



City of Austin

Recommendation for Action

File #: 25-0591, **Agenda Item #:** 70.

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 Cap Ex South, CKT987&1031 Structure Relocation 2021 Project for the public use of relocating various structures along the existing circuits 926, 927, 987, and 988 requiring the acquisition of a Permanent Electric Transmission and Distribution Easement, consisting of 0.0898 of one acre (3,910 square feet), and a Temporary Construction Easement, consisting of 0.0788 of one acre (3,432 square feet), both out of the F.M. Hodges Survey No.22, Abstract No.377, Travis County, Texas, being a portion of the remainder of Lot 1, amended Plat of Congress Avenue Commercial Tract, a subdivision recorded November 21, 2018 in Document No. 201800318, Official Public Records, Travis County, Texas, currently appraised at \$438,493 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 H-E-B, LP, a Texas Limited Partnership, successor in interest to HEB Grocery Company, LP., a Texas limited partnership, a successor in interest to HEB Grocery Company, LP, a Texas Limited Partnership. The property is located at 8801 South Congress Avenue, Austin, TX 78745. The general route of the project is along Interstate Highway 35 from Texas State Highway 71 South to Texas State Highway 45. Funding: \$438,493 is available in the Capital Budget of Austin Energy.

Lead Department

Financial Services Department

Fiscal Note

Funding is available in the Capital Budget of Austin Energy.

For More Information

Michael Gates, Financial Services Department, 512-974-5639; Brandon Williamson, Financial Services Department, 512-974-5666; 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; Tina Little, Austin Energy, Director, Electric Systems and Shared Services, 512-322-6396.

Council Committee, Boards and Commission Action:

April 14, 2025 - To be reviewed by the Electric Utility Commission.

Additional Backup Information:

The Texas Department of Transportation (TxDOT) Interstate 35 (I-35) Capital Express Central Roadway Project requires the relocation of various structures along existing circuits 926/927, 987 and 988 to accommodate the expanded TxDOT right-of-way along I-35 from Holly Street to State Highway 71/Ben White Boulevard to State Highway 45.

The City previously acquired a waterline easement across the same area through condemnation in 1986.

The City has attempted to purchase the needed property at 8801 S. Congress Avenue, Austin, TX 78745. 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 of judgment.