RESOLUTION NO. _____

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions including but not limited to the deposit or transfer of funds in the amount awarded by the Court appointed Special Commissioners, updated appraisals, negotiated settlement, or judgment.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Gardner Five Holdings, LP.

Project: Capital Express Central CKT 823, 834, & 835 Structure Relocation 2021 Project.

Public Use: Relocate various transmission structures.

Location: 3811 Harmon Avenue, Austin, Texas 78751.

draft

The general route of this project is comprised of three circuits that each cross over Interstate Highway 35 from East to West, along three separate lines. Circuit 823 is located at and along East 38 ½ Street and Circuits 834 and 835 are located at and along the North and South sides of Dean Keeton Street.

Property: Described in the attached and incorporated "Exhibit A".

ADOPTED: _____, 2026 **ATTEST:** _____
Erika Brady
City Clerk

draft