



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

**AGENDA ITEM NO.: 17
AGENDA DATE: Thu 10/20/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4-Manor/Comal/Rosewood Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 717 square foot permanent wastewater line easement out of Outlot 62, Division B, in the City of Austin, Travis County, in the amount of \$1,793. The owner of the property interest is Reynalda Espinosa, of Austin, TX. The property is located at 1134 Northwestern Avenue, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2005-2006 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

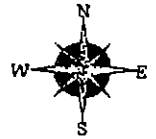
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

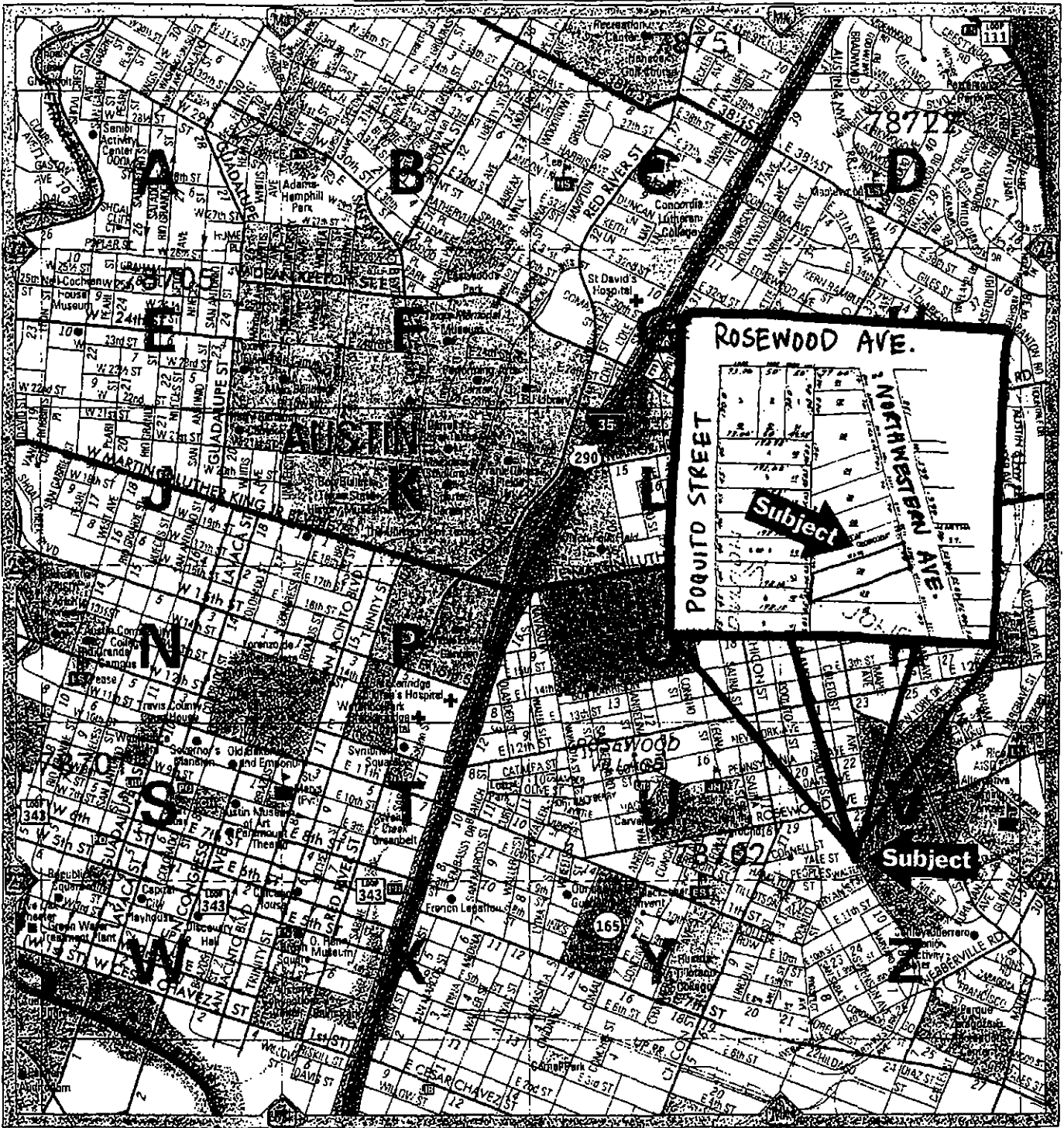
BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 4-Manor/Comal/Rosewood Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement on the property located at 1134 Northwestern Avenue, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowner. The parties, however, have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.



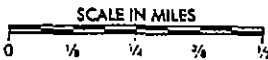
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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

10-20-05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Govale 4-Manor-Cornal/Rosowood/Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 717 square-foot permanent wastewater line easement out of Outlot 62, Division B, in the City of Austin, Travis County, in the amount of \$1,793. The owner of the property interest sought to be acquired is Reynalda Espinosa, of Austin, TX. The property is located at 1134 Northwestern Avenue, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

| | |
|-----------------------|---------------------------------|
| Parent Project Name | Wastewater Unfunded Future |
| Project Authorization | 2005-06 Approved Capital Budget |
| Funding Source | Commercial Paper |
| Number | 4570 237 2017 |

| | |
|--------------------------------|----------------------------|
| Current Appropriation | \$ 494,073,293.00 |
| Unencumbered Balance | 122,437,875.12 * |
| Amount of This Action | <u>(1,793.00)</u> |
| Remaining Balance | <u>\$ 122,436,082.12</u> |
| Current Available Balance | \$ 140,511,315.79 |
| Less Outstanding Commitments | <u>(18,073,440.87)</u> |
| Estimated Unencumbered Balance | <u>\$ 122,437,875.12 *</u> |

Utility Finance



David Sanders, 1st Asst. Finance Manager

Date

9/28/05

REF. # 4570 237 4569

RESOLUTION NO. 20051020-0

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

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owner 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 interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

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

Owner: Reynalda Espinosa

Project: Govalle 4 - Manor/Comal/Rosewood Wastewater Improvements 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.

Location: 1134 Northwestern Avenue, Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 20, 2005

ATTEST: _____
Shirley A. Brown
City Clerk