

RCA CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 64 AGENDA DATE: Thu 06/23/2005 PAGE: 1 of 1

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<u>SUBJECT:</u> Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire an 833 square foot permanent wastewater line easement and a 1,423 square foot temporary working space easement out of Lot 61, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,248. The owner of the property interests sought to be condemned is Kathleen McComb, of Austin, Texas. The property is located at 2402 White Horse Trail, Austin, TX.

<u>AMOUNT & SOURCE OF FUNDING:</u> 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

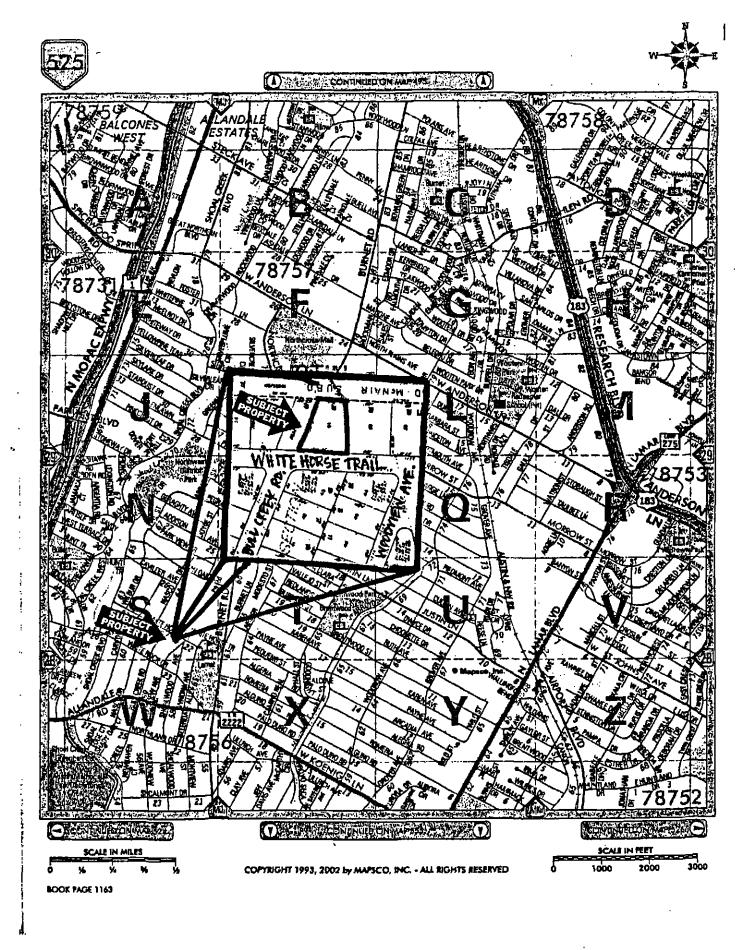
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement and a temporary working space easement across the property located at 2402 White Horse Trail, Austin, Texas.

The City of Austin is attempting to purchase the permanent wastewater line easement and temporary working space easement from the landowner. In the event that the parties are 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.



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CIP FISCAL NOTE

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DATE OF COUNCIL CONSIDERATION: WHERE ON AGENDA: DEPARTMENT:

06/23/05 Resolution Austin Water Utility

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DESCRIPTION:

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Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Downtown/White Horse Trail Wastewater Improvements Project to acquire a permanent wastewater easement comprised of 833 square feet of land and a temporary working space easement comprised of 1,423 square feet of land out of Lot 61, Allendale, Section Three, a Subdivision in the City of Austin, in the amount of \$6,248. The owner of the property sought to be condemned is Kathleen McComb, of Austin, Texas. The property is located at 2402 White Horse Trail, Austin, TX.

FINANCIAL INFORMATION:

Parent Project Name: Project Authorization: Funding Source: Number:	Wastewater Unfunded Future 2004-05 Approved Capital Budget Commercial Paper 4570 237 2017
Current Appropriation	\$ 494,673,293.00
Unencumbered Balance	151,336,197.19
Amount of This Action	(6,248.00)
Remaining Balance	\$ 151,329,949.19
Current Available Balance	\$ 171,180,472.04
Less Outstanding Commitmen	(19,844,274.85)
Estimated Unencumbered Bal	ence \$ 151,336,197.19 *

Utility Finance:

David Anders, Utilities Finance Manager

6/1/05 Date:

REF. # 4570 237 8772

RESOLUTION NO. 20050623-

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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: Kathleen McComb

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- Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program
- Intended Purpose: permanent wastewater line easement and temporary working space easement; the temporary easement listed above is 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: 2402 White Horse Trail, Austin, Texas, and see attached field notes.

ADOPTED: June 23 , 2005

ATTEST:

Shirley A. Brown City Clerk

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