

**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 of Austin 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:	Capital/Highway 35, Ltd.
Project:	Miscellaneous Water Rehabilitation 2009-10 Phase II Project

Public Purpose: the permanent waterline easements described in the attached Exhibits “A” and “C” are necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and associated appurtenances and making connections therewith, in order to increase and improve the City’s ability to provide potable water to the public and to prevent leakage from water lines; and

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 waterline(s) in the easements referred to above.

Location: 5407 North Interstate Highway 35  
Austin, Travis County, Texas 78723

The general route covered by this project includes the following areas: Sweet Briar Avenue from Berkman Drive to Dunbury Drive; Dunbury Drive from Sweet Briar Avenue to Briarcliff Boulevard; Dunbury Drive from Briarcliff Boulevard to Chatham Avenue; Chatham Avenue from Dunbury Drive to Berkman Drive; Capital Plaza Rear Parking Lot at Cameron Road from Larkwood Drive to Corona Drive; Northridge Drive from Berkman Drive to Delwood Drive; Westminster Drive from Northridge Drive to Rogge Lane; Loyola Lane from Creighton Lane to Drexel Drive; Arnold Drive from Northeast Drive to Carol Ann Drive; Glencrest Drive from Belfast Drive to Berkman Drive; Glencrest Drive from Cameron Road to Belfast Drive; and Brookside Drive from Wheless Lane to Glencrest Drive.

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

**ADOPTED:** \_\_\_\_\_, 2014

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk