

AN ORDINANCE 2018-04-05-0217

(I) DETERMINING THE PUBLIC NECESSITY FOR PUBLIC USE AND AUTHORIZING THE ACQUISITION OF CERTAIN PRIVATELY OWNED REAL PROPERTY IN CITY COUNCIL DISTRICT 9, BEXAR COUNTY, TEXAS BEING PERMANENT AND TEMPORARY EASEMENTS 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 CENTRAL WATER INTERGRATION PIPELINE PROJECT (THE "PROJECT") 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 THIS PROJECT LOCATED GENERALLY ALONG A ROUTE FROM W. BITTERS ROAD AND WEST AVENUE IN A SOUTHERLY DIRECTION CROSSING HIGHWAY 1604 TO VOIGHT DRIVE, THEN CONTINUING SOUTH THROUGH THE OLMOS BASIN, TERMINATING AT THE OLMOS BASIN PUMP STATION; (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 PROPERTY INTERESTS 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.

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WHEREAS, the San Antonio Water System Board of Trustees ("SAWS") has determined that the acquisition of 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 lines, upgrades to existing pump stations and construction of pressure reducing valves located in Bexar County, along the route shown by the Overall Project Drawing marked **EXHIBIT A-2 and A-3** 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 Easements (the "Property Interests"), over, under, across, and upon certain privately owned real properties (the "Properties") 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 marked **EXHIBIT A-2 and A-3** 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 and along the route for said acquisitions, and to such end, 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 and temporary easements, located generally along the route described in **EXHIBIT A-1** and in the New City Blocks and County Block listed in **EXHIBIT A-1**, which Exhibits are attached to and made a part of this Ordinance for all purposes.

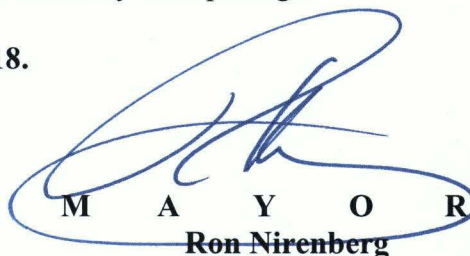
SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property Interests described in Sections 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.

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.

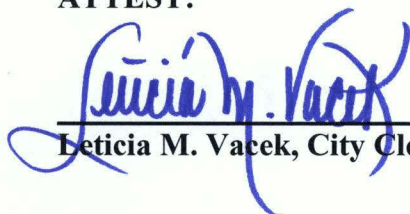
SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall 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 5th day of April, 2018.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for
Andrew Segovia, City Attorney

Agenda Item:	10						
Date:	04/05/2018						
Time:	12:01:51 PM						
Vote Type:	Motion to Approve						
Description:	Ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation of interests in land sufficient for project purpose of approximately 20 permanent and temporary easements on privately-owned real property located in Council District 9 generally along a route from W. Bitters Road and West Avenue in a southerly direction crossing Highway 1604 to Voight Drive, then continuing south through the Olmos Basin, terminating at the Olmos Basin Pump Station and declaring the project to be public use project and a public necessity for the acquisition of real property interests related to the Central Water Integration Pipeline Project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9			x			
Clayton H. Perry	District 10		x				

EXHIBIT A-1

FILE NO. 18-2243

Item No. 10

EXHIBIT A-1

Route Descriptions

Route A:

From a point south of Las Lomas Elementary School, known as the Vista Ridge Terminus site, heading in a northwesterly direction connecting to a point in the cul-de-sac of Silver Knoll.

Route B:

Starting from a point south of Las Lomas Elementary School, known as the Vista Ridge Terminus Site, heading west on Hardy Oak Boulevard then south to the intersection of Sonterra Boulevard and Sigma Road, heading south on Sigma Road adjacent to Reagan High School, continuing on Sigma Road then turning in a westerly direction through commercial properties adjacent to Loop 1604 to the northwest corner of Loop 1604 and Stone Oak Parkway, then south under Loop 1604 to the southwest corner of Loop 1604 and Voigt Drive.

