



City of San Antonio

Legislation Details (With Text)

File #: 15-4793

Type: Real Property Acquisition

In control: City Council A Session

On agenda: 10/29/2015

Title: An Ordinance for the 2012 -2017 Callaghan Road Bond Project, authorizing the acquisition, through negotiation or condemnation, of approximately 0.6966 acres for interests in land sufficient for Project purposes in a portion of 43 parcels of privately-owned real property along Callaghan Road between Loop 410 and Bandera Road in Council District 7 and declaring the Project to be a public use project for the acquisition and authorizing expenditures not to exceed \$850,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Callaghan Project Map 1, 2. legal description 274 - 277TE, 3. Legal description 278 - 282TE, 4. Legal description 284 - 294TE, 5. Legal description 300 - 304TE, 6. Draft Ordinance, 7. Ordinance 2015-10-29-0916

Date	Ver.	Action By	Action	Result
10/29/2015	1	City Council A Session	Motion to Approve	Pass

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, PE

COUNCIL DISTRICTS IMPACTED: Council District 7

SUBJECT:

Acquisition: Real Property for Callaghan Road Project

SUMMARY:

An ordinance for the Callaghan Road Project, authorizing the acquisition, through negotiation or condemnation, of approximately 0.6966 acres for interests in land sufficient for Project purposes in a portion of 43 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 \$850,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees, a 2012-2017 Bond Program-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 Callaghan Road Project was included in the 2012-2017 Bond Program. The Project includes the reconstruction and widening of Callaghan Road, between Loop 410 and Bandera Road, from a two-lane roadway to a four-lane roadway with a continuous left-turn lane in sections with curbs, sidewalks, driveway approaches, traffic-signal improvements and drainage improvements, as needed. Project construction is estimated to begin in January 2016 and is estimated to be completed in July 2017.

This Project requires the acquisition of a portion of 66 parcels of privately-owned real property by negotiation or condemnation for the construction of the Callaghan Road Project. The acquisitions include right-of-way easements, temporary construction easements, permanent easements and drainage easements and involve 30 landowners. Currently 23 of the 66 parcels have been acquired or are in the process of being acquired through negotiation. However, the remaining 43 parcels that involve 21 landowners may require the power of eminent domain.

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 easement 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 Callaghan Road Project, authorizes the acquisition, through negotiation or condemnation, of approximately 0.6966 acres for interests in land sufficient for Project purposes in a portion of 43 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 \$850,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees, a 2012-2017 Bond Program-funded project located in Council District 7.

The Callaghan Road Project, a 2012-2017 Bond project, includes the reconstruction and widening of Callaghan Road, between Loop 410 and Bandera Road, from a two-lane roadway to a four-lane roadway with a continuous left-turn lane in sections with curbs, sidewalks, driveway approaches, traffic-signal improvements and drainage improvements, as needed. Project construction is estimated to begin in January 2016 and is estimated to be completed in July 2017.

Privately owned property acquisition is required to complete the Callaghan Road 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 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 \$850,000.00, payable to the selected title company. Funds are available within the Callaghan Road (Evers Road to Centerview Drive) Project from previously authorized 2012-2017 Bond Program funds. The values of these acquisitions are based on appraisals performed by Valbridge Property Advisors/Dugger, Canaday, Grafe, Inc., between March and July 2015.

RECOMMENDATION:

Staff recommends approval of this ordinance for the Callaghan Road Project, authorizing the acquisition, through negotiation or condemnation, of approximately 0.6966 acres for interests in land sufficient for Project purposes in a portion of 43 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 \$850,000.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.