



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

**AGENDA ITEM NO.: 16  
AGENDA DATE: Thu 08/18/2005  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk-North/Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 1,566 square foot permanent wastewater line easement and a 3,060 square foot temporary working space easement out of the James P. Wallace Survey, No. 57, being a portion of Lot 2, Chapman's Acre Subdivision in the City of Austin, Travis County, in the amount of \$2,465. The owners of the needed property interests are Charles Nolen Scott and Melissa Scott, of Austin, TX. The property is located at 8805 Georgian Drive, Austin, Travis County, Texas.

**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

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The design plans for the Little Walnut/Buttermilk - North/Capital Drive Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement and a temporary working space easement on the property located at 8805 Georgian Drive, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement and temporary working space easement from the landowners. The parties have agreed on an appropriate price. However, the property title is not curable through standard processes thereby necessitating a friendly condemnation. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.



BOOK PAGE 1164

**RESOLUTION NO. 20050728-0**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owners 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, described and located below, for the public purpose set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

**Owners:** Charles Nolen Scott and Melissa Scott

**Project:** Little Walnut/Buttermilk - North/Capital Drive Project, a portion of the Austin Clean Water Program

**Intended Purpose:** the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate; and

the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

**Location:** 8805 Georgian Drive, Austin, Texas.

**Property:** Described in the attached and incorporated Exhibits A and B.

**ADOPTED:** August 18, 2005

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

Shirley A. Brown  
City Clerk

# CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

08/18/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk-North Capital Drive Project of the Austin Clean Water Program to acquire a permanent wastewater easement comprised of 1,566 square feet of land and a temporary working space easement comprised of 3,060 square feet of land out of the James P. Wallace Survey, No. 57, a portion of Lot 2, Chapman's Acre Subdivision in the City of Austin, in the amount of \$2,465. The owner of the property sought to be condemned is Charles Nolen Scott and wife, Melissa Scott, of Austin, TX. The property is located at 8805 Georgian Drive, Austin, Travis County, Texas.

**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	134,038,498.93 *
Amount of This Action	<u>(2,465.00)</u>
Remaining Balance	<u>\$ 134,038,033.93</u>
Current Available Balance	\$ 158,515,917.48
Less Outstanding Commitments	<u>(24,477,418.55)</u>
Estimated Unencumbered Balance	<u>\$ 134,038,498.93 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

Date:

7/24/05

REF. # 4570 237 8578