

**AGENDA**



**Recommendation for Council Action (Real Estate)**

Austin City Council	Item ID:	21050	Agenda Number	40.
---------------------	----------	-------	---------------	-----

Meeting Date:	January 31, 2013
---------------	------------------

Department:	Office of Real Estate Services
-------------	--------------------------------

**Subject**

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Govalle 4 – Webberville/San Bernard/4th Street Wastewater Improvement Project for a 324 square foot permanent wastewater line easement out of Lot 5 and Lot 4, Sam Huston Heights Annex, a subdivision in the City of Austin, of record in Book 4, Page 3, Plat Records, Travis County, Texas in the amount of \$689. The owner of the needed property interests is KYLE ORDIORNE. The property is located at 3019 East 12th Street, Austin, Travis County, Texas. The general route covered by this completed project included various streets in central east Austin, including Webberville Road, San Bernard Street and 4th Street.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2012-2013 Capital Budget of the Austin Water Utility.

**Fiscal Note**

A fiscal note is attached.

Purchasing Language:	
Prior Council Action:	
For More Information:	Charles Muela 974-7124; Steven Schrader 972-2055; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

**Additional Backup Information**

The Austin Clean Water Program Govalle 4 – Webberville/San Bernard/4<sup>th</sup> Street Wastewater Improvement Project required the acquisition of a permanent wastewater line easement at the property located at 3019 East 12<sup>th</sup> Street, Austin, Travis County, Texas. The Wastewater Improvement Project was mandated by the U.S. Environmental Protection Agency's Administrative Order, received April 29, 1999.

In response to the U.S. Environmental Protection Agency's Administrative Order, the City of Austin implemented the Austin Clean Water Program to plan, design, and construct sustainable wastewater collection system improvements that will be free from sanitary sewer overflows.

The previous owner of the needed acquisition granted a right of entry for construction. Construction is now complete on the Austin Clean Water Program and acquisition of this easement is required.

The City of Austin has attempted to purchase the needed wastewater line easement. The City and the property owner were unable to agree on the value of the needed acquisition. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.