



Recommendation for Action

File #: 22-2641, Agenda Item #: 96.

9/1/2022

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the IH-35 Capital Express Structure Relocation, North Project for the public use of providing reliable and safe electricity service, the acquisition of a temporary construction easement consisting of approximately 0.0640 of an acre (2,786 square feet) of land, in the John Applegait survey number 58, Abstract 29 and being a portion of Lot 1, Block A, Aaron Rents Subdivision No. 2 a Subdivision of Record in Book 100, Pages 23-24, Plat Records of Travis County, Texas, said Lot 1 conveyed to German Nagobich, as Trustee of the Nagobich Family Revocable Trust by Special Warranty Deed, as recorded in Document No. 2007069276, Official Public Records, Travis County, Texas, currently appraised at \$2,299 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is the Nagobich Family Revocable Trust. The property is located at 9913 North Interstate Highway 35, Austin, Texas 78753. The general route of the project is along Interstate Highway 35 between Rundberg Lane and Braker Lane.

Lead Department

Austin Energy.

Fiscal Note

Funding is available in the Capital Budget of Austin Energy.

For More Information:

Amy Everhart, Director, Local Government Issues (512) 322-6087; Thomas Pierpoint, VP Electric Service Delivery, (512) 972-9507; Pamela England, Manager, Public Involvement & Real Estate Services, (512) 322-6442.

Council Committee, Boards and Commission Action:

August 8, 2022- Recommended by the Electric Utility Commission on a 7-0 vote, with Commissioner Hadden off the dais, Commissioners Bowen and Funkhouser absent, and one vacancy.

Additional Backup Information:

Existing structures CKT 934-3 and 934-4, west of Fiskville substation, require relocation to accommodate Texas Department of Transportation's (TxDOT's) expansion of Interstate Highway 35 (I35) as part of their I35 Capital Express project. This segment is one of three (3) separate projects to support TxDOT's Capital Express project. This property is for the North portion of the project, the project limits are US 290 E to SH 45 N.

The City has attempted to purchase the needed property at 9913 North Interstate Highway 35, Austin, Texas 78753. The City and property owner have been 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, and to authorize the City to pay for the property interest in an amount determined by the appraisal, updated appraisal

(s), or a Special Commissioners' award.

Strategic Outcome(s):

Government that Works for All.