



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4951

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 11/3/2016

**Title:** An Ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interest in land sufficient for project purposes, of privately-owned real property located in NCB 17487, 10568, 12175 and 12174, for the E-19: Seguin Road to Nacogdoches Road Sanitary Sewer Project, located in Council District 2; declaring it to be a public use project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit -1 Map SAWS E-19, 2. Exhibit A-2 route descriptio SAWS Project (15-4506), 3. Exhibit-Plat and Field Notes, 4. SAWS E-19 PPT CC 11-3-16, 5. Draft Ordinance, 6. Ordinance 2016-11-03-0850

Date	Ver.	Action By	Action	Result
11/3/2016	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**SUBJECT:**

Acquisition: Real Property for the (SAWS) E-19: Seguin Road to Nacogdoches Road Project

**SUMMARY:**

An ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interest in land sufficient for project purposes, of privately-owned real property located in NCB 17487, 10568, 12175 and 12174, for the E-19: Seguin Road to Nacogdoches Road Sanitary Sewer Project, located in Council District 2; declaring it to be a public project.

This public project is necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system. Pursuant to 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:**

In order for the SAWS wastewater infrastructure system to provide sufficient sewer capacity as identified by San Antonio Water System's (SAWS) Master Planning, SAWS will be constructing and upsizing approximately three miles of existing 48-inch to 78-inch diameter main in the Eastern Sewershed along Salado Creek from a point near Seguin Road running north along Salado Creek to a point just north of Rittiman Road. The general route for the Project pipeline is included herein as an attachment. The design phase of this project began in 2016. Project construction is expected to begin in early-2017 and be completed in mid-2018.

This Project requires the acquisition of seven temporary construction easements, across privately-owned real property by negotiation or condemnation, if necessary, for the construction of the E-19: Seguin Road to Nacogdoches Road Sanitary Sewer Project. Currently one of the seven parcels has been acquired, or is in the process of being acquired through negotiation. However, the remaining six parcels, which involve three landowners, may require the power of eminent domain.

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.

## **ISSUE:**

This ordinance, on behalf of SAWS, authorizes the acquisition through negotiation or condemnation, of interest in land sufficient for project purposes, of privately-owned real property located in NCB 17487, 10568, 12175 and 12174, for the E-19: Seguin Road to Nacogdoches Road Project, located in Council District 2; declaring it to be a public use project.

This public project is necessary for the construction and upsizing of the SAWS sanitary sewer infrastructure system. The property acquisition will be completed by SAWS and the property acquisition will be funded through the SAWS FY 2017 Capital Improvement Program, Wastewater Core Business, Sewer Main Replacement Category.

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 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:**

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, Wastewater Core Business, Sewer Main Replacement Category.

**RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the E-19: Seguin Road to Nacogdoches Road Project.