



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-2313

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 4/2/2015

**Title:** An Ordinance authorizing the acquisition on behalf of the San Antonio Water System, through negotiation or condemnation, of real property being permanent water and sewer easements, on a total of 13 parcels, located in New City Blocks 15210, 15257, 15258, and 15284 for approximately 0.8 miles of adjusted and replaced sewer main(s) and adjuster and replaced water main(s) and declaring the project to be a public use project for the acquisition.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Indian Creek Channel Phase II map, 2. Plat and Field Notes - 19257, 3. Plat and Field Notes - 19258, 4. Plat and Field Notes - 19259, 5. Plat and Field Notes - 19260, 6. Plat and Field Notes - 19261, 7. Draft Ordinance - B, 8. SAWS Indian Creek Phase II - EXHIBIT A-1, 9. SAWS Indian Creek Phase II - EXHIBIT A-2, 10. SAWS Indian Creek Phase II - EXHIBIT A-3, 11. Ordinance 2015-04-02-0227

Date	Ver.	Action By	Action	Result
4/2/2015	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, P.E.

**COUNCIL DISTRICT(S) IMPACTED:** Council District 4

**SUBJECT:**

Acquisition: Real Property for Indian Creek Channel Phase II for City and SAWS Projects

**SUMMARY:**

An ordinance for the Indian Creek Channel Phase II Project, a 2012-2017 Bond Program funded project, located in Council District 4, authorizing the acquisition, through negotiation or condemnation, of approximately 11.049 acres for interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property located in NCBs 15210, 15258, and 16000; and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$60,000.00 payable to the selected title company for land, relocation, litigation expenses and associated title fees.

This ordinance also authorizes, on behalf of SAWS, the acquisition, through negotiation or condemnation, of real property being permanent water and sewer easements, on a total of 13 parcels, located in New City Blocks 15210, 15257, 15258, & 15284 for approximately 0.8 miles of adjusted and replaced sewer, and adjusted and replaced water main in relation to the City's Indian Creek Channel Phase II Project.

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 Indian Creek Channel Phase II Project was included in the 2012-2017 Bond Program. The Project will reconstruct portions of the Indian Creek Channel and upgrade the box culvert bridge at Ray Ellison to improve water conveyance. After completion, twenty-seven lots will be removed from the floodplain. Project construction is estimated to begin in Spring 2015 and is estimated to be completed in Fall 2016.

This project requires the acquisition of approximately seven parcels of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Indian Creek Channel Phase II Project. Currently two of the seven parcels have been acquired or are in the process of being acquired through negotiation. The two parcels acquired total 2.231 acres, for an acquisition cost totaling \$5,159.20. However, the remaining five parcels may require the power of eminent domain.

The SAWS scope of work for this project includes the replacement and adjustment of 4,963 feet of an 8-inch, 10-inch, 12-inch and 18-inch sewer mains which were constructed between 1987 and 2005. The existing 8-inch and 10-inch mains are proposed to be replaced due to deterioration and the existing 12-inch and 18-inch mains are proposed to be adjusted due to insufficient sewer grade due to expansion of the creek.

In addition to the sewer mains replacements, SAWS will provide for the replacement and adjustment of 3,800 feet of 8-inch, 10-inch and 12-inch water mains which were constructed between 1982 and 2009. The existing 10-inch and 12-inch mains are proposed to be replaced due to deterioration and the existing 8-inch mains are proposed to be adjusted due to insufficient ground cover due to expansion of the creek.

### **ISSUE:**

This ordinance for the Indian Creek Channel Phase II Project, a 2012-2017 Bond Program funded project, located in Council District 4, will authorize the acquisition, through negotiation or condemnation, of approximately 11.049 acres for interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property located in NCBs 15210, 15258, and 16000 and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$60,000.00 payable to the selected title company for land, relocation, litigation expenses and associated title fees.

This ordinance also authorizes, on behalf of SAWS, the acquisition, through negotiation or condemnation, of real property being permanent water and sewer easements, on a total of 13 parcels, located in New City Blocks 15210, 15257, 15258, & 15284 for approximately 0.8 miles of adjusted and replaced sewer, and adjusted and replaced water main in relation to the City's Indian Creek Channel Phase II Project.

Property acquisition is a required component to complete the Indian Creek Channel Phase II Project. Through this action, City Council authorizes the acquisition of a portion of these parcels of privately-owned real property through negotiation or condemnation.

**ALTERNATIVES:**

City Council could not approve this acquisition needed for completion of this project; however, this action would result in a re-design of this project which could be more costly.

**FISCAL IMPACT:**

This is a one-time capital improvement expenditure in an amount not to exceed \$60,000.00 payable to the selected title company. Funds are available from previously authorized 2012-2017 Bond Program funds. The value of this acquisition is based on an appraisal performed by Valbridge Property Advisors in June 2014.

The SAWS Project Fund will incur the acquisition costs and possible legal fees associated with the acquisition of the land rights necessary for this project. Funding for these land rights are found in the 2015 Capital Improvement Program, Wastewater Core Business, -Governmental - Wastewater Category, and the Water Resource Core Business, Water Category for the Indian Creek Project.

**RECOMMENDATION:**

Staff recommends approval of an ordinance for the Indian Creek Channel Phase II Project, a 2012-2017 Bond Program funded project authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property and 13 parcels for the SAWS Project, located in Council District 4.