



City of Austin

Recommendation for Action

File #: 25-0578, **Agenda Item #:** 60.

4/24/2025

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Texas Interstate Highway 35 Central Water/Wastewater Relocation Project for the public use for water line improvements, requiring the acquisition of Water Line Easement 0.0046 acre (200 square feet) of one acre of land, out of and part of the Santiago Del Valle Survey, Abstract No. 24, in Travis County, Texas, being a portion of Lot 4C, a resubdivision of Lots A & B, Oltorf Village Sec. 2 and Lot 1, Oltorf Village Sec. 1, of record in Volume 25, Page 20 of the Plat Records of Travis County, Texas (P.R.T.C.TX), and conveyed to Richard Berkowitz, MD, PLLC, by deed filed for record on March 3, 2009, recorded in Document No. 2009032898 of the Official Public Records of Travis County, Texas (O.P.R.T.C.TX.), currently appraised at \$8,400, subject to an increase in value based on updated appraisals, a Special Commissioner's award, negotiated settlement, or judgment. The owner of the needed property is Richard Berkowitz MD, PLLC, now known as South Austin Foresight Ophthalmic Investments, PLLC. The property is located at 2610 South Interstate Highway 35, Austin, Texas 78704. The general route of the project is Interstate Highway 35 frontage road from Holly Street to Texas State Highway 71/Ben White Boulevard. Funding: \$8,400 is available in the Capital Budget of Austin Water.

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; Adewale Odufuye, Capital Delivery Services, 512-974-7119.

Additional Backup Information:

The Texas Department of Transportation (TxDOT) Interstate 35 (I-35) Capital Express Central Roadway Project requires relocation of approximately 24,100 linear feet of water lines and 10,700 linear feet of wastewater lines and appurtenances out of the expanded TxDOT right-of-way along IH-35 from Holly Street to State Highway 71/Ben White Boulevard.

The City has attempted to purchase the needed property at 2610 South I-35, Austin, Texas 78704. 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), a Special Commissioners' award, negotiated settlement, or judgment.