



Recommendation for Action

File #: 23-1476, **Agenda Item #:** 51.

4/13/2023

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the North Lamar Boulevard Corridor Project for the public use of reducing delay, improving the effectiveness of transit, and creating continuous Americans with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project requiring the acquisition of street right of way comprised of approximately 0.0426 of an acre of land (approximately 1,854 square feet), and a temporary construction easement comprised of approximately 0.0402 of an acre of land (approximately 1,752 square feet), being out of and a portion of the John Applegait Survey No. 58, Abstract No. 29, in the City of Austin, Travis County, Texas, being a portion of the Lot 1, Rutland-Lemmon Ltd., addition, a subdivision of record in Volume 72, Page 33 of the Plat Records, City of Austin, Travis County, Texas, currently appraised at \$252,981 and subject to an increase in value based on updated appraisals or a Special Commissioners award. The owner of the needed property is WBRE, LLC, successor by merger to Whataburger, Inc. The property is located at 9516 North Lamar Boulevard, Austin, Texas 78753. The general route of the project is along North Lamar Boulevard between United States Highway 183 and Howard Lane.

Lead Department

Financial Services Department.

Fiscal Note

Funding is available in the Capital Budget of the Austin Transportation Department.

Prior Council Action:

September 3, 2020 - City Council approved an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple or acquire other real property interest in properties throughout the City that are necessary to construct mobility improvements for the Corridor Construction Program.

For More Information:

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Additional Backup Information:

This item is funded by the 2016 Mobility Bond.

The purpose of this item is to acquire a Street Right of Way and Temporary Construction Easement that is a critical component to a Corridor Construction Program project. The project route is located along North Lamar Boulevard between US-183 and Howard Lane. The goal of the project is to reduce traffic, improve transit, and create continuous Americans with Disabilities Act-compliant sidewalks, bicycle facilities, and shared-use paths enhancing pedestrian and cyclist safety along the length of the project. The acquisition of this property is required to complete the project goals mentioned.

The City has attempted to purchase the needed property at 9516 N Lamar Blvd., 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):

Mobility, Safety.