City of Austin

Recommendation for Action

File #: 26-2978, **Agenda Item #:** 79. 11/19/2026

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed in support of Austin Energy's Capital Express Central CKT823, 834, & 835 Structure Relocation 2021 Project for the public use of relocating various transmission structures along the existing Circuits 823, 834, & 835 to accommodate the Texas Department of Transportation's expansion of Interstate Highway 35 as part of the Interstate 35 Capital Express program requiring the acquisition of a permanent electric transmission and distribution easement consisting of 0.0398 of one acre (1,735 square foot) easement, out of Outlots 20 and 21, Division "C", City of Austin, Travis County, Texas being a portion of Lot 2, Mission Heights, a subdivision of record in Book 81, Page 337, Plat Records, Travis County, Texas, said Lot 2 conveyed to Gardner Five Holdings, LP by Special Warranty Deed dated April 25, 2017, as recorded in Document Number 2017067493, Official Public Records, Travis County, Texas, currently appraised at $230,755 subject to an increase in value based on updated appraisals, a Special Commissioners' award, negotiated settlement, or judgment. The owner of the needed property is Gardner Five Holdings. The property is located at 3811 Harmon Avenue, Austin, Texas 78751. The general route of this project is comprised of three circuits that each cross over Interstate 35 from East to West, along three separate lines. Circuit 823 is located at and along East 38th ½ Street and Circuits 834 and 835 are located at and along the North and South sides of Dean Keeton Street. Funding: $230,755 is available in the Capital Budget of Austin Energy.

Lead Department

Austin Financial Services.

Fiscal Note

Funding is available in the Capital Budget of Austin Energy.

For More Information:

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Council Committee, Boards and Commission Action:

November 9, 2026 - to be reviewed by the Electric Utilities Commission.

Additional Backup Information:

This specific portion of the project is for Austin Energy Circuit 823, one of three circuits included in the Capital Express Central CKT823, 834, & 835 Structure Relocation 2021 Project intended to relocate various transmission structures along the existing Circuits 823, 834, & 835 to accommodate the Texas Department of Transportation's expansion of Interstate 35 (I-35) as part of the I-35 Capital Express program. This section of the CKT823 Project is along East 38 ½ Street, running east across I-35 to Robinson Avenue. This easement is necessary for safety and clearance requirements pursuant to the National Electrical Safety Code.

The City has attempted to purchase the needed property at 3811 Harmon Avenue, Austin, Texas 78751. The City and the property owner have been unable to agree on the value of the needed acquisition. The Austin City

Attorney's Office 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), a Special Commissioners' award, negotiated settlement, or judgment.