

AGENDA



Recommendation for Council Action (Real Estate)

Austin City Council	Item ID:	48786	Agenda Number	81.
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Meeting Date:	September 17, 2015
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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 Onion Creek Floodplain Buyout Program Project for the fee simple acquisition of Lot 19, Block "B," of Onion Creek Plantations Section One, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 64, Page 50, of the Plat Records of Travis County, Texas, being the same property mistakenly conveyed as Lot 19, Block "E" in Volume 11545, Page 740, of the Real Property Records of Travis County, Texas, in the amount of \$24,000. The owner of the needed property interests is Stephen D. Zerschusky, Jr. The property is a vacant lot, located entirely in District 2, at 6108 Orleans Drive, Austin, Texas 78744-6610. The general route covered by this project includes the area along Lower Onion Creek, in the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods, near the intersection of South Pleasant Valley Road and East William Cannon Drive, in Austin, Travis County, Texas. (District 2).

Amount and Source of Funding

Funding is available in the Fiscal Year 2014-2015 Capital Budget of the Watershed Protection Department.

Fiscal Note

A fiscal note is attached.

Purchasing Language:	
Prior Council Action:	November 20, 2008 - Council approved Resolution No. 20081120-013, authorizing acquisitions and relocation in the USACE study area. August 28, 2014 - Council approved the execution of a Project Partnership Agreement between the United States Army Corps of Engineers (USACE) and the City.
For More Information:	Mapi Vigil, Watershed Protection Department, (512) 974-3384; Pam Kearfott, Watershed Protection Department, (512) 974-3361; Lauraine Rizer, Office of Real Estate Services, (512) 974-7078; Amanda Glasscock, Office of Real Estate Services, (512) 974-7173.
Boards and Commission Action:	
MBE / WBE:	

Related Items:



Additional Backup Information

The Watershed Protection Department has partnered with USACE since 1999 to find solutions to flooding in the Onion Creek watershed. The joint study recommended a project to buy out homes in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods. The study selected the homes due to their high risk of flooding. These neighborhoods were temporarily evacuated in 1998, 2001, and again in the Halloween Flood of 2013.

At the time of the Halloween Flood of 2013, the City had already purchased 323 homes located in the USACE study buyout area utilizing funds mostly from the Federal Emergency Management Agency (FEMA), drainage utility fees and the 2006 bond program.

Council authorized acquisition and relocation of these properties on November 20, 2008. Authorization to acquire properties through condemnation proceedings was not included in the prior request.

The Onion Creek Floodplain Buyout Program Project requires the fee simple title acquisition of Lot 19, Block "B", of Onion Creek Plantations Section One, a subdivision in Travis County, Texas, according to the map or plat, of record in Volume 64, Page 50, of the Plat Records of Travis County, Texas, being the same property mistakenly conveyed as Lot 19, Block "E" in Volume 11545, Page 740, of the Real Property Records of Travis County, Texas, and locally known as 6108 Orleans Drive, for flood damage reduction features, ecosystem reduction features and recreation features, as defined in the Project Partnership Agreement between the Department of the Army and the City of Austin, Texas for the construction of the Lower Colorado River Basin Phase I, Texas Onion Creek Watershed, Onion Creek Forrest/Yarrabee Bend flood damage reduction, ecosystem restoration, and recreation, as authorized by Section 1001(43) of the Water Resource Development Act of 2007, Public Law 110-114.

The City of Austin has attempted to purchase the needed property. The property owner is unable to convey clear title to the City due to liens placed on the property. Condemnation is necessary to acquire this property and clear the title of all liens. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.