

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL

Regular Meeting: November 1, 2018

Item Number: 029

Eminent Domain

Approve a resolution authorizing the filing of eminent domain proceedings for the Williamson Creek-Bitter Creek Tributary Channel Rehabilitation Project for the acquisition of approximately 0.045 of an acre (195 square feet) of land for a permanent drainage easement and approximately 0.0189 of an acre (824 square feet) of land for a temporary construction easement, all being out of Lot 16, Block A, Indian Hills Section 1, a subdivision of Record in Volume 55, Page 12, Plat Records, Travis County Texas, said Lot 16 being described in a Deed to James Gordon Jensen, of record in Document No. 2015105648, Official Public Records, Travis County, Texas in the amount of \$3,856. The owner of the needed property is Debra K. Jensen. The property is located entirely in District 2, at 2509 Bitter Creek Drive, Austin, Texas 78744. The general route covered by this project is along an unnamed tributary to Williamson Creek that is located between Bitter Creek Drive and Bucks Run between Branchwood Drive and William Cannon Drive.

District(s) Affected: District 2

| | |
|-----------------------------|--|
| Lead Department | Office of Real Estate Services. |
| Fiscal Note | Funding in the amount of \$3,856 is available in the Fiscal Year 2018-2019 Capital Budget of the Watershed Protection Department. |
| For More Information | Alex Gale, Office of Real Estate Services, (512) 974-7078; Megan Herron, Office of Real Estate Services, (512) 974-5649; Mike Kelly, Watershed Protection Department (512) 974-6591. |

Additional Backup Information:

The Watershed Protection Department's mission is to protect lives, property, and the environment of our community by reducing the impact of floods, erosion, and water pollution. Watershed Protection Department has identified a tributary to Williamson Creek as a priority reach for erosion repair. This stream has adjusted to urbanization by becoming wider and deeper, creating erosion that impacts approximately 67 residential properties. The project will protect property by stabilizing the stream erosion, replacing degraded storm drain infrastructure, removing trash and removing sediment from an inline pond.

The Williamson Creek-Bitter Creek Tributary Channel Rehabilitation Project requires easements on 14 total properties, 9 of which are located on Bitter Creek Drive. On the property legally described as Lot 16, Block A, Indian Hills Section 1, a subdivision in Travis County Texas, according to the map or plat recorded in Volume 55, Page 12 of the Plat Records of Travis County, Texas, and known locally as 2509 Bitter Creek Drive, the acquisition of approximately 195 square feet of land for a permanent drainage easement and approximately 824 square feet of land for a temporary construction easement is required for construction of erosion controls to contain the limits of the 100-year floodplain.

The City of Austin has attempted to purchase the needed property at 2509 Bitter Creek Drive. 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.