



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

**AGENDA ITEM NO.: 23
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 5-Taylor Slough South project, a portion of the Austin Clean Water Program, to acquire a permanent wastewater line easement comprised of 43,913 square feet of land and a temporary working space easement comprised of 86,736 square feet of land out of Lot 43, Block A, a Bello Vista Subdivision in Travis County, in the amount of \$45,000 and rescinding Resolution No. 050623-84. The owner of the property sought to be condemned is BELLO VISTA HOMEOWNER'S ASSOCIATION, of Austin, Texas. The property is located in west Austin just south of River Road being the vacant land between the east side of Scenic Drive and the west side of Reed Park, 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

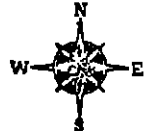
BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 5-Taylor Slough South project, a portion of the Austin Clear Water Program, require acquisition of a permanent wastewater line easement and a temporary work space easement across the property located in west Austin just south of River Road being the vacant land between the east side of Scenic Drive and the west side of Reed Park, Austin, Travis County, Texas.

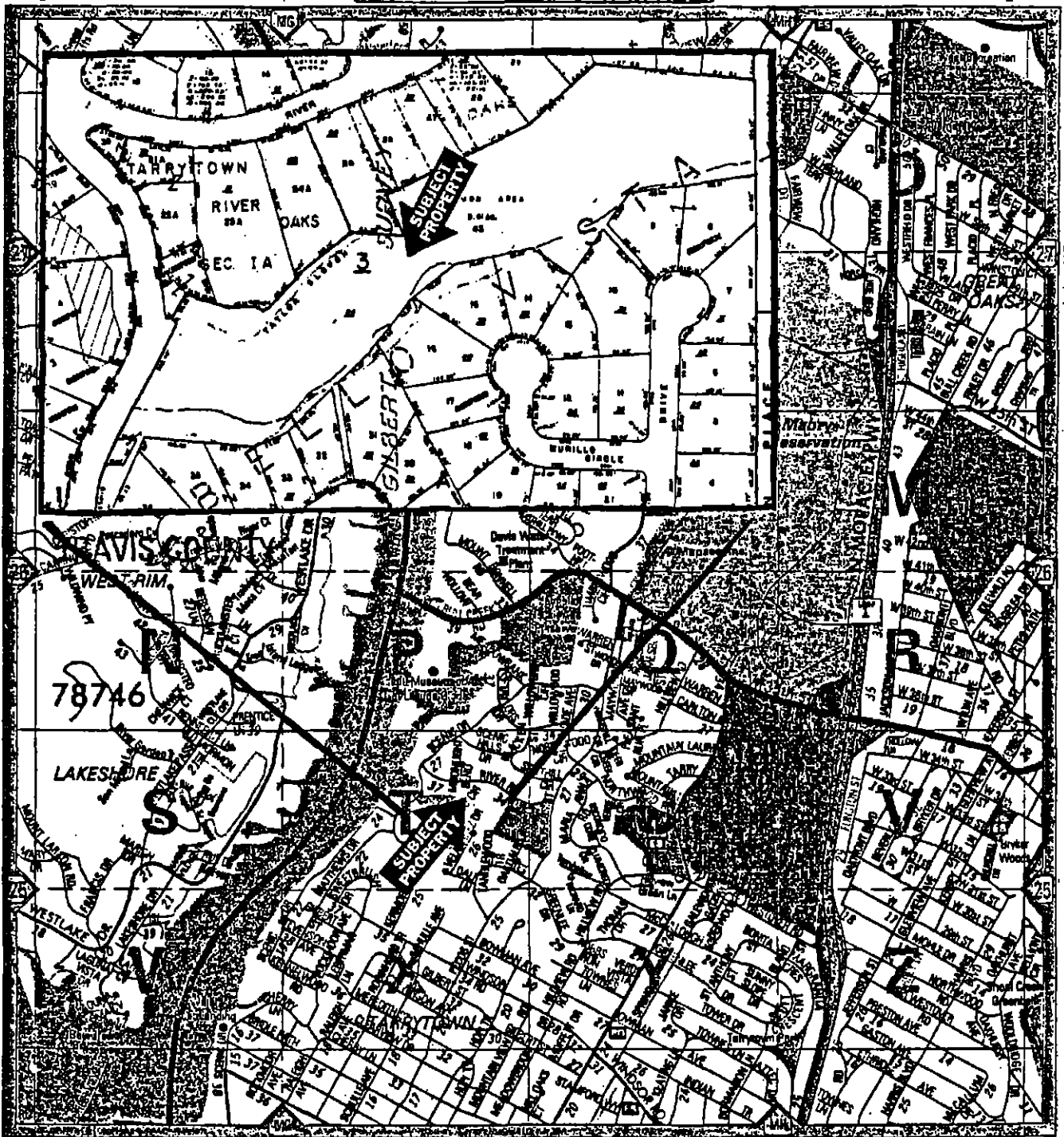
The City of Austin has attempted to purchase the permanent wastewater line easement and the temporary working space easement from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on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

Although the City has certain rights under an easement dedicated by Plat, staff has elected to work with the property owners rather than exert the full extent of its authority for two reasons: to achieve an expeditious resolution and to identify a specifically defined easement for the future. The property owner signed a Temporary Right of Entry and Possession conditioned on the City filing an eminent domain lawsuit by December 2005. No hearing will be held prior to completion of the project and may be unnecessary if the landowner is pleased with project construction and restoration within the common area.

Bellevue Vista



CONTINUED ON MAP 5224



CONTINUED ON MAP 5224

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CONTINUED ON MAP 5224



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

12/01/05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Goyalle 5-Taylor Slough South project, a portion of the Austin Clean Water Program, to acquire a permanent wastewater easement comprised of 43,424 square feet of land and a temporary working space easement comprised of 85,749 square feet of land out of Lot 43, Block A, a Bello Vista Subdivision in Travis County, in the amount of \$45,000 and rescinding Resolution No. 050623-84. The owner of the property sought to be condemned is BELLO VISTA HOMEOWNER'S ASSOCIATION, of Austin, Texas. The property is located in west Austin just south of River Road being the vacant land between the east side of Scenic Drive and the west side of Reed Park, 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	\$ 676,217,293.00
Unencumbered Balance	201,970,744.97 *
Amount of This Action	<u>(45,000.00)</u>
Remaining Balance	<u>\$ 201,925,744.97</u>
Current Available Balance	\$ 211,406,296.72
Less Outstanding Commitments	<u>(9,435,551.75)</u>
Estimated Unencumbered Balance	<u>\$ 201,970,744.97 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

12/27/05

REF. # 4570 237 8091

RESOLUTION NO. 20051201-0

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 needed real property interests 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 interests 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 acquisitions.

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

Owner: Bello Vista Homeowner's Association

Project: Govalle 5 - Taylor Slough South 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: West Austin just south of River Road begin the vacant land between the east side of Scenic Drive and the west side of Reed Park, Austin, Travis County, Texas.

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

ADOPTED: December 1, 2005

ATTEST: _____

Shirley A. Brown
City Clerk