.: 42  
AGENDA DATE: Thu 06/23/2005  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution amending Resolution No. 020822-33 to clarify the City Council's statement of public purpose related to the Del Valle Water and Wastewater Annexation Project for the acquisition by eminent domain of the fee simple interest in a permanent wastewater easement containing 781 square feet of land and a temporary workspace easement containing 781 square feet of land out of Lot 3, Block 1, A. L. Royster Addition, Travis County, Texas, generally known as 3155 Highway 71 East, Travis County, Texas, owned by Almetra Harrell, Ethel Lee Anderson, Ronnie Louis White, Lloyd White, Jr., Douglas Wayne White, Jacqueline Sandra Bunton, and Lois Faye Killingsworth, in the amount of \$1,175, 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. 020822-33

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Resolution No. 020822-33 authorized the City Attorney to file a lawsuit in eminent domain to acquire the fee simple interest in a permanent wastewater easement containing 781 square feet of land and a temporary workspace easement containing 781 square feet of land out of Lot 3, Block 1, A. L. Royster Addition, Travis County, Texas, generally known as 3155 Highway 71 East, Travis County, Texas. The property interests to be acquired in the proposed action will be used to improve and increase the City's ability to provide sanitary sewer services to the public. 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 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" and "B," 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: Almetra Harrell, Ethel Lee Anderson, Ronnie Louis White, Lloyd White, Jr., Douglas Wayne White, Jacqueline Sandra Bunton and Lois Faye Killingsworth

Project: Del Valle Water and Wastewater Annexation Project

Intended Purpose: the easements are necessary so that the City of Austin can effect wastewater line improvements to improve and/or increase wastewater service to the public

Location: 3155 Highway 71 East, Travis County, Texas, and see attached field notes.

**ADOPTED:** June 23, 2005

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk