

ORDINANCE 2020-05-07-0315

(I) DETERMINING THE PUBLIC NECESSITY FOR PUBLIC USE AND AUTHORIZING THE ACQUISITION OF CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS BEING PERMANENT WATER EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS (COLLECTIVELY, THE (“EASEMENTS”), THROUGH THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM (“THE SYSTEM”) OVER, UNDER, ACROSS AND UPON PRIVATELY OWNED REAL PROPERTY (THE “PROPERTIES”) FOR A WATER PROJECT CONSISTING OF APPROXIMATELY ONE MILE OF WATER MAIN BEGINNING 4641 BLUFFDALE DRIVE TO THE INTERSECTION WITH FAIRHAVEN STREET THEN IN A SOUTHWESTERLY DIRECTION ACROSS SEVERAL PROPERTIES UNTIL IT INTERSECTS WITH DATAPOINT DRIVE THEN HEADING IN A WESTERLY DIRECTION CROSSING FREDERICKSBURG ROAD TO A POINT AT 8311 FREDERICKSBURG ROAD, NORTHWEST QUADRANT OF BEXAR COUNTY, TEXAS AND BEING ALONG A GENERAL ROUTE AND GENERAL LOCATION DESCRIBED AND DEPICTED IN EXHIBITS A-1 AND A-2 ATTACHED HERETO AND INCORPORATED HEREIN, WHICH EASEMENTS SHALL BE ACQUIRED BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR THE PUBLIC USE OF THE EXPANSION AND OPERATION OF THE SYSTEM THROUGH THE CONSTRUCTION OF THE TURTLE CREEK WATER TRANSMISSION MAIN PROJECT (THE “PROJECT”); (II) AUTHORIZING THE PRESIDENT/CEO OF THE SYSTEM, OR THE CITY MANAGER OF THE CITY OF SAN ANTONIO, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL APPROPRIATE ACTION TO ACQUIRE THE EASEMENTS BY NEGOTIATION AND/OR CONDEMNATION; AND (III) RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SYSTEM TO ACQUIRE SUCH EASEMENTS.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of the Easements located in Bexar County, Texas are necessary and desirable for the expansion and operation of the System in connection with the construction, operation and maintenance of the Project, which includes the construction of water main pipelines located in Bexar County, in the general location marked **EXHIBIT A-1** attached hereto and made a part hereof; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through the System, are in the process of investigating, surveying, defining and negotiating for the acquisition of such Easements (which shall include, for all purposes herein, any related rights of

ingress and egress as may be needed) on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of such Easements, it may be necessary for the System to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement or conveyance document, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The above caption and recitals are incorporated herein for all purposes.

SECTION 2. Public necessity for public use requires that the System, through the City of San Antonio acquire the Easements (the "Property Interests"), over, under, across, and upon certain privately owned real property (the "Property") either through purchase or by the process of eminent domain for the public purpose and public use of the expansion and operation of the System, in connection with the construction, operation and maintenance of the Project, in the location and along the route shown by the Overall Project Drawing market **EXHIBIT A-1** attached hereto and made a part hereof and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose and public use to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered in the location, the Property Interests for which eminent domain proceedings may be instituted expressly include, to the extent deemed necessary or desirable by the System, any covenants, conditions and restrictions of record (the "Restrictions") that affect the use of the Property Interests.

SECTION 3. The Property Interests which are the subject of Section 2 for which the Property Interests are required for the Project consist of permanent sanitary sewer easements and temporary construction easements, located generally along the route described in **EXHIBIT A-2** and in the New City Blocks listed in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property Interests described in Sections 2 and 3 of this Ordinance, expressly including any Restrictions, and to acquire such interests in land as the System is unable to acquire through negotiation by reason of its inability to agree with the owners of the land or beneficiaries of any such Property Interests as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights.

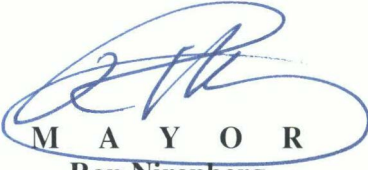
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SECTION 5. All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the acquisition of such Property Interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 7. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this 7th day of May, 2020.



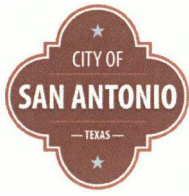
M A Y O R
Ron Nirenberg

ATTEST:


Tina Flores, Acting City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council

May 07, 2020

Item: 12C

File Number: 20-3103

Enactment Number:

