



## Recommendation for Action

**File #: 23-2548, Agenda Item #: 93.**

**9/14/2023**

### **Posting Language**

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Fallwell Lane Capital Renewal Project for the public use of roadway, drainage, and water line improvements requiring the acquisition of one fee simple right-of-way consisting of approximately 2.894 acres (126,074 square feet) and one waterline easement consisting of approximately 0.077 acres (3,341 square feet) being out of and a portion of the called 186.53 acre tract of land conveyed to EP Austin Purchase Company LLC in a special warranty deed recorded in Document No. 2021009377 of the Official Public Records of Travis County, Texas, currently appraised at \$127,744 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is EP Austin Purchase Company LLC. The property is located at East State Highway 71 (southeast corner of State Highway 130 and Fallwell Lane), Austin, Texas 78617. The general route of the project is from the west access road of State Highway 130 east to the entrance road to the South Austin Regional Wastewater Treatment Plant.

### **Lead Department**

Financial Services Department.

### **Fiscal Note**

Funding is available in the Capital Budgets of the Transportation and Public Works Department and Austin Water.

### **For More Information:**

Michael Gates, Financial Services Department, 512-974-5639; Brandon Williamson, Financial Services Department, 512-974-5666; Craig McColloch, Capital Delivery Services Department, 512-749-3412.

### **Additional Backup Information:**

This acquisition is required to support the public use of roadway, drainage, and water line improvements in support of the Fallwell Lane Capital Renewal Project. The Fallwell Lane Capital Renewal Project's purpose is to protect the South Austin Regional Wastewater Treatment Plant and the Austin Energy Sand Hill Energy Center from future flood damage through roadway improvements and streambank stabilization activities. These two facilities are considered to be part of Austin's critical infrastructure and Fallwell Lane is the only access route to the facilities. South Austin Regional Wastewater Treatment Plant represents half the wastewater treatment plant capacity for the City and Austin Energy Sand Hill Energy Center represents 23% of the utility's base load power capacity and 13% of the utility's conventional power capacity. A flood event could render both plants inoperable and unable to generate electricity or treat wastewater.

The City has attempted to purchase the needed property at E State Highway 71, Austin, TX 78617. 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.