



City of San Antonio

Agenda Memorandum

File Number:13-594

Agenda Item Number: 15.

Agenda Date: 11/7/2013

In Control: City Council A Session

DEPARTMENT: Capital Improvements Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICTS IMPACTED: Council District 3

SUBJECT:

Acquisition: Real Property for the (SAWS) San Antonio River Outfall Project

SUMMARY:

An ordinance, on behalf of SAWS, authorizing the acquisition, through negotiation or condemnation, of interests in land sufficient for the San Antonio River Outfall Project purposes of approximately 44 parcels of privately-owned real property located in County Blocks 4007, 4011, 4143, 5158, 5161, and 5162, and NCB 10916, 10917, 10918, 10919, 10920, located in Council District 3; declaring it to be a public use project.

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

This Project requires the acquisition of approximately forty-four parcels (44) for permanent and temporary construction easement interest in certain privately-owned real property by negotiation or condemnation, if necessary, for the construction of the San Antonio River Outfall 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.

In order for SAWS to exercise its power of eminent domain, the City of San Antonio City Council must declare the project a public use 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 44 parcels of privately-owned real property located in Council District 3 in County Blocks 4007, 4011, 4143, 5158, 5161, and 5162 and NCB 10916, 10917, 10918, 10919, and 10920, for the San Antonio River Outfall Project, declaring it to be a public use project.

In order for the SAWS wastewater infrastructure system to provide domestic sanitary sewer service within the central and eastern Bexar County wastewater sheds, SAWS will be replacing and installing a 4.7-mile-long, 48-inch wastewater collection main located in southeast Bexar County commonly referred to as the San Antonio River Outfall Project (SARO). The SARO will install a 4.7 mile-long, 48-inch diameter wastewater collection main that will convey wastewater from a point near the intersection of Old Corpus Christi Road and Henderson Court to SAWS facilities at the Salado Creek Water Recycling Center. The pipeline will follow a south-southeast alignment, from south Bexar County through the southeast portions of Bexar County, to SAWS' Salado Creek Water Recycling Center. The general route for the Project pipeline is included herein as an attachment. The design phase of this Project began in late 2011. Project construction expected to begin in early 2014 and be completed in 2015.

This public use project is necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system. The property acquisition will be completed by SAWS and the property will be funded through the FY 2013 and FY 2014 Capital Improvement San Antonio River Outfall Project.

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 use 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 FY 2013 and FY 2014 SAWS Capital Improvement San Antonio River Outfall Project.

RECOMMENDATION:

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the San Antonio River Outfall Project.