



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 11

**Agenda Date:** April 3, 2025

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 9

**SUBJECT:**

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties to complete the 2022 Bond project District 9 Traffic and Mobility Improvements (Stone Oak Area).

**SUMMARY:**

An ordinance approving the acquisition through negotiation or condemnation, of interests in permanent and temporary parcels of land sufficient for project purposes of privately-owned real property and declaring the 2022 Bond Program project District 9 Traffic and Mobility Improvements (Stone Oak Area) to be a public use project and a public necessity for the acquisitions of six (6) right of way easements and four (4) temporary construction easements for the District 9 Traffic and Mobility Improvements (Stone Oak Area) project in Council District 9.

Pursuant to Texas Government Code Section 2206 et seq and Texas Property Code Chapter 21 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 7, 2022, voters approved the City's 2022 General Obligation Bond Program which authorized \$5,000,000.00 for District 9 Traffic and Mobility Improvements (Stone Oak Area) to construct Stone Oak area roadway improvements to include turn lanes, curbs, sidewalks, driveway approaches, drainage, and traffic improvements.

The project scope includes construction of turn lane bays on both southbound Hardy Oak at Stone Oak and eastbound Stone Oak at Evans Road. Operational improvements on Evans Road from Peacemaker to Barbara Bush Middle School will include the construction of new traffic signals and modifications to the existing medians along the corridor. Construction is expected to start in Fall 2025 and complete in Winter 2027.

Acquisition of property is required to complete the District 9 Traffic and Mobility Improvements (Stone Oak Area) project. The City intends to use every effort available to obtain the required land rights through good faith negotiations but may require eminent domain for title issues or if negotiations are not successful.

#### **ISSUE:**

This ordinance authorizes the acquisition, through negotiation or condemnation, of interests in a permanent parcel of land sufficient for project purposes of privately-owned real property and declaring the District 9 Traffic and Mobility Improvements (Stone Oak Area), to be a public use project and a public necessity for the acquisitions.

The City intends to use every effort available to obtain the required land rights through good faith negotiations but may require eminent domain if the negotiations are not successful or to resolve title issues. In order for the city to exercise its power of eminent domain, the City of San Antonio City Council must declare the project as a public project. 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.

#### **ALTERNATIVES:**

City Council could choose not to approve this request, however without the acquisition of property, the City will not have sufficient land to complete the improvements for the District 9 Traffic and Mobility Improvements (Stone Oak Area) project.

#### **FISCAL IMPACT:**

Funds for the District 9 Traffic and Mobility Improvements (Stone Oak Area) project are available from the 2022 General Obligation Bond Program and are included in the FY 2025 Capital Budget.

#### **RECOMMENDATION:**

Staff recommends approval.

