



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

**AGENDA ITEM NO.: 48
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution amending Resolution No. 020822-34 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 780 square feet of land and a temporary work space easement containing 781 square feet of land out of Lot 1, Block 1, Davidson City Addition, Travis County, Texas, generally known as 3161 Highway 71 East, in Travis County, Texas, owned by Ethel White a/k/a Ethel Walker, for the Del Valle Water and Wastewater Annexation Project, in the amount of \$1,171, 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. 020822-34

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 020822-34 authorized the City Attorney to file a lawsuit in eminent domain to acquire a permanent wastewater easement containing 780 square feet of land and a temporary work space easement containing 781 square feet of land out of Lot 1, Block 1, Davidson City Addition, Travis County, Texas, generally known as 3161 Highway 71, in the City of Austin, Travis County, Texas. The property interest to be acquired in the proposed action are to be used to expand and improve the City's ability to provide sanitary sewer service to the public. The proposed action clarifies the location of the property to be acquired and 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 owner 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 owner 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 owner hereinafter stated and/or her 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: Ethel White a/k/a Ethel Walker

Project: Del Valle Water and Wastewater Annexation Project

Intended Purpose: permanent wastewater line easement to increase and improve the City of Austin's ability to provide wastewater service, to the public and a temporary working space easement; the temporary easement listed above is necessary to install permanent wastewater lines

Location: 3151 Highway 71 East, Travis County, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____
Shirley A. Brown
City Clerk