2020-05-07-0315

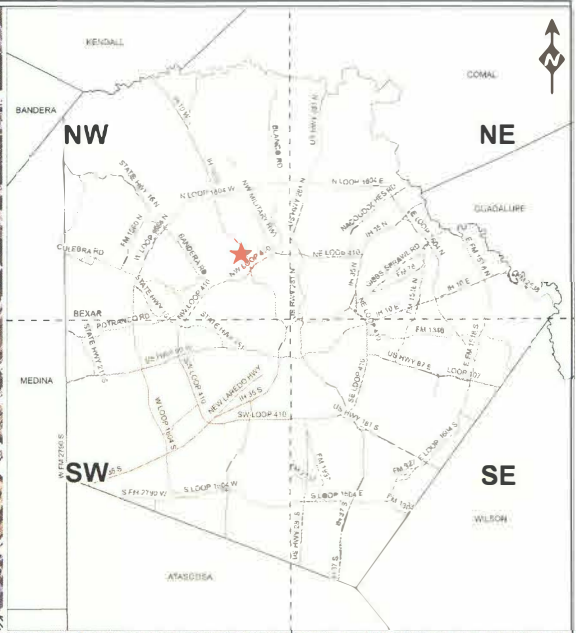
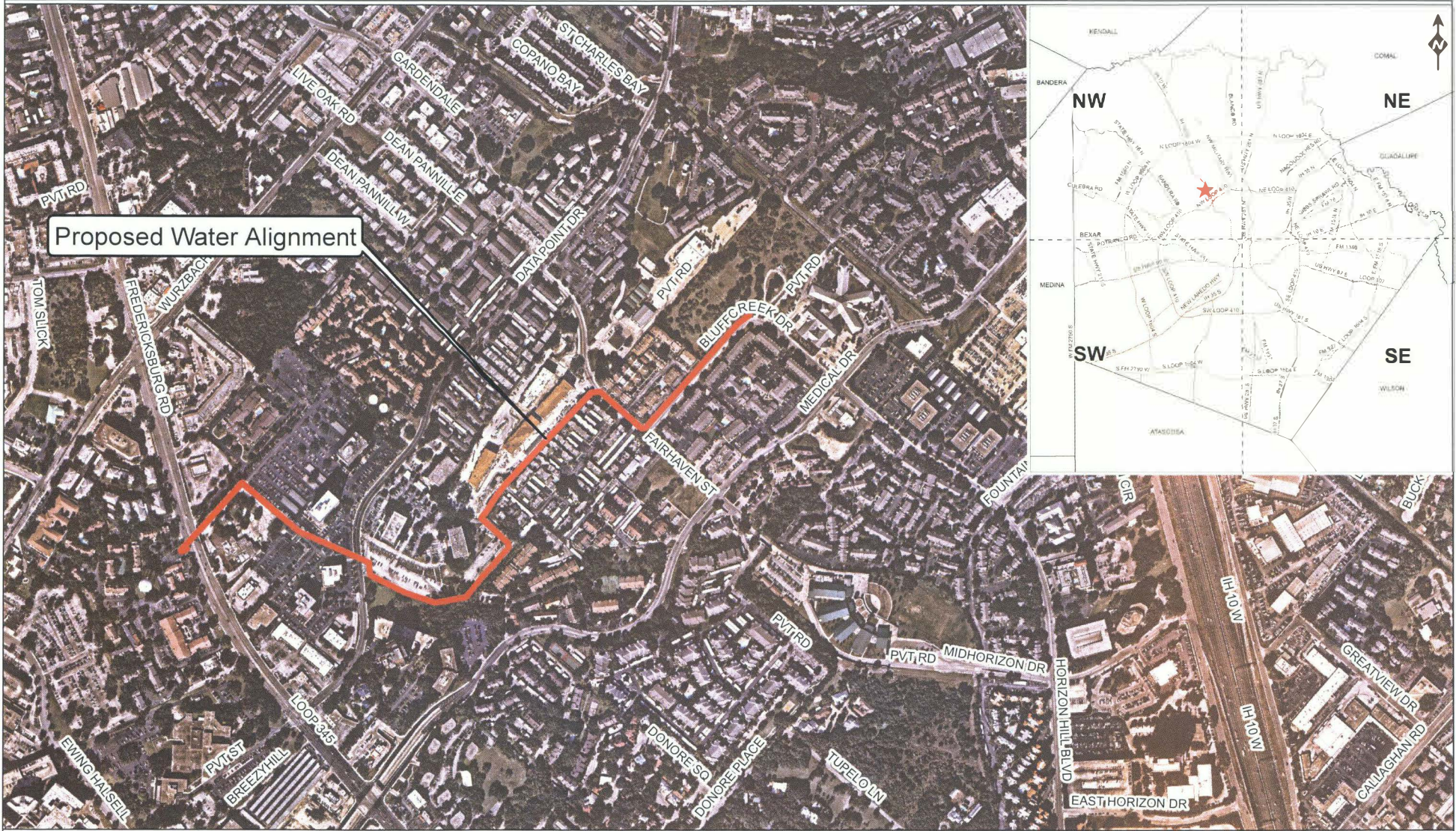
Ordinance approving the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately owned real property and declaring the project to be for public use and a public necessity for the acquisitions related to the Turtle Creek Water Transmission Main Project generally located between Fredericksburg Road and IH-10 and along Bluffdale Drive, Fairhaven Street and Datapoint Drive.

Councilmember Manny Pelaez made a motion to approve. Councilmember Roberto C. Treviño seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

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EXHIBIT "A-1"



TURTLE CREEK 42-INCH TRANSMISSION
WATER MAIN



AERIAL DEPICTION
ATTACHMENT I

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EXHIBIT “A-2”

ATTACHMENT II

Route Description

This project will install approximately 5,000-feet of new transmission water main from the proposed Turtle Creek No. 3 Pump Station to a tie-in point on Fredericksburg Road which will connect the pipe to an existing 24-inch water main. The pipe will start at the Turtle Creek Pump Station No. 3 located at 4641 Bluffdale Drive. The pipe will head southwest along Bluffdale Drive to the intersection of Fairhaven Street then approximately 400-feet along Fairhaven Street the pipe will head in a southwesterly direction across several properties until it reaches Datapoint Drive. The pipe will cross Datapoint Drive and head in a westerly direction crossing Fredericksburg Road and end at the Medical Center Tank site located at 8311 Fredericksburg Road.

Project Located In: NCB 12830, 13662, 14595