



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

**AGENDA ITEM NO.: 22
AGENDA DATE: Thu 12/15/2005
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 a 15,397 square foot permanent wastewater line easement, a 10,570 square foot permanent access easement, an 18,409 square foot temporary working space easement, and a 20,000 square foot temporary staging area and material storage site easement out of the Santiago Del Valle Grant, Abstract 24, City of Austin, in the amount of \$39,541. The owner of the needed property interests is LEIGH ACRES, LTD., a Texas Limited Partnership. The property is located at 7119 East Ben White Boulevard, 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
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Sondra Creighton**

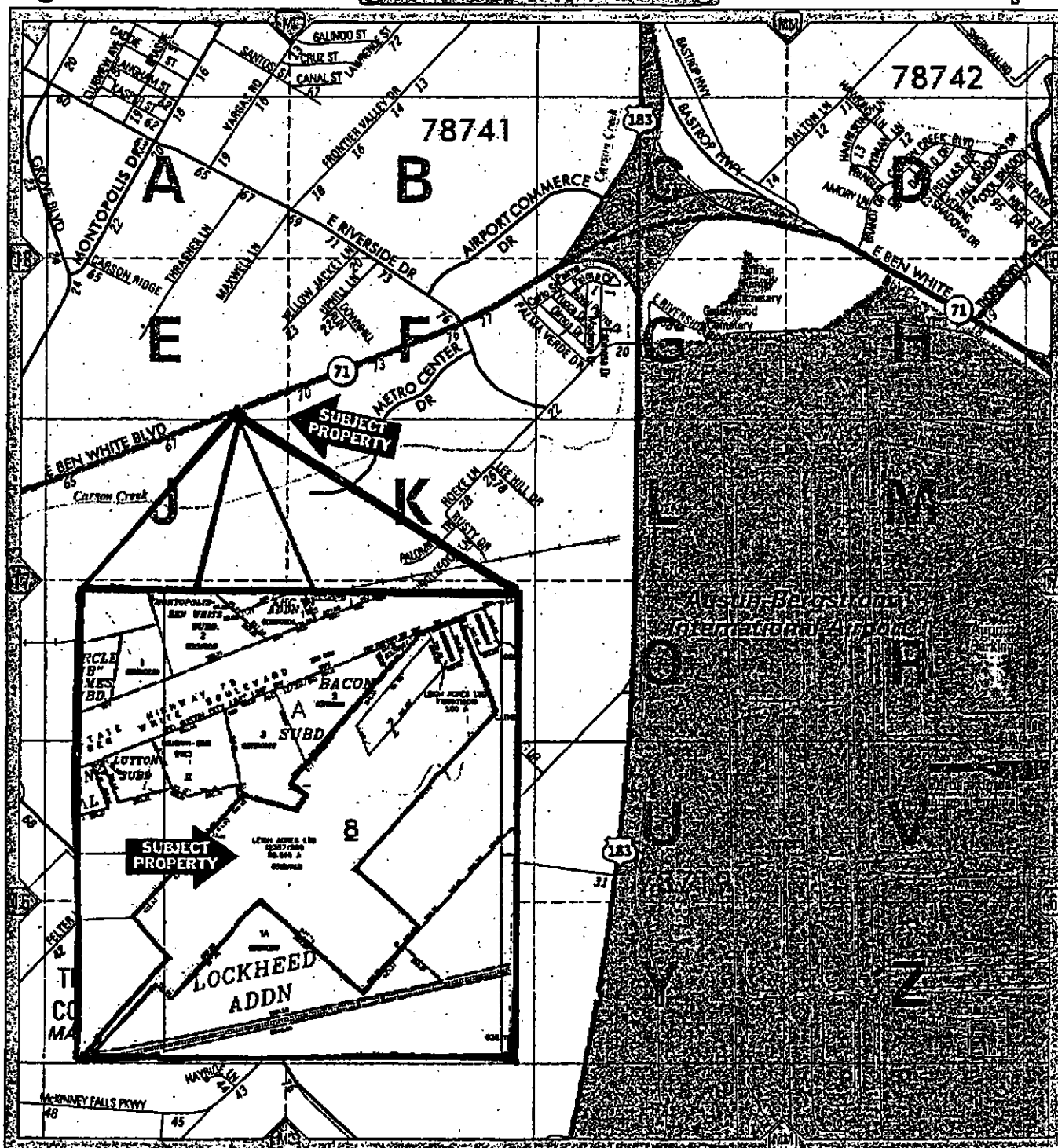
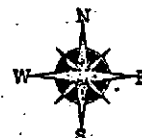
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 3 - Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater line easement, a permanent access easement, a temporary working space easement and a temporary staging area and material storage site easement on the property located at 7119 East Ben White Boulevard, Austin, Travis County, Texas.

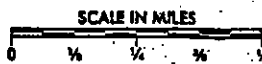
The City of Austin has attempted to purchase the permanent wastewater line easement, permanent access easement, temporary working space easement, and temporary staging area and material storage site easement from the landowner. The parties, however, have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.



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100-443886-1

NEW LISTINGS: 1-800-443-6421



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

12/15/05
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 of the Austin Clean Water Program to acquire a permanent wastewater easement comprised of 15,397 square feet of land, a permanent access easement comprised of 10,570 square feet of land, a temporary work space easement comprised of 18,409 square feet of land and a temporary staging area and material storage site easement comprised of 20,000 square feet of land out of a portion of the Santiago Del Valle Grant, Abstract 24, City of Austin, in the amount of \$39,541. The owner of the property sought to be condemned is LEIGH ACRES, LTD., a Texas Limited Partnership. The property is located at 7119 East Ben White Boulevard, 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	199,369,330.55 *
Amount of This Action	<u>(39,541.00)</u>
Remaining Balance	<u>\$ 199,329,789.55</u>
Current Available Balance	\$ 209,113,063.30
Less Outstanding Commitments	<u>(9,743,732.75)</u>
Estimated Unencumbered Balance	<u>\$ 199,369,330.55 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

11/22/05

REF. # 4570 237 8770

RESOLUTION NO. 20051215-0

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: Leigh Acres, Ltd.

Project: Govalle 3 - Carson Creek at Montopolis Drive, 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;

the permanent access easement described in the attached Exhibit "B" is needed to access the permanent wastewater line easement described in the attached Exhibit "A;"

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

the temporary staging area and material storage site easement described in the attached Exhibit "D" is necessary to stage equipment and store material needed to install and repair the wastewater lines described in the attached Exhibit "A."

Location: 7119 East Ben White Boulevard, Austin, Texas.

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

ADOPTED: December 15, 2005

ATTEST: _____
Shirley A. Gentry
City Clerk