



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-1755

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 3/21/2019

**Title:** Ordinance approving the acquisition through negotiation or condemnation, of interests in one property sufficient for project purpose (temporary access easement and temporary construction easement) of privately-owned real property located in Council District 9 and declaring the project to be a public use project and a public necessity and which is related to the SAWS 800 Block of N. Loop 1604 – DR1091 Sewer Main Project. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Nec Ord Drury 1091 Exhibit A-1, 2. Nec Ord Drury 1091 Exhibit A-2, 3. RouteMap\_SAWS, 4. Res 19-023 - Drury, 5. Dr1091 FINAL Ordinance, 6. Ordinance 2019-03-21-0219

Date	Ver.	Action By	Action	Result
3/21/2019	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Razi Hosseini, P.E., R.P.L.S.

**COUNCIL DISTRICTS IMPACTED:** Council District 9

**SUBJECT:**

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties, a temporary access easement and a temporary construction easement to construct sewer main on behalf of SAWS.

**SUMMARY:**

An ordinance, on behalf of San Antonio Water System (SAWS), authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes (temporary access easement and temporary construction easement), of privately-owned real property located in NCB 17430, to construct a sewer main pipeline along the Loop 1604 frontage road east of the intersection with Sigma Road in the northeast quadrant of Bexar County, Texas, located in Council District 9; declaring the SAWS 800 Block of N. Loop 1604 - DR1091 Project, to be a public project.

This public project is necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system. Pursuant to enacted Texas Senate Bill 18 (SB 18), this item requires City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

## **BACKGROUND INFORMATION:**

This project was identified as part of the Consent Decree entered into by San Antonio Water System (SAWS) and the Environmental Protection Agency (EPA) on July 23, 2013 in order to rehabilitate or replace deteriorated sewer infrastructure. The project must be completed pursuant to the Texas Commission on Environmental Quality (TCEQ) Chapter 2.13 Rules. In order for SAWS' to provide sufficient sewer capacity and address deteriorated sewer condition as identified by SAWS Master Planning, SAWS will be replacing approximately 454 linear feet of existing 10-inch gravity sewer main with a 12-inch diameter gravity sewer including approximately 416 linear feet of 24-inch jacking, boring or tunneling along the Loop 1604 frontage road east of the intersection with Sigma Road in the northeast quadrant of Bexar County, Texas for the SAWS 800 Block of N. Loop 1604 - DR1091 Project (the "Project"). The estimated construction cost for the Project is \$872,433.75. The general location of the project is included as an attachment to the proposed ordinance. The design phase of the Project began in 2016. Project construction began in 2017; however, construction stopped in September, 2018 when SAWS identified the need for a temporary access easement and a temporary construction easement to complete the work. The construction can be completed once the real property interests are acquired.

This project requires the acquisition of one temporary construction easement and one temporary access easement interest in certain privately owned real property by negotiation or condemnation if necessary for the construction of sewer main pipeline along the Loop 1604 frontage road east of the intersection with Sigma Road in the northeast quadrant of Bexar County, Texas.

SAWS intends to use every effort available to obtain the required temporary construction easement and temporary access easement for the project through good faith negotiations, but may require eminent domain if the easement negotiations are not successful. The City of San Antonio has the authority and power to exercise eminent domain (condemning property) under Article I, Section 17 of the Texas Constitution and Texas Local Government Code.

In order for SAWS to exercise its power of eminent domain, City Council must declare the Project a public project.

## **ISSUE:**

This ordinance, on behalf of SAWS, authorizes the acquisition through negotiation or condemnation, of interests in land sufficient for Project purposes, in, over and upon one (1) parcel of privately-owned real property located in City Council District 9 in NCB 17430 for the construction of sewer main pipeline, and declaring it to be a public project.

This public project is necessary for the adjustment of SAWS sanitary sewer infrastructure. The property acquisition will be completed by SAWS. Approval of this ordinance is a continuation of City Council policy to determine and declare certain projects necessary for public purpose and public use, and authorize the acquisition of private property by and through the SAWS Board of Trustees for the public project by negotiation or condemnation.

This project requires the acquisition of one temporary construction easement and one temporary access easement interest in certain privately owned real property.

**ALTERNATIVES:**

City Council could choose not to approve this request and require SAWS to redesign the Project, increasing costs and resulting in project delay.

**FISCAL IMPACT:**

The passage of this ordinance will not have a financial impact on the City of San Antonio. Any condemnation costs including awards will be paid by SAWS. Costs are funded from 2017 Capital Improvement Program, Wastewater Core Business, Main Replacement - Sewer Category, Job Number 16-5520.

**RECOMMENDATION:**

This request to declare as public necessity and acquire real property interests for the 800 Block of N. Loop 1604 - DR1091 Sewer Main Project was reviewed and approved by the San Antonio Water System Board of Trustees on January 15, 2019. Staff and SAWS recommend approval of an ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the project.