



City of San Antonio

Agenda Memorandum

File Number: 16-2789

Agenda Item Number: 12.

Agenda Date: 6/2/2016

In Control: City Council A Session

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, PE

COUNCIL DISTRICTS IMPACTED: Council District 1

SUBJECT:

Acquisition: Real Property for McCullough Avenue Area Drainage Project

SUMMARY:

An ordinance for the McCullough Avenue Area Drainage Project authorizing the acquisition, through negotiation or condemnation, of approximately 0.040 acres for interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property and declaring the Project to be a public use project for the acquisition and authorizing expenditures not to exceed \$50,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.

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:

The McCullough Avenue Area Drainage Project was included in the 2012-2017 Bond Program. The Project includes the reconstruction of roadway along Euclid Avenue from Brooklyn Avenue to Wilmington Avenue to Elmira Street, along Elmira Street to Newell Avenue and along Newell Avenue to the Newell Avenue Bridge as well as the construction of a storm sewer system that outfalls into the San Antonio River. Sanitary Sewer, Water and CPS gas improvements also will be included with the Project. Project construction is estimated to begin in June 2016 and is scheduled to be complete in December 2017. The construction award for this project is anticipated to be approved by City Council on June 9, 2016.

This Project requires the acquisition of a portion of nine parcels of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the McCullough Avenue Area Drainage Project. The acquisitions include right-of-way easements, temporary construction easements, permanent easements and drainage easements and involve seven landowners. Currently seven of the nine parcels have been acquired or are in the process of being acquired through negotiation. The remaining two parcels are located at 216 McLane and 922 E. Elmira Street. Both parcels are currently vacant and the project only requires a temporary construction easement.

The City intends to use every effort available to obtain the required parcels for said Project through good faith negotiations, but may require eminent domain if the negotiations are not successful. The City has the authority to exercise eminent domain (condemning property) under Article I, Section 17 of the Texas Constitution and Texas Local Government Code.

ISSUE:

This ordinance for the McCullough Avenue Area Drainage Project authorizes the acquisition, through negotiation or condemnation, of approximately 0.040 acres for interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property and declaring the Project to be a public use project for the acquisition and authorizing expenditures not to exceed \$50,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.

Privately-owned property acquisition is a required component to complete the McCullough Avenue Area Drainage. Through this action, City Council authorizes the acquisition of a portion of these parcels of privately-owned real property through negotiation or condemnation. Approval of this ordinance is a continuation of City Council policy to determine and declare certain projects necessary for public use and authorize the acquisition of private property by 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 ordinance recommends a one-time capital improvement expenditure in the amount of \$50,000.00, payable to the selected title company. Funds are available within the McCullough Avenue Area Drainage Project from previously authorized 2012-2017 Bond Program funds and are included in the 2016-2021 Capital Improvements Program Budget. The values of these acquisitions are based on appraisals performed by Eckmann Groll, Inc., between January and February 2016.

RECOMMENDATION:

Staff recommends approval of this ordinance authorizing the acquisition, through negotiation or condemnation, of approximately 0.040 acres for interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property and declares the Project to be a public use project for the acquisition and

authorizes expenditures not to exceed \$50,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.