



# City of San Antonio

## Agenda Memorandum

**File Number:** 15-6047

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**Agenda Item Number:** 8.

**Agenda Date:** 1/28/2016

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Council District 10

### **SUBJECT:**

Real Estate Acquisition: SAWS sewer main pipeline at Wetmore Road from Salado Creek to Thousand Oaks Drive.

### **SUMMARY:**

An 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 located in NCB 13753 and 15683, to construct a sewer main pipeline parallel to Wetmore Road from Salado Creek to Thousand Oaks Drive, located in Council District 10; 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 San Antonio Water System's (SAWS) wastewater infrastructure system to provide sufficient sewer capacity as identified by SAWS Master Planning, SAWS will be eliminating Lift Station 11 (Feathercrest) and 111 (Stone Ridge) by constructing approximately 10,200 linear feet of a 12-inch and 24-inch diameter gravity sewer main running parallel to Wetmore Road from Salado Creek to Thousand Oaks Drive. The general route for the project pipeline is included herein as an attachment. The design phase of this project began in 2012. Project construction is expected to begin in mid-2016 and be completed mid- 2017.

This project requires the acquisition of approximately 24 parcels for a total of approximately 15.4165 acres for permanent and temporary construction easement interest in certain privately owned real property by negotiation or condemnation if necessary for the construction of sewer main pipeline parallel to Wetmore Road between Salado Creek and Thousand Oaks Drive. The pipeline eliminates the need for Lift Station 11 (Feathercrest) and Lift Station (Stone Ridge).

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.

#### **ISSUE:**

This ordinance, on behalf of SAWS, authorizes the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, in approximately twenty-four (24) parcels of privately-owned real property located in City Council District 10 in NCB 13753 and 15683 for the construction of sewer main pipeline, and declaring it to be a public project.

This public project is necessary for the adjustment of the SAWS sanitary sewer infrastructure system. The property acquisition will be completed by SAWS. 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.

This project requires the acquisition of approximately 24 parcels for a total of approximately 15.4165 acres and mostly located within the drainage area which remains undeveloped.

#### **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 2013 Capital Improvement Program, Main Replacements- Sewer Category, Unspecified Installation of New Gravity Sewer Main Project.

#### **RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the construction of sewer main pipeline along Wetmore Road between Salado Creek and Thousand Oaks Drive.