



# City of San Antonio

## Agenda Memorandum

**File Number:**20-1311

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**Agenda Item Number:** 15.

**Agenda Date:** 8/13/2020

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works

**DEPARTMENT HEAD:** Razi Hosseini, P.E., R.P.L.S.

**COUNCIL DISTRICTS IMPACTED:** Council District 2

### **SUBJECT:**

Real Estate Acquisition: Drainage Easement at 2257 Austin Highway for the Fire Station #24 Replacement Project (2017 Bond Program Project)

### **SUMMARY:**

An ordinance authorizing the acquisition through negotiation or condemnation of interests in land sufficient for project purposes for 0.029 of an acre (1,250 square feet of a 25-foot drainage easement right-of-way) of privately-owned real property located at 2257 Austin Highway within NCB 12162 LOT 16 in Council District 2 for the Fire Station #24 Replacement Project, a 2017 Bond project; declaring it to be a public project and a public necessity for the acquisition. The fair market value for the parcel is \$8,100.00 as determined by an independent appraisal.

Pursuant of enacted Texas Senate Bill (SB18), this item requires City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

### **BACKGROUND INFORMATION:**

On May 6, 2017, voters approved the 2017-2022 Bond Program authorizing \$10,000,000.00 for the construction for Fire Station #24 Replacement Project. This project will construct a new fire station to replace the existing Fire Station #24 built in 1956.

On February 5, 2018, staff acquired land located at 2265 Austin Highway where the new fire station will be constructed. The development of the Fire Station #24 site will increase the amount of impervious cover

promoting less absorption of storm water into soil and increasing the amount of storm water run-off across the adjacent property before reaching the Beitel Creek watershed. To resolve, a 25-foot drainage easement is needed to redirect storm water run-off from properties downstream of the fire station project site near Beitel Creek. The release of storm water through a underground pipe within the proposed drainage easement will allow water to enter Beitel Creek before a storm's peak flow, minimizing the impact of storm water run-off for properties downstream of the fire station project site.

## **ISSUE:**

This ordinance authorizes the acquisition through negotiation or condemnation of interests in land sufficient for project purposes of 0.029 of an acre (1,250 square feet of a 25-foot drainage easement right-of-way) of privately-owned real property at 2257 Austin Highway within NCB 12162 LOT 16 in Council District 2 for the Fire Station #24 Replacement Project, a 2017 Bond project; declaring it to be a public project and a public necessity for the acquisition. The fair market value for the parcel is \$8,100.00 as determined by an independent appraisal.

The acquisition of a 25-foot drainage easement is necessary for the completion of the Fire Station #24 Replacement Project.

The City intends to use every effort available to obtain the required drainage easement through good faith negotiations with the property owner, but may require eminent domain if the negotiations are not successful. Approval of this ordinance declares this project as a public project and allows staff, if necessary, to exercise its power of eminent domain (condemning property) as declared under Article I, Section 17 of the Texas Constitutional and Texas Local Government Code.

## **ALTERNATIVES:**

City Council could choose not to authorize the acquisition of the 25-foot drainage easement for this project; however, the adjacent property owner would then be at risk for a high volume of storm water run-off causing property damage and flooding.

## **FISCAL IMPACT:**

The fair market value for the parcel is \$8,100.00 as determined by an independent appraisal which Eckmann & Groll completed on January 17, 2020. Funds are available from the 2017 - 2022 General Obligation Bond Program and are included in the FY 2020 - 2025 Capital Improvement Program.

## **RECOMMENDATION:**

Staff recommends approval of the ordinance authorizing the acquisition through negotiation or condemnation of interests in land sufficient for project purposes for 0.029 of an acre (1,250 square feet of a 25-foot drainage easement right-of-way) of privately-owned real property for the Fire Station #24 Replacement Project, a 2017 Bond project; declaring it to be a public project and a public necessity for the acquisition.