

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL

Regular Meeting: August 9, 2018

Item Number: 069

Eminent Domain

Approve a resolution authorizing the filing of eminent domain proceedings for the acquisition of easement rights consisting of approximately 0.0465 acres (2,027 square feet) of land in the Marquita Castro Survey Number 50, Abstract Number 160, Travis County, Texas, being out of and a portion of the remainder called 8.39 acres of land as conveyed by Amir Batoei to Austin IR Tacoma, LP, in that certain special warranty deed as recorded in Document Number 2015023241, and being a portion of the same 8.39 acres of land as described to Majid Hemmasi in that certain trustee's warranty deed as recorded in Document Number 2010066548, both of the official public records of Travis County, Texas, in the amount of \$55,164, for the public use of electric transmission and distribution facilities. The owner of the needed property interest is David Hemmasi as Independent Executor for the Estate of Majid Hemmasi, deceased, and Austin IR Tacoma LP. The public use necessitating this acquisition is the relocation of a portion of Austin Energy's Transmission Circuit #975. The property is located on the south side of East Howard Lane across from Kearns Drive, approximately one-half mile south of Immanuel Road, within Austin's 2-mile extraterritorial jurisdiction (ETJ), in Travis County, Texas.

Lead Department	Austin Energy
Fiscal Note	Funding in the amount of \$55,164 is available in the Fiscal Year 2017-2018 Capital Budget of Austin Energy.
For More Information	Jeff Vice, Director, Local Government Issues (512) 322-6087; Dan Smith, VP, Electric Service Delivery, (512) 505-7009; Pamela England, Manager, Public Involvement & Real Estate Services, (512) 322-6442, Angela Rodriguez, Assistant City Attorney, Law Department (512) 974-6032.
Council Committee, Boards and Commission Action	July 16, 2018 - Recommended unanimously by the Electric Utility Commission on a 9-0 vote with Commissioner Funkhouser absent and one vacancy.

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Additional Backup Information:

The Transmission Circuit #975 upgrade project requires the relocation of a portion of the existing transmission circuit out of the Missouri-Kansas Railroad ("MOKAN") corridor. That portion of transmission circuit needs to be upgraded from a 2000 amp rating to 3000 amps to increase reliability and safety. In addition, the line is currently inaccessible for construction and its current location does not meet National Electric Safety Code clearance requirements. The new location along Howard Lane will provide increased safety and reliability, as well as improved connectivity within the overall electric service system.

The current fair market value of the tract, as determined by an independent, third-party appraiser, is \$55,164. The City attempted to purchase the needed property however; the City and the property owner were unable to agree on its value. Therefore, the Law Department requests authorization to file an action in eminent domain on behalf of the City of Austin.