

RESOLUTION NO.

WHEREAS, the city council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The city attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Jesco Construction Company, Inc., a/k/a
Jesco Construction, Inc.

Project: Lindshire Lift Station Relief

Public Purpose: A permanent wastewater line easement for the public purpose of placing, constructing, operating, repairing, upgrading, replacing, relocating, decommissioning, and maintaining permanent wastewater line(s) in, along, upon and across the tracts of land described in Exhibit "A," with the right and privilege at all times of having ingress, egress, and regress, in, along, upon, and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said wastewater line(s) and associated appurtenances as may reasonably be required in connection therewith, in, along, upon, under, and across said tract of land; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as the City may deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding;

a temporary work space easement in, along, upon, and across the land described in Exhibit "B," for the public purpose of permitting the City, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment and do whatever is reasonably necessary to construct the wastewater line(s) in the easement referred to above; and

a temporary staging area and material storage site easement in, along, upon, and across the tract of land described in Exhibit “C,” for the public purpose of permitting the City, its agents, employees, and contractors to enter upon said real property in order to work and to move thereon vehicles, tools, and equipment, to assemble and store tools and equipment, to store materials and equipment, the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as the City may deem necessary and convenient to the exercise of its temporary easement rights.

Location: No physical address
The west line of Lindshire Lane, south of Brantley Bend and terminus of Rocking Horse Road, in the City of Austin, Travis County, Texas

The general route covered by this project includes the area three blocks south of Slaughter Lane on Lindshire Lane and in the general vicinity of the Lindshire Lift Station, located at 10302 Lindshire Lane, next to Bauerle Ranch Park in Austin, Travis county, Texas 78748

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

ADOPTED:_____, 2014 **ATTEST:**_____
Jannette S. Goodall
City Clerk