



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-3062

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**Agenda Item Number:** 12.

**Agenda Date:** 6/9/2016

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation and Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie

**COUNCIL DISTRICTS IMPACTED:** 4

### **SUBJECT:**

**Acquisition:** Real Property for the (SAWS) Covell Road Lift Stations Elimination Project.

### **SUMMARY:**

An ordinance, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of 15.993 acres of permanent and temporary easements for interests in land sufficient for project purposes, of privately-owned real property located in NCB 15248, for the Covell Road Lift Stations Elimination Project, located in Council District 4; declaring it to be a public use 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 eliminating Lift Station #225 (Valley Ridge), #251 (Solana Ridge), and #267 (Carmona Hills). The lift stations are located along Covell Road and will be eliminated by constructing approximately 11,400 linear feet of 18-inch, 21-inch and 24-inch diameter gravity sewer main running parallel to Covell Road to Old Pearsall Road. 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-2017 and be completed in mid- 2018.

This Project requires the acquisition of approximately 35 parcels of approximately 15.993 acres for permanent and temporary construction easement interest in certain privately owned real property by negotiation or condemnation if necessary for the construction of the Lift Stations 251, 267, and 225 Elimination Project

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 15.993 acres of permanent and temporary easements for interests in land sufficient for project purposes, in approximately thirty-five (35) parcels of privately-owned real property located in City Council District 4 in NCB 15248: 14 permanent easements and 21 temporary construction easements, for the Covell Road Lift Stations Elimination Project, declaring it to be a public use project.

This public project is necessary for the elimination of four lift stations in the SAWS sanitary sewer infrastructure system. The property acquisition will be completed by SAWS and the property will be funded through the SAWS FY 2016 Capital Improvement Program, Wastewater Core Business, Collection R&R Category.

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:**

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 2016 Capital Improvement Program, Wastewater Core Business, Collection R&R Category.

#### **RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the Lift Stations 251, 267, and 225 Elimination Project.