



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

**AGENDA ITEM NO.: 61
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, to acquire a 15,397 square foot permanent wastewater line easement, an 11,748 square foot permanent access easement, an 18,183 square foot temporary working space easement, and a 20,000 square foot temporary staging area and material storage site easement out of the Santiago Del Valle Grant, Abstract 24, City of Austin, Travis County, Texas, in the amount of \$43,700. The owner of the property interests sought to be condemned is Leigh Acres, Ltd., a Texas Limited Partnership. The property is located south of Ben White Boulevard and east of Montopolis Drive, 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 Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement, a permanent access easement, a temporary working space easement, and a temporary staging area and material storage site easement across property located south of Ben White Boulevard and east of Montopolis Drive, Austin, Texas.

The City of Austin is attempting to purchase the permanent wastewater line easement, permanent access easement, temporary working space easement, temporary staging area and material storage site 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: Govalle 3-Carson Creek at Montopolis Drive Project to acquire a permanent wastewater easement comprised of 15,397 square feet of land, a permanent access easement comprised of 11,748 square feet of land, a temporary work space easement comprised of 18,183 square feet of land and a temporary staging area and material storage site easement comprised of 20,000 square feet of land out of a portion of the Santiago Del Valle Grant, Abstract 24, City of Austin, in the amount of \$43,700. The owner of the property sought to be condemned is Leigh Acres, Ltd., of Austin, Texas. The property is located south of Ben White Boulevard and east of Montopolis Drive, 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>(43,700.00)</u>
Remaining Balance	<u>\$ 151,282,819.19</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: _____

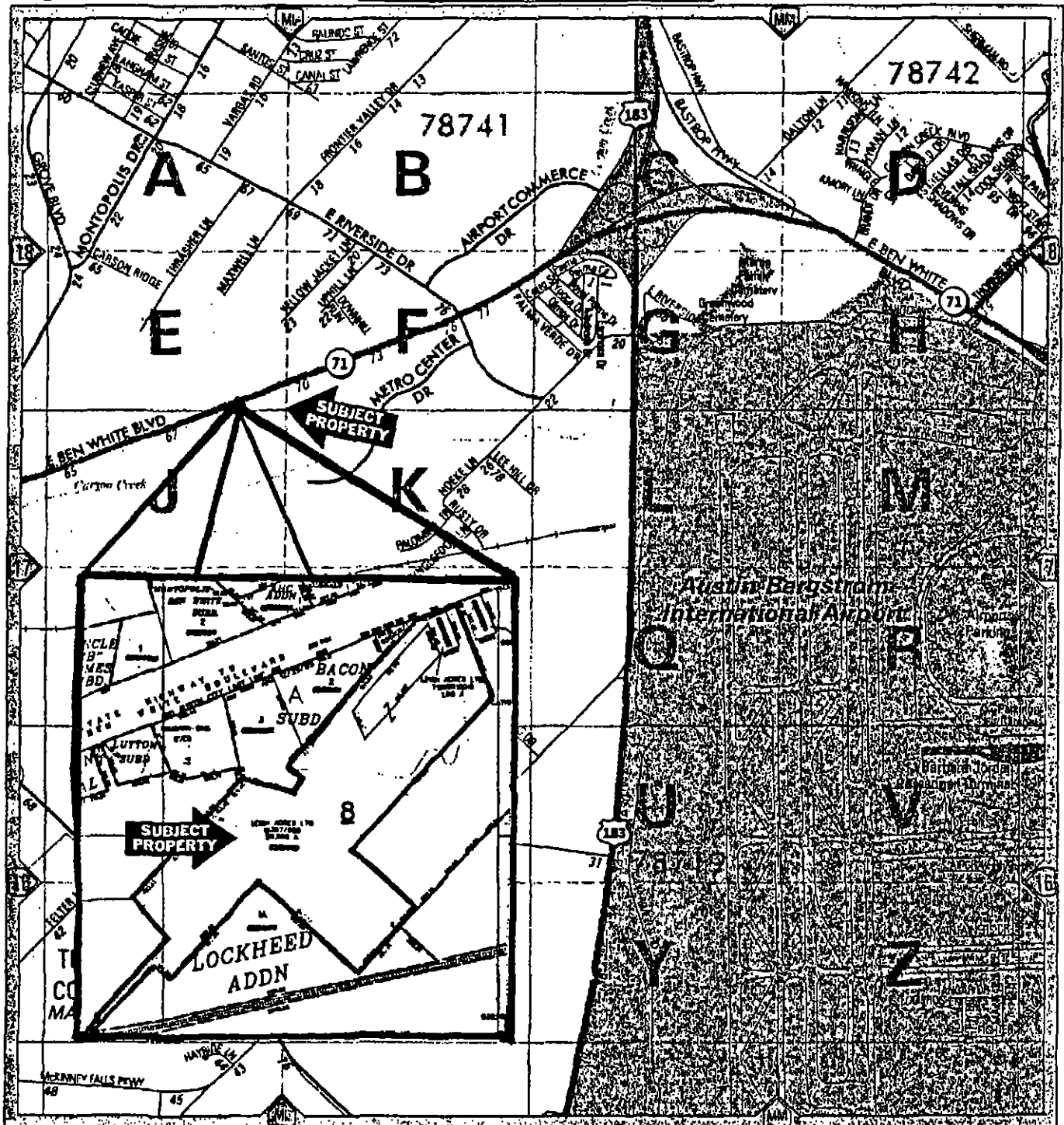
6/2/05

REF. # 4570 237 8770

646



CONTINUED ON MAP 616



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SCALE IN MILES
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SCALE IN FEET
0 1000 2000 3000

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," "C," and "D," 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: Leigh Acres, Ltd.

Project: Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement, permanent access 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: South of Ben White Boulevard and east of Montopolis Drive and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____

Shirley A. Brown
City Clerk