



City of Austin

Recommendation for Action

File #: 24-4319, **Agenda Item #:** 58.

4/18/2024

Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Upper Harris Branch Wastewater Interceptor - Phase 2 project for the public use of installing wastewater infrastructure, requiring the acquisition of one wastewater easement being approximately 0.7589 acre of land (33,058 square feet), and one temporary working space easement being approximately 0.109 acre of land (4,748 square feet, consisting of two parts of approximately 3,067 and 1,681 square feet) being out of and a part of Lot 1, Block E, Dessau Park II, a subdivision in the City of Austin, Travis County, Texas, according to the plat thereof, recorded in Document No. 200100244, of the Official Public Records of Travis County, Texas and being out of and a part of the Samuel Cushing Survey Number 70, Abstract 164, Travis County, Texas; conveyed to Kunik QOZB, LLC in that certain Special Warranty Deed executed December 9, 2021, filed and recorded in Document No. 2021270556, Official Public Records of Travis County, Texas, currently appraised at \$44,426 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Kunik QOZB, LLC, a Delaware limited liability company. The property is located at 1900 East Howard Lane, Pflugerville, Texas 78660. The general route of the project is in the Upper Harris Branch from Dessau Road to Harris Branch Parkway.

Lead Department

Financial Services Department.

Fiscal Note

Funding is available in the Capital Budget of Austin Water.

For More Information:

Brandon Williamson, Financial Services Department, 512-974-5666; Michael Gates, Financial Services Department, 512-974-5639; Ria Yamaguchi, Transportation and Public Works Department, 512-974-9125.

Additional Backup Information:

Rapid development in this region is increasing the wastewater service demand in the basin. Timely construction of the entire interceptor is required for the Dessau Wastewater Treatment Plant to stay within its permitted limits (depending on growth, with the earliest need projected by 2028), and it is a crucial portion of the overall wastewater service strategy in the northeast service area. Increased development and rapid growth in the Harris Branch wastewater basin require the construction of approximately 23,000-linear feet of 24-in to 42-inch gravity-fed wastewater interceptor from the Dessau Wastewater Treatment Plant to connect to the Lower Harris Branch Interceptor. The general route of this project is in the Upper Harris Branch from Dessau Road to Harris Branch Parkway.

The City has attempted to purchase the needed property at 1900 East Howard Lane, Pflugerville, Texas. 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), or a Special Commissioners' award.