



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

**AGENDA ITEM NO.: 27
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water Program, to acquire a 252 square foot permanent wastewater line easement and a 763 square foot temporary working space easement out of Lot 114-A, Resubdivision of Lots 113-115, inclusive, West Park Addition, a subdivision in Travis County, in the amount of \$5,401. The owner of the needed property interests is Jane Eva Bullard of Austin, Texas. The property is located at 3312 Westhill 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

The design plans for the Govalle 1-West of Lamar 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 3312 Westhill 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 landowner. However, the parties have 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.

**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 Coville 1-West of Lanier Project, a portion of the Austin Clean Water Program, to acquire a permanent wastewater easement comprised of 252 square feet of land and temporary working space easement comprised of 763 square feet of land out of Lot 114-A, Resubdivision of Lots 113-115, inclusive, West Park Addition, a subdivision of Travis County, in the amount of \$5,401. The owner of the property interests is Jane Eva Bulard of Austin, Texas. The property is located at 3312 Westhill Drive, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

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

Current Appropriation	\$ 575,217,293.00
Unencumbered Balance	201,858,011.27 *
Amount of This Action	<u>(5,401.00)</u>
Remaining Balance	<u>\$ 201,852,610.27</u>
Current Available Balance	\$ 211,188,538.02
Less Outstanding Commitments	<u>(9,531,526.75)</u>
Estimated Unencumbered Balance	<u>\$ 201,858,011.27 *</u>

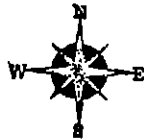
Utility Finance: DAH

David Anders, Utilities Finance Manager

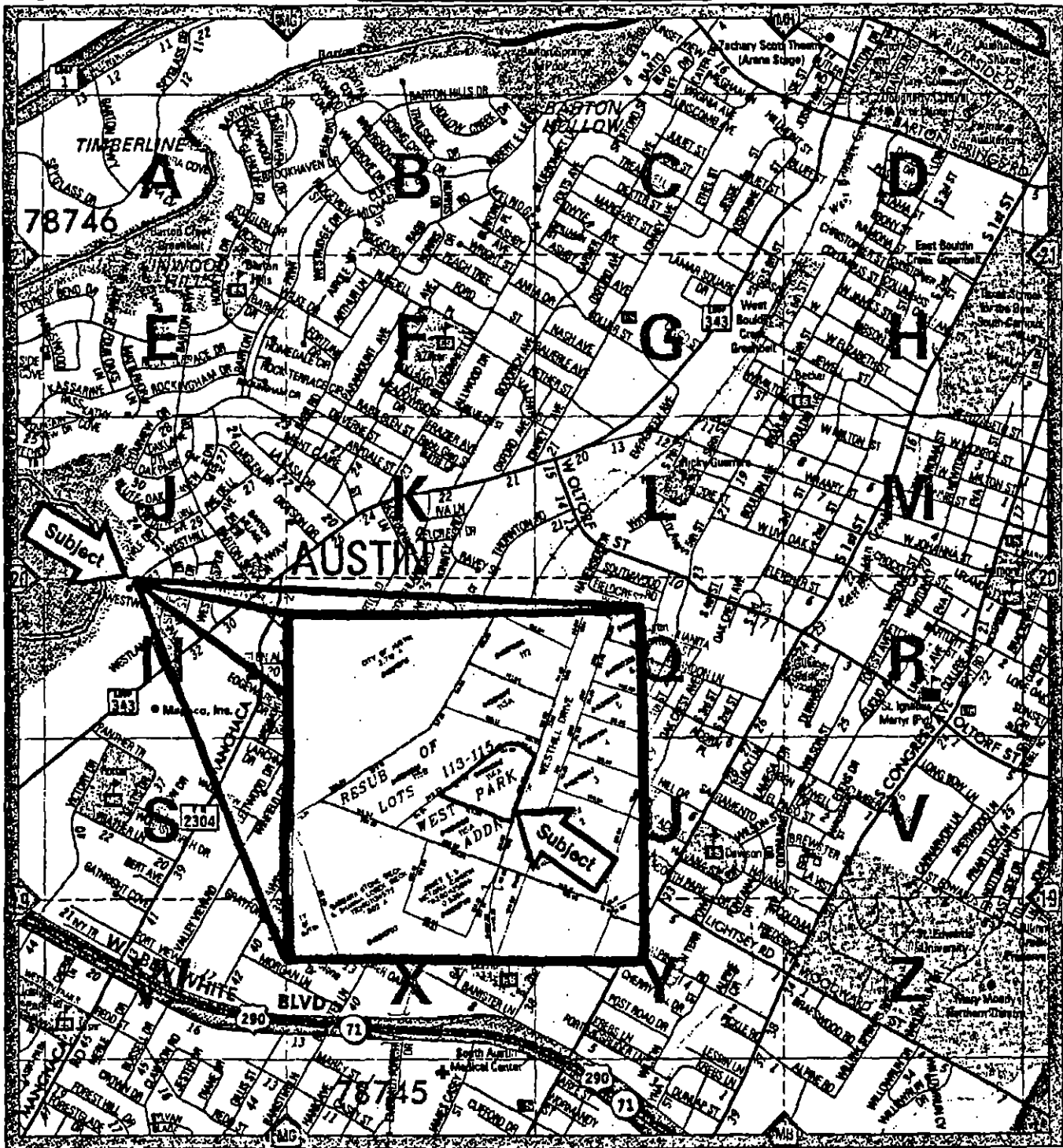
Date: 11/2/05

REF. # 4570 237 4558

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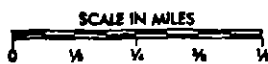
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RESOLUTION NO. 20051201-0

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: Jane Eva Bullard

Project: Govalle 1 -West of Lamar 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: 3312 Westhill Drive, Austin, Texas.

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

ADOPTED: December 1, 2005

ATTEST: _____
Shirley A. Brown
City Clerk