



# City of San Antonio

## Agenda Memorandum

**File Number:**15-1325

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**Agenda Item Number:** 22.

**Agenda Date:** 4/2/2015

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Citywide

### **SUBJECT:**

Acquisition: Real Property for the (SAWS) Huebner Creek Enhanced Conveyance LC-17, Phase III Project.

### **SUMMARY:**

An Ordinance, on behalf of San Antonio Water Systems, authorizing the acquisition of interests in land sufficient for project purposes, in approximately 12 parcels of privately-owned real property at County Block 5955, 4430A and 4430, generally located along Huebner Creek between Bandera Road and Ingram Road, for the Huebner Creek: LC-17, Phase III Project through negotiation or condemnation,; and declaring it to be a public use project 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 recycle and wastewater infrastructure system to avoid conflicts with proposed Bexar County Flood Control drainage improvements and to provide sufficient sewer capacity as identified by San Antonio Water System's (SAWS) Master Planning, SAWS will be adjusting the 36-inch recycled water main and replacing the 24-inch sanitary sewer with 42-inch sanitary sewer main. The Bexar County Flood Control drainage improvements consist of widening and realigning the channel to reduce floodplain limits in surrounding residential areas. The project is generally located along a 0.9 mile alignment beginning near the intersection of Huebner Creek and the southern city limits of the City of Leon Valley, generally following in a northerly direction the course of Huebner Creek, terminating approximately 0.2 miles north of Bandera Road.

The general route for the Project pipeline is included herein as an attachment. The design phase of this project began in late 2013. Project construction is expected to begin in late 2015 and be completed in 2017.

This SAWS Project requires the acquisition of approximately 12 parcels of approximately 4.764 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 Huebner Creek LC-17, Phase III 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, authorizes the acquisition of land by SAWS for project purposes through negotiation or condemnation in approximately twelve parcels of privately-owned real property located at County Block 5955, 4430A and 4430, generally located along Huebner Creek between Bandera and Ingram, for the Huebner Creek: LC-17, Phase III Project; and declaring it to be a public project necessary for the adjustment of the SAWS recycle and sanitary sewer infrastructure system. The property acquisition of nine permanent easements and three temporary construction easements will be completed by SAWS and the property will be funded through the FY 2014 Capital Improvement Program, Wastewater Core Business, - Governmental - Wastewater Category, and the Water Resource Core Business, Recycle Water Category for the Huebner Creek Enhanced Conveyance LC-17, Phase III Project.

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 the SAWS FY 2014 Capital Improvement Program, Wastewater Core Business, -Governmental - Wastewater Category, and the Water Resource Core Business, Recycle Water Category for the Huebner Creek Enhanced Conveyance LC-17, Phase III Project.

## **RECOMMENDATION:**

Staff and SAWS recommend approval of the ordinance authorizing acquisition by negotiation or condemnation for the needed land interests for the Huebner Creek Enhanced Conveyance LC-17, Phase III Project

