



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1070

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 6/19/2014

**Title:** An Ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interests in real property sufficient for project purposes, of 22 parcels of privately-owned real property located in NCB 15724, 14049, 17810, 17813, 16587, 16588, & 16589, for the Cibolo Creek Sewershed Diversion Flow Project as approved by the SAWS Board of Directors on May 5, 2014, located in Council District 10; declaring it to be a public use project and a public necessity for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cibolo Creek Sewershed Flow Diversion - Necessity Board Item, 2. RFCA 14-1070-SAWS CCSDF\_Final\_Parcel\_List, 3. Project Map Cibolo Creek Sewershed Flow Diversion Project, 4. Project Map I, 5. Project Map II, 6. Draft Ordinance, 7. Route Description, 8. Ordinance 2014-06-19-0453

Date	Ver.	Action By	Action	Result
6/19/2014	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Transportation and Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, PE

**COUNCIL DISTRICTS IMPACTED:** Council District 10

### SUBJECT:

Acquisition: Real Property for the (SAWS) Cibolo Creek Sewershed Diversion Flow Project.

### SUMMARY:

An ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of 22 parcels of privately-owned real property located in NCB 15724, 14049, 17810, 17813, 16587, 16588, & 16589, for the Cibolo Creek Sewershed Diversion Flow Project, located in Council District 10; declaring it to be a public project and a public necessity for the acquisition. This public project is necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system.

Pursuant of 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:**

The far northeast quadrant of SAWS' service area drains by gravity to the Cibolo Creek Municipal Authority's (CCMA) collection system. Historically, SAWS has conveyed raw wastewater flows to the CCMA for treatment. Given the recent increase in CCMA's rates from \$1.90 to \$2.50 per 1,000 gallons, it is now more economical for SAWS to construct the infrastructure to reroute these flows to the SAWS collection system in the Eastern Sewershed for treatment at the Dos Rios Water Recycling Center.

The scope of work for this project includes the construction of two lift stations, approximately 13,100 linear feet of force main, and approximately 9,100 linear feet of gravity sewer line. The Project will consist of approximately 4.2 miles of a new wastewater force main and gravity collection mains beginning near the intersection of Elegante Way and Mandolino Land, and terminating near the intersection of Judson Road at Lookout Road.

This Project requires the acquisition of twenty-two (22) parcels for permanent and temporary construction easement interest in certain privately owned real property by negotiation or condemnation if necessary for the construction of the Cibolo Creek Sewershed Diversion Flow Project. SAWS Board of Trustees passed and approved a resolution on May 5, 2014. Project construction is anticipated to begin May 2015 and estimated to be completed by August 2016.

SAWS intends to use every effort available to obtain the required permanent and temporary land rights for said pipeline 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, the City of San Antonio City Council must declare the project a public project and a public necessity.

## **ISSUE:**

This ordinance, on behalf of SAWS, authorizes the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, in 22 parcels of privately-owned real property located in Council District 10 in NCB 15724, 14049, 17810, 17813, 16587, 16588, & 16589, for the Cibolo Creek Sewershed Diversion Flow Project, declaring it to be a public project and a public necessity for the acquisition.

This public project is necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system. The property acquisition will be completed by SAWS and the property will be funded through the FY 2014 SAWS Capital Improvement Project Budget.

Approval of this ordinance is a continuation of City Council policy to determine and declare certain project 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.

## **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:**

There is no fiscal impact to the City of San Antonio. Any condemnation costs including awards will be paid by SAWS. Costs are funded from FY 2014 SAWS Capital Improvement Project Budget.

**RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the Cibolo Creek Sewershed Diversion Flow Project as approved by the SAWS Board on May 5, 2014.