

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council

Item ID:

12062

Agenda Number

19.

Meeting Date:

January 26, 2012

Department:

Office of Real Estate Services

Subject

Approve a resolution directing the City Manager to identify the City's legal basis for eminent domain authority and execute the necessary documents to comply with Chapter 2206 of the Texas Government Code (SB 18) as required by state law.

Amount and Source of Funding

Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing
Language:

Prior Council
Action:

For More
Information:

Angela Rodriguez 974-6032; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.

Boards and
Commission
Action:

MBE / WBE:

Related Items:

Additional Backup Information

During the 82nd Texas Legislative Regular Session in 2011, Senate Bill 18 ("SB 18") was passed into law and became effective September 1, 2011. SB 18 significantly changed Texas condemnation law. One such change was to Section 22206.101 of the Texas Government Code. The new provision requires an entity with eminent domain authority to submit a letter (via Certified Mail Return Receipt Requested OR "CMRRR") to the Texas Comptroller stating two things. First, the entity must assert that it is authorized by the State of Texas to exercise the power of eminent domain. Second, the entity must identify its legal authority to do so. All such entities must submit this letter by December 31, 2012 or its power of eminent domain will automatically expire. Since the City of Austin is an entity with the power of eminent domain authority, it must submit this letter as required. The purpose of this RCA is to initiate the process of complying with the above-mentioned provision of SB 18.