



Recommendation for Action

File #: 23-2581, Agenda Item #: 30.

10/5/2023

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Upper Harris Branch Wastewater Interceptor - Phase 2 project for the public use of installing wastewater infrastructure, requiring the acquisition of one Wastewater Easement being approximately 0.942 acre of land (41,032 square feet), and one Temporary Working Space Easement being approximately 0.217 acre of land (9,468 square feet, consisting of two parts of approximately 7,801 and 1,667 square feet) being out of and a part of Lot 1, Block E, Dessau Park II, a subdivision in the City of Austin, Travis County, Texas, according to the plat thereof, recorded in Document No. 200100244, Official Public Records of Travis county, Texas and being out of and a part of the Samuel Cushing Survey Number 70, Abstract 164, Travis County, Texas; conveyed to Kunik QOZB, LLC in that certain Special Warranty Deed executed December 9, 2021, filed and recorded in Document No. 2021270556, Official Public Records of Travis County, Texas, currently appraised at \$101,720 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Kunik QOZB, LLC, a Delaware limited liability company. The property is located at 1900 East Howard Lane, Pflugerville, Texas 78660. The general route of the project is in the Upper Harris Branch from Dessau Rd to Harris Branch Parkway.

Lead Department

Financial Services Department.

Fiscal Note

Funding is available in the Capital Budget of Austin Water.

For More Information:

Michael Gates, Financial Services Department, 512-974-5639; Brandon Williamson, Financial Services Department, 512-974-5666; Ria Yamaguchi, Capital Delivery Services, 512-974-9125.

Additional Backup Information:

Rapid development in this region is increasing the wastewater service demand in the basin. Timely construction of the entire interceptor is required for the Dessau Wastewater Treatment Plant to stay within its permitted limits and it is a crucial portion of the overall wastewater service strategy in the northeast service area. This property acquisition is needed for the installation of wastewater infrastructure and one Temporary Working Space Easement in support of the Upper Harris Branch Wastewater Interceptor - Phase 2 project.

The City has attempted to purchase the needed property at 1900 East Howard Lane, Pflugerville, Texas. 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.