



# City of San Antonio

## Agenda Memorandum

**File Number:**15-1586

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**Agenda Item Number:** 16.

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

**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 5

### **SUBJECT:**

Acquisition: Real Property for Cupples Road (Merida St. to Castroville Rd.) Project

### **SUMMARY:**

An ordinance for the Cupples Road (Merida St. to Castroville Rd.) Project, a 2012-2017 Bond project, located in Council District 5, authorizing the acquisition, through negotiation or condemnation, of approximately 0.1894 acres for interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property located in NCBs 9564, 9563, 3686 and 3685 and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$191,500.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.

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 Cupples Road (Merida St. to Castroville Rd.) Project was included in the 2012-2017 Bond Program. The Project includes the reconstruction and widening of Cupples Road from Merida Street to Castroville Road, including curbs, sidewalks, driveway approaches, and traffic and drainage improvements. Project construction is estimated to begin in November 2015 and is estimated to be completed in June 2017.

This Project requires the acquisition of 33 parcels of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Cupples Road (Merida St. to Castroville Rd.) Project.

Currently 28 of the 33 parcels have been acquired or are in the process of being acquired through negotiation. However, the remaining five parcels 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 Cupples Road (Merida St. to Castroville Rd.) Project, a 2012-2017 Bond project, located in Council District 5, will authorize the acquisition, through negotiation or condemnation, of approximately 0.1894 acres for interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property located in NCBs 9564, 9563, 3686 and 3685 and declaring it to be a public use project for the acquisition and authorizing expenditures not to exceed \$191,500.00, payable to the selected title company, for land, relocation, litigation expenses and associated title fees.

Property acquisition is a required component to complete the Cupples Road (Merida St. to Castroville Rd.) Project. Through this action, City Council authorizes the acquisition of a portion of these parcels of privately-owned real property through negotiation or condemnation.

This acquisition of privately-owned property is necessary for completion of the Cupples Road (Merida St. to Castroville Rd.) Project. Of the five parcels, three parcels include homes, with no improvements being affected other than one pecan tree. The two other parcels include a flower shop and a funeral home, with parking only being affected at the flower shop. Approval of this ordinance is a continuation of City Council policy to determine and declare certain projects necessary for public purpose and 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 is a one-time capital improvement expenditure in the amount of \$191,500.00, payable to the selected title company. Funds are available within the Cupples Road (Merida St. to Castroville Rd.) Project, from previously authorized 2012-2017 Bond Program funds, and are included in the FY 2015-FY 2020 Capital Improvement Program. The value of this acquisition is based on an appraisal performed by The Glen Company, Inc., in June and July 2014.

## **RECOMMENDATION:**

Staff recommends approval of ordinance authorizing the acquisition, through negotiation or condemnation, of interests in land sufficient for project purposes in a portion of five parcels of privately-owned real property located in Council District 5 for the Cupples Road (Merida St. to Castroville Rd.) Project, a 2012-2017 Bond

project.