



# City of Austin

## Recommendation for Action

File #: 25-2352, Agenda Item #: 59.

11/20/2025

### **Posting Language**

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Lady Bird Lake CKT1015 Project in support of the Interstate Highway 35 (IH-35) Capital Express Lady Bird Lake Project for the public use of relocating various utility structures requiring the acquisition of an electric easement consisting of 0.0917 of one acre (3,994 square foot) of a permanent electric transmission and distribution easement, out of Outlot 56, Division "O", City of Austin, Travis County, Texas, being a portion of Lot 1, Amended Plat of Lots 1-6, Block 1, Resubdivision of Lot 1, Block 1, Magnolia Addition, a subdivision of record in Document No. 200700182, Official Public Records, Travis County, Texas, said Lot 1 conveyed to ESR Development, Incorporated by Warranty Deed with Vendor's Lien dated June 11, 2007, as recorded in Document No. 2007114168, Official Public Records, Travis County, Texas and by Condominium Declaration for 41 Waller Lofts, A Condominium dated September 7, 2007, as recorded in Document No. 2007167267, Official Public Records, Travis County, Texas; currently appraised at \$503,093 subject to an increase in value based on updated appraisals, a Special Commissioner's award, negotiated settlement, or judgment. The owner of the property is 41 Waller Lofts Condominium Association, Incorporated. The property is located at 41 Waller Street, Austin, Texas, 78702. The general route of the project is along IH-35 from Holly Street to State Highway 71/Ben White Boulevard. Funding: \$503,093 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:**

Brandon Williamson, Austin Financial Services, 512-974-5666; Michael Gates, Austin Financial Services, 512-974-5639; Amy Everhart, Austin Energy, Director, Local Government Issues (512) 322-6087; David Tomczyszyn, Austin Energy, VP Electric Systems Engineering and Technical Services, (512) 322-6821.

### **Council Committee, Boards and Commission Action:**

November 10, 2025- Recommended by the Electric Utility Commission on a 9-0 vote with Vice Chair White off the dais and Commissioner Kirksey absent.

### **Additional Backup Information:**

This proposed acquisition is required to relocate various structures along the existing Circuit 1015 to accommodate the Texas Department of Transportation's expansion of Interstate Highway 35 (I-35) as part of the I-35 Capital Express Lady Bird Lake program. The I-35 Capital Express Lady Bird Lake project runs along I-35 from Holly Street to State Highway 71/Ben White Blvd.

The City has attempted to purchase the needed property at 41 Waller Street, Austin, Texas 78702. The City and the 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

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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.

The State of Texas will reimburse the City for the cost to acquire these property rights, pursuant to both the Standard Utility Agreement executed between the parties regarding the relocation of Circuit 1015 and the Settlement Agreement in Case No. C-1-PB-24-001200 in Travis County Probate Court No. 1, concerning the State's condemnation of the City's property at 1007 Lambie Street.