



# City of Austin

## Legislation Details (With Text)

|                       |   |                      |              |
|-----------------------|---|----------------------|--------------|
| <b>File #:</b>        | 22-1023   | <b>Status:</b>       | Agenda Ready |
| <b>Type:</b>          | Eminent Domain  | <b>In control:</b>   | City Council |
| <b>File created:</b>  | 12/21/2021  | <b>Final action:</b> | 1/27/2022    |
| <b>On agenda:</b>     | 1/27/2022   |                      |              |
| <b>Title:</b>         | Approve a resolution authorizing the filing of eminent domain proceedings for the Burnet Road Corridor Project for the public use of constructing a shared-use path route and landscaping within the project area that will address congestion and enhance safety for pedestrians and cyclists; the fee simple acquisition of approximately 0.0425 of an acre of land (approximately 1,851 square feet), being out of and a portion of the James B. Rogers Survey No. 19, Abstract No. 659, being out of Lot 1A, Resubdivision of Section Two, Braker at Burnet, a subdivision of record in Book 100, Page 255, Plat Records, City of Austin, Travis County, Texas in the amount of \$216,659. The owner of the needed property is Halle Properties, LLC. The property is located at 2623 W. Braker Lane, Austin, Texas 78758. The general route of the project is along Burnet Road between Koenig Lane to MoPac Expressway. |                      |              |
| <b>Sponsors:</b>      |   |                      |              |
| <b>Indexes:</b>       | District 7  |                      |              |
| <b>Code sections:</b> |   |                      |              |
| <b>Attachments:</b>   | 1. Map, 2. Draft Resolution, 3. Exhibit A, 4. Recommendation for Action   |                      |              |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Posting Language

Approve a resolution authorizing the filing of eminent domain proceedings for the Burnet Road Corridor Project for the public use of constructing a shared-use path route and landscaping within the project area that will address congestion and enhance safety for pedestrians and cyclists; the fee simple acquisition of approximately 0.0425 of an acre of land (approximately 1,851 square feet), being out of and a portion of the James B. Rogers Survey No. 19, Abstract No. 659, being out of Lot 1A, Resubdivision of Section Two, Braker at Burnet, a subdivision of record in Book 100, Page 255, Plat Records, City of Austin, Travis County, Texas in the amount of \$216,659. The owner of the needed property is Halle Properties, LLC. The property is located at 2623 W. Braker Lane, Austin, Texas 78758. The general route of the project is along Burnet Road between Koenig Lane to MoPac Expressway.

### Lead Department

Financial Services Department

### Fiscal Note

Funding is available in the FY 2020-21 Capital Budget of the Austin Transportation Department.

### Prior Council Action:

September 3, 2020 - City Council approved an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple or acquire other real property interest in properties throughout the City that are necessary to construct mobility improvements for the Corridor Construction Program in a total amount not to exceed \$23,000,000 establishing acquisition and relocation guidelines, and waiving requirements of City Code Chapter 14-3 (Relocation Benefits).

**For More Information:**

Michael Gates, Financial Services Department , (512) 974-5639; Megan Herron, Financial Services Department, (512) 974-5649; Mike Trimble, Corridor Program Office, (512) 974-3442; Kathryn Potenza-Arnold, Corridor Program Office, (512) 974-7987; Anna Martin, Austin Transportation Department, (512) 974-7105.

**Additional Backup Information:**

This request is related to Corridor Construction Program improvements, which are funded by the 2016 Mobility Bond.

The general route of the project is along Burnet Road between Koenig Lane to MoPac Expressway. The project is expected to reduce vehicular delay, improve the effectiveness of transit, create continuous ADA-compliant sidewalks, and continuous bicycle facilities along the entire length of the project. The property to be acquired by virtue of this request will be utilized for Street Right of Way construction, a shared-use-path route and landscaping within the project area that will address congestion and enhance safety for pedestrians and cyclists. This roadway and shared-use-path is a critical component of the project.

The City of Austin has attempted to purchase the needed property at 2623 W. Braker Lane, Austin, Texas 78758. 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 of Austin.

**Strategic Outcome(s):**

Mobility, Safety.