Route C:

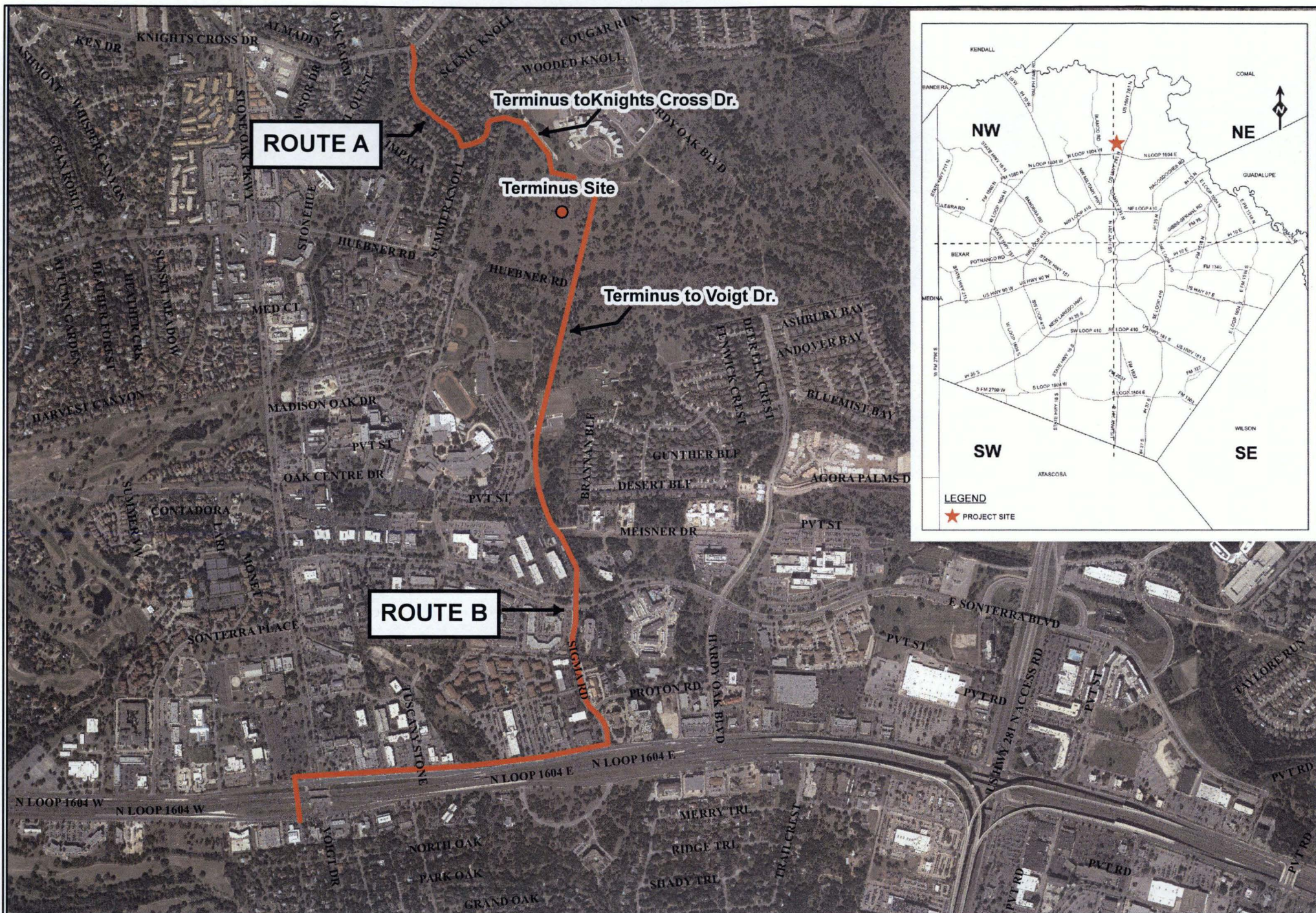
Starting from a point at 105 W. Bitters Road heading in a northwesterly direction to the southwest quadrant of Bitters Road and West Avenue, terminating at 13535 West Avenue.

PROJECT LOCATED IN: NCB 19221, 17606, 17428, 15669, 16332, 16331, 16329, 12059, 19214, 17429, 17430, 12008 and CB 5833E

EXHIBIT A-2

FILE NO. 18-2243

Item No. 10



CENTRAL WATER INTEGRATION
PIPELINE PROJECT



AERIAL DEPICTION
EXHIBIT A-2

EXHIBIT A-3

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