



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-2749

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**Agenda Item Number:** 11B.

**Agenda Date:** 4/20/2017

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Council Districts 2, 3, 5, 6, 9 and 10

### **SUBJECT:**

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties to construct and/or replace sewer main pipeline

### **SUMMARY:**

Consideration of the following ordinances, on behalf of SAWS, authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately-owned real property and declaring the projects to be public use projects and a public necessity for the acquisitions.

The public use projects are necessary for the expansion and operation of the SAWS sanitary sewer infrastructure system. Pursuant to enacted Texas Senate Bill 18 (SB 18), these items require City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

- A. C5/C28 Phase 3 - SAWS sewer main pipeline from Culebra-Castroville to Laredo & Zarzamora Creek, San Gabriel, located in Council District 5.
- B. E-19 Segment II: Seguin Road to Nacogdoches Road - SAWS sewer main pipeline along Salado Creek from Rittiman Road to a point just north of NE Loop 410, located in Council Districts 2 and 10.
- C. E-20 Wurzbach Parkway: Jones Maltsberger to Nacogdoches - SAWS sewer main pipeline along Salado Creek and Wurzbach Parkway from a point south of Nacogdoches Road to Jones Maltsberger Road, located in Council Districts 9 and 10.
- D. East Sewershed Package 3 - Rosillo Creek Outfall - SAWS sewer main pipeline at Rosillo Creek from

FM 1346 to just south of WW White, located in Council Districts 2 and 3.

- E. W-1 Leon Creek - Hwy 151 to Hwy 90 Project - SAWS sewer main pipeline along Leon Creek from a point approximately 3,200 linear feet north of Hwy 151 on Leon Creek to a point approximately 4,000 linear feet south of Highway 151 on Leon Creek, located in Council District 6.

## **BACKGROUND INFORMATION:**

The San Antonio Water System (SAWS) and the Environmental Protection Agency (EPA) entered into a Consent Decree on July 23, 2013. The *Agreement* outlines a plan to address sanitary sewer overflows (SSO) through regularly scheduled inspection, cleaning and repairs of pipes, visual inspections to determine the structural condition of the pipes and hydraulic analysis to determine the capacity of the pipes. In addition, lift stations that move wastewater uphill, will be rehabilitated or eliminated.

SAWS is in the process of inspecting its 5,200 mile sewer pipelines through the use of cameras, sonar or laser imaging, smoke or dye testing, cleaning findings or mechanical proofing and has identified where pipeline needs to be replaced due to structural condition and/or where capacity needs to be increased.

The following projects meet the criteria for improvements:

- A. C5/C28 Phase 3-SAWS sewer main pipeline from Culebra-Castroville to Laredo & Zarzamora Creek, San Gabriel, located in Council District 5.

Acquisition of approximately seventeen (17) parcels located in NCB 3640, 3628, 8288, 8898, 8895, 8893, 8891, & 8887 to construct approximately 11,000 feet of 24-inch, 27-inch, 30-inch, and 33-inch sewer main starting at W. Houston Street, going northwest and terminating at Culebra Road. Construction will also take place along Landa Ave. from Matyear Street to N. General McMullen. The alignment will follow Zarzamora Creek and terminate at N. San Gabriel. Construction is expected to begin in April, 2018 and end in April 2019. The estimated construction cost is \$6,400,000.00.

- B. E-19 Segment II: Seguin Road to Nacogdoches Road - SAWS sewer main pipeline along Salado Creek from Rittiman Road to a point just north of NE Loop 410, located in Council Districts 2 and 10.

Acquisition of approximately twenty-two (22) parcels located in NCB 12163, 12523, 13500, 13569, and 14326; and CB 11220, 11230, 14540, 14930, 22170 and 98561 to construct approximately three miles of 48-inch, 66-inch, and 78-inch gravity sewer main just north of Rittiman Road running north along Salado Creek to a point just north of NE Loop 410. A siphon will be eliminated crossing Salado Creek just south of NE Loop 410. The design phase of this project will begin mid-2017. Project construction is expected to begin in mid-2018 and be completed mid-2020. The estimated construction cost is \$33,000,000.00.

- C. E-20 Wurzbach Parkway: Jones Maltsberger to Nacogdoches - SAWS sewer main pipeline along Salado Creek and Wurzbach Parkway from a point south of Nacogdoches Road to Jones Maltsberger Road, located in Council Districts 9 and 10.

Acquisition of properties located in NCB 8644, 11964, 13733, 13748, 13752, 13753, 17285, 17440 and CB 5013 to construct approximately four miles of 12-inch to 42-inch wastewater pipeline by

constructing, along a new alignment, approximately 20,370 feet of 36-inch and 54-inch diameter sewer pipeline along Salado Creek and Wurzbach Parkway from a point south of Nacogdoches Road to Jones Maltsberger Road, and in the vicinity of Wetmore Road where it crosses Salado Creek. The pipeline eliminates the need for the sewer siphon located south of Nacogdoches Road where it crosses Salado Creek. Prior to construction of the infrastructure described above, the project will also install approximately 260 feet of tunnel beneath Wetmore Road and Union Pacific Railroad tracks to route temporary above ground sewer bypass piping currently providing relief to the existing sewer pipeline until such time as segment 1 of the proposed project is completed.

The design phase of this project began in 2016. Project construction of the bypass tunnel is expected to begin in mid-2017 and end in late-2017, major pipeline construction is expected to begin in late-2018 and be completed in early-2021. The estimated construction cost is \$25,864,500.00.

- D. East Sewershed Package 3 - Rosillo Creek Outfall - SAWS sewer main pipeline at Rosillo Creek from FM 1346 to just south of WW White, located in Council Districts 2 and 3.

Acquisition of approximately twenty-five (25) parcels located in NCB 10881, NCB 10846, NCB 18239, NCB 10852, NCB 10615, NCB 12887, NCB 10780, and NCB 10849 to construct approximately 29,000 linear feet of 30-inch through 42-inch gravity sewer main along Rosillo Creek between FM 1346 and just south of WW White. The design phase of this project began in 2016. Project construction is expected to begin in early-2018 and be completed mid-2019. The estimated construction cost is \$15,542,145.00.

- E. W-1 Leon Creek - Hwy 151 to Hwy 90 Project - SAWS sewer main pipeline along Leon Creek from a point approximately 3,200 linear feet north of Hwy 151 on Leon Creek to a point approximately 4,000 linear feet south of Highway 151 on Leon Creek.

Acquisition of approximately 10 parcels located in NCB 11493, 15330, and 15331, to construct approximately 7,850 linear feet of existing 42-inch gravity sewer main with a 66-inch diameter gravity sewer in the Western Sewershed along Leon Creek from a point approximately 3,200 linear feet north of Hwy 151 on Leon Creek to a point approximately 4,000 linear feet south of Hwy 151 on Leon Creek. The design phase of this project began in 2016. Project construction is expected to begin in 2018 and be completed 2019. The estimated construction cost for this project is \$7,630,560.

SAWS intends to use every effort available to obtain the required permanent 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:**

These ordinances, on behalf of SAWS, will authorize the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately-owned real property and declare the projects to be public use projects and a public necessity.

These public use projects are necessary for improvement of sanitary sewer infrastructure system so it can

comply with the EPA Consent Decree. The property acquisition will be completed by SAWS. 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 the delay of the projects.

**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 2015, 2016 and 2017 Capital Improvement Program.

**RECOMMENDATION:**

These items were reviewed and approved by the San Antonio Board of Trustees on April 4, 2017.

Staff and SAWS recommend approval of the ordinances authorizing acquisition by negotiation or condemnation for the needed land interests for the outlined projects.