



City of San Antonio

Agenda Memorandum

File Number: 15-3681

Agenda Item Number: 9.

Agenda Date: 8/13/2015

In Control: City Council A Session

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 7

SUBJECT:

Acquisition: Real Property for Mainland and Bandera Intersection Improvements Project

SUMMARY:

An Ordinance for the Mainland and Bandera Intersection Improvements Project authorizing the acquisition of approximately 3,603 square feet of privately owned real property, through negotiation or condemnation; declaring it be a public use project and authorizing expenditures not to exceed \$100,000.00 to the selected title company, for land, relocation, litigation expenses and associated title fees, an Advanced Transportation District funded project located in Council District 7.

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 Mainland and Bandera Intersection Improvements Project was included in the 5-year IMP adopted on October 1, 2013. This project was selected as part of IMP Minor Intersection Improvement Program and funded thru ATD Funds. The project includes adding a right turn lane, median installation, signal modifications, and ADA compliant sidewalks and wheelchair ramps. The intent of this project is to increase storage for vehicles turning right from Mainland Road onto Bandera Road. Currently, there is a backup of vehicles cueing to turn right from Mainland to Bandera. This project will provide a dual right-turn lane; thereby increasing capacity and decreasing some congestion at this intersection. Construction is anticipated to

commence in Fall 2015 and estimated to be completed in Fall 2016.

This Project requires the acquisition of four parcels of privately-owned real property by negotiation or condemnation for the construction of the Mainland and Bandera Intersection Improvements Project. Currently two of the four parcels have been acquired or are in the process of being acquired through negotiation. However, the remaining two parcels may require the exercise of eminent domain. A Burger King restaurant and an auto repair shop currently exist on the two parcels.

Staff 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 of San Antonio 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 Mainland and Bandera Intersection Improvements Project, a ATD-funded project, located in Council District 7, will authorize the acquisition, through negotiation or condemnation, of approximately 3,603 square feet for interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property located in NCB 18572; and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$100,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.

Property acquisition is a required component to complete the Mainland and Bandera Intersection Improvements Project. 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 purpose and public use.

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 is a one-time capital improvement expenditure in the amount not to exceed \$100,000.00, payable to the selected title company. This is an ATD funded project and funds are included in the FY 2014-2018 Infrastructure Management Program. The value of these acquisitions is based on appraisals performed by Valbridge Property Advisors/Dugger, Canaday, Grafe, Inc., in February 2015.

RECOMMENDATION:

Staff recommends approval of this ordinance authorizing the acquisition, through negotiation or condemnation, of interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property, located in Council District 7, for the Mainland and Bandera Intersection Improvements Project, an ATD-funded project through the IMP.

