



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

**AGENDA ITEM NO.: 25  
AGENDA DATE: Thu 12/01/2005  
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 an 8,976 square foot temporary ingress and egress easement out of the Santiago Del Valle Grant, being a portion of Lot 1, Luton Subdivision, Travis County, Texas, in the amount of \$5,400. The owner of the needed property interest is CMH HOMES, INC., a Tennessee Corporation. The property is located at 6645 East Ben White Boulevard, along the south line of the roadway and to the east of Montopolis Drive, 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

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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 temporary ingress and egress easement on the property located at 6645 East Ben White Boulevard, along the south line of the roadway and to the east of Montopolis Drive, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the temporary ingress and egress easement from the landowner. However, the parties 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.

## 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 Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, to acquire a temporary ingress and egress easement comprised of 8,976 square feet of land out of the Santiago Del Valle Grant, Lot 1, Luton Subdivision, Travis County, Texas, in the amount of \$5,400. The owner of the property interest sought to be acquired is CMH HOMES, INC., A Tennessee Corporation. The property is located at 6645 East Ben White Boulevard, along the south side of the roadway and to the east of Montopolis Drive, 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	\$ 575,217,293.00
Unencumbered Balance	201,867,036.27
Amount of This Action	<u>(5,400.00)</u>
Remaining Balance	<u>\$ 201,861,636.27</u>
Current Available Balance	\$ 211,189,538.02
Less Outstanding Commitments	<u>(9,522,501.75)</u>
Estimated Unencumbered Balance	<u>\$ 201,667,036.27</u>

Utility Finance

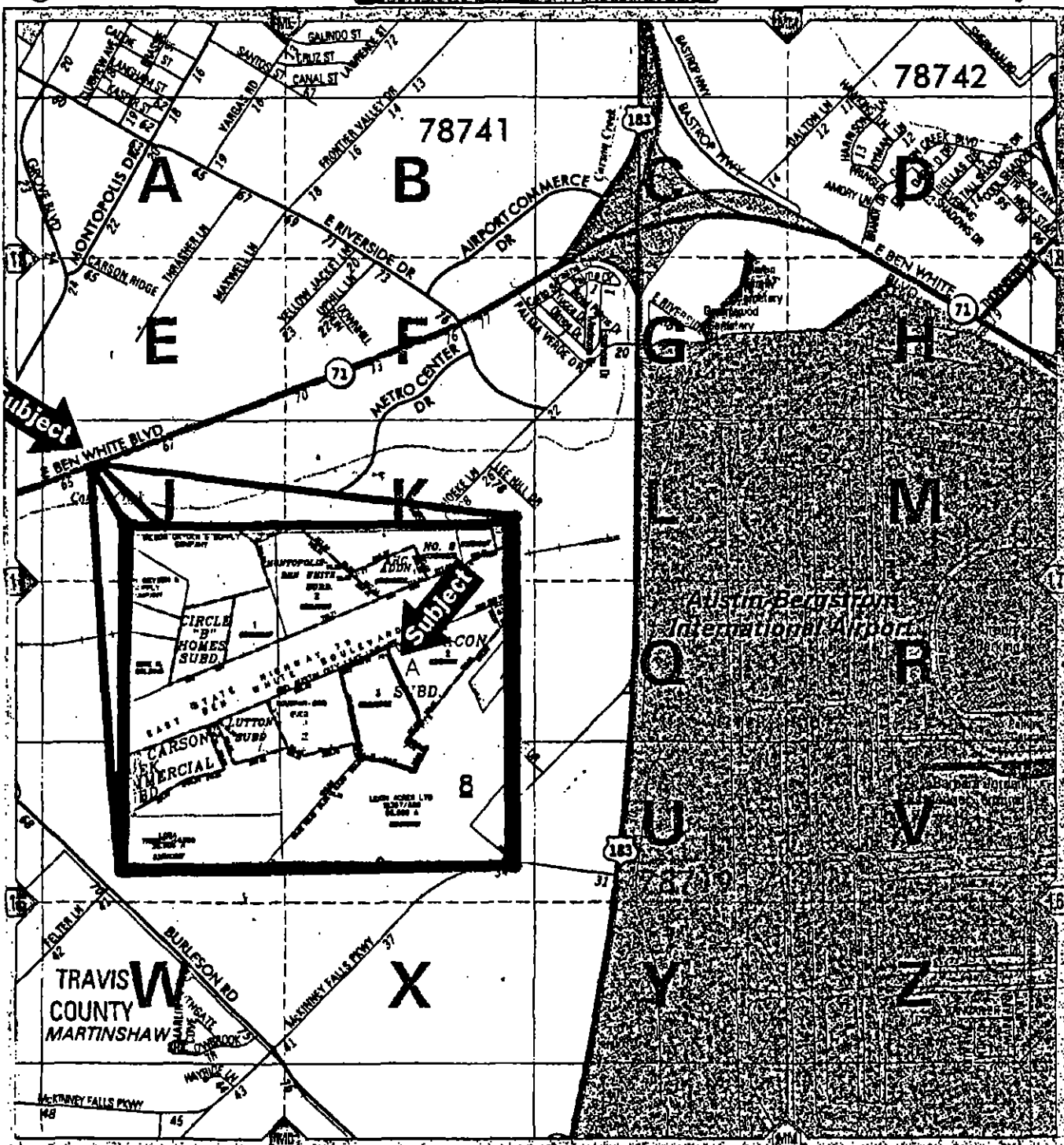


David Anders, Utilities Finance Manager

Date:

11/2/05

REF. # 4570 237 8770



CONTINUED ON MAP 645

CONTINUED ON MAP 646

CONTINUED ON MAP 647

SCALE IN MILES  
0 1/4 1/2 3/4 1

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SCALE IN FEET  
0 1000 2000 3000

**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 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 eminent domain proceedings for:

**Owner:** CMH Homes, Inc.

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

**Intended Purpose:** the temporary ingress and egress easement described in the attached Exhibit "A" is necessary to access permanent wastewater lines and appurtenances thereto, to install, operate, maintain, repair, replace, and upgrade those wastewater lines 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:** 6645 East Ben White Boulevard, along the south line of the roadway and to the east of Montopolis Drive, Austin, Texas.

**Property:** Described in the attached and incorporated Exhibit A.

**ADOPTED:** December 1, 2005

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

Shirley A. Brown  
City Clerk