

**AGENDA**



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

Austin City Council	Item ID:	24283	Agenda Number	83.
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Meeting Date:	May 23, 2013
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Department:	Office of Real Estate Services
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**Subject**

Approve a resolution authorizing the filing of eminent domain proceedings for the Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation – Truelight Area and Eleanor Drive Area Project for 4,944 square feet of land for a permanent drainage easement out of and a part of Lot 23, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas in the amount of \$5,162. The owner of the needed property interests is MAGDALENA LEDESMA. The property is located at 1214 Fort Branch Boulevard, in Austin, Travis County, Texas 78721. The general route covered by this project includes improvements for nearly 5,000 linear feet along Fort Branch Creek corridor from approximately the creek crossing at Fort Branch Boulevard to the Eleanor Street cul-de-sac. The creek parallels Fort Branch Boulevard, Lott Avenue and Eleanor Street through this area.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2012-2013 Capital Budget of the Watershed Protection Department.

**Fiscal Note**

A fiscal note is attached.

Purchasing Language:	
Prior Council Action:	
For More Information:	Christina Calvery 974-7094; Morgan Byars 974-9790; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

**Additional Backup Information**

The Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation – Truelight Area and Eleanor Drive Project includes improvements for nearly 5,000 linear feet along Fort Branch Creek corridor from approximately the creek crossing at Fort Branch Boulevard to the Eleanor Street cul-de-sac. The creek parallels Fort Branch Boulevard, Lott Avenue and Eleanor Street through this area. This section of Fort Branch is plagued with erosion, flooding, and water quality issues. Engineering studies have identified numerous structures in the floodplain, structures threatened from erosion, deficiencies in the storm drain systems and rated the physical integrity of the stream as marginal. This integrated project will address many of these problems through stream restoration, culvert replacement and storm drain improvements to improve the quality of life for the community along the creek.

The project includes a portion of the 1214 Fort Branch Boulevard property that extends into the channel. At this location the project will stabilize the creek banks to provide erosion protection and prevent additional loss of land. The project requires the acquisition of 4,944 square feet of land for a drainage easement, out of and a part of Lot 23, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas.

The City of Austin has attempted to purchase the needed 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.