



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

**AGENDA ITEM NO.: 63
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: 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 a 2,256 square foot temporary working space easement out of Lot 60, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,392. The owners of the property interest sought to be condemned is Michael R. Hemer and Carolyn Blasdale, of Austin, Texas. The property is located at 2400 White Horse Trail, Austin, 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

The design plans for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a temporary working space easement across the property located at 2400 White Horse Trail, Austin, Texas.

The City of Austin is attempting to purchase the 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.

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: Downtown/White Horse Trail Wastewater Improvements Project to acquire a temporary working space easement comprised of 2,256 square feet of land out of Lot 80, Allendale, Section Three, a Subdivision in the City of Austin, in the amount of \$6,392. The owner of the property sought to be condemned is Michael R. Hemer and Carolyn Blasdale, of Austin, Texas. The property is located at 2400 White Horse Trail, 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	\$ 494,673,293.00
Unencumbered Balance	151,348,361.19 *
Amount of This Action	<u>(6,392.00)</u>
Remaining Balance	<u>\$ 151,341,969.19</u>
 Current Available Balance	 \$ 171,180,472.04
Less Outstanding Commitments	<u>(19,832,110.85)</u>
Estimated Unencumbered Balance	<u>\$ 151,348,361.19 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

6/1/05

REF. # 4570 237 8772



A horizontal scale bar with the text "SCALE IN FEET" centered above it. The bar has tick marks at 0, 1000, 2000, and 3000 feet, with the numbers placed below the bar.

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 interest as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owners 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 owners 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 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 interest to be acquired is described in Exhibits "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: Michael R. Hemer and Carolyn Blasdale

Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program

Intended Purpose: 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: 2400 White Horse Trail, Austin, Texas, and see attached field note.

ADOPTED: June 23, 2005

ATTEST: _____
Shirley A. Brown
City Clerk