



# City of San Antonio

## Agenda Memorandum

**File Number:**15-5702

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**Agenda Item Number:** 15.

**Agenda Date:** 12/3/2015

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Council District 7

### **SUBJECT:**

Acquisition: Real Property for the (SAWS) W2 Huebner Creek Eckhert to Bandera Project.

### **SUMMARY:**

An ordinance, on behalf of SAWS, for the W2 Huebner Creek Eckhert to Bandera Project, authorizing the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, located in Council District 7, and 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 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:**

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 replacing the 21-inch and 24-inch sanitary sewer main with 36-inch and 42-inch sanitary sewer main. This project is generally located along a 2.2-mile alignment beginning near the intersection of Huebner Creek and Bandera Road, and thence following in a northerly direction the course of Huebner Creek and terminating approximately 0.05 miles south of Eckhert Road. The general route for the Project pipeline is included herein as an attachment.

This Project requires the acquisition of approximately 24 parcels of approximately 9.1292 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 W2 Huebner Creek Eckhert to Bandera 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 project.

#### **ISSUE:**

This ordinance, on behalf of SAWS, for the W2 Huebner Creek Eckhert to Bandera Project, authorizes the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately-owned real property located at CB 4430 & 4432, and NCB 13665 & 17349, located in Council District 7; declaring it to be a public project.

This public project is necessary for the adjustment of the SAWS sanitary sewer infrastructure system as identified by San Antonio Water System's (SAWS) Master Planning, to replace the 21-inch and 24-inch sanitary sewer main with 36-inch and 42-inch sanitary sewer main. The property acquisition will be completed by SAWS. The design phase of this project began in 2011. Property interests will be secured in 2016. Project construction is expected to begin in mid-2018 and be completed in early 2020.

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 2015 Capital Improvement Program, Wastewater Core Business, Main Replacements - Sewer for the W2 Huebner Creek Eckhert to Bandera Project.

#### **RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the W2 Huebner Creek Eckhert to Bandera Project, located in Council District 7.