



City of San Antonio

Legislation Details (With Text)

File #: 17-6533

Type: Real Property Acquisition

In control: City Council A Session

On agenda: 1/18/2018

Title: An Ordinance authorizing the acquisition through negotiation or condemnation of interests in land sufficient for project purpose of privately-owned real property and declaring the project to be public use project and a public necessity for the acquisition of real property interests related to the Martinez Creek Sewer Project along Martinez Creek starting at Perez Street going North and terminating at Huisache Street located in Council District 1. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

Sponsors:

Indexes:

Code sections:

Attachments: 1. EXHIBIT A-1, 2. EXHIBIT A-2, 3. Draft Ordinance, 4. Ordinance 2018-01-18-0018

Date	Ver.	Action By	Action	Result
1/18/2018	1	City Council A Session	Motion to Approve	Pass

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 1

SUBJECT:

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties to construct and/or replace a sewer main.

SUMMARY:

Consideration of the following ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately-owned real property and declaring the projects to be public use projects and a public necessity for the acquisition.

Martinez Creek Sewer Project: Replace and upsize sewer pipe in poor condition and requiring additional capacity along Martinez Creek, starting at Perez Street going North and terminating at Huisache, and acquisition of approximately 15 permanent and temporary easements located in Council District 1.

The public use project is necessary to meet TCEQ capacity requirements for future growth, and for the

expansion and operation of the SAWS sanitary sewer infrastructure system. Pursuant to enacted Texas Senate Bill 18 (SB 18), these items require City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

BACKGROUND INFORMATION:

Martinez Creek Sewer Project - The San Antonio Water System (SAWS) and the Environmental Protection Agency (EPA) entered into a Consent Decree on July 23, 2013. The Agreement outlines a plan to address sanitary sewer overflows (SSO) through regularly scheduled inspection, cleaning and repairs of pipes, visual inspections to determine the structural condition of the pipes and hydraulic analysis to determine the capacity of the pipes. In addition, lift stations that move wastewater uphill, will be rehabilitated or eliminated. SAWS is in the process of inspecting its 5,200 mile sewer pipelines through the use of cameras, sonar or laser imaging, smoke or dye testing, cleaning findings or mechanical proofing and has identified where pipeline needs to be replaced due to structural condition and/or where capacity needs to be increased.

The Martinez Creek Sewer Project meets the criteria for improvements. Improvements include replacing and upsizing sewer pipe that are in poor condition and require additional capacity. The Martinez Creek Sewer Project includes the construction of approximately 13,500 feet of sewer main between varying between 8-inches to 54-inches in width along Martinez Creek, starting at Perez Street, going north and terminating at Huisache, located in NCB 2185, 2175, 2150, 2120, 2149, 6609, and 2023 in Council District 1 (see Exhibits A-1 and A-2 attached). Construction on this Project will start June 2018 and end June 2020 at an estimated cost of \$23,000,000.00 and is funded from SAWS 2017 Capital Improvement Program.

This Project requires the acquisition of approximately 15 parcels for a total of approximately 0.982 acres of permanent and temporary construction easement interests in certain privately owned real property.

SAWS intends to use every effort available to obtain the required permanent land rights for said projects through good faith negotiations, but may require eminent domain if the 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, the City of San Antonio 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, of privately-owned real property and declare the project to be a public use project and a public necessity.

This project is necessary for improvement of water and sanitary sewer infrastructure systems. The property acquisition will be completed by SAWS. SAWS intends to use every effort available to obtain the required permanent land rights for said projects through good faith negotiations, but may require eminent domain if the 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, the City of San Antonio City Council must declare the project a public project.

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 and through the SAWS Board of Trustees for the public projects by negotiation or condemnation.

ALTERNATIVES:

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

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 SAWS FY 2017 Capital Improvement Program.

RECOMMENDATION:

The Martinez Creek Sewer Project was reviewed and approved by the San Antonio Water System Board of Trustees on November 7, 2017.

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the outlined project.