



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 10

**Agenda Date:** November 7, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

Real Estate Acquisition on behalf of SAWS: Declaration of public necessity for the acquisition of real property for the IH-10: Heuermann Road to La Cantera Parkway 36-inch Water Main (Phase B) Project.

**SUMMARY:**

An ordinance authorizing the acquisition, on behalf of the San Antonio Water System (SAWS), through negotiation or condemnation of real property sufficient for project purposes, involving the acquisition of nineteen (19) Permanent Water Easements and thirteen (13) Temporary Construction Easements on privately-owned real property located in the northwest quadrant of Bexar County in Council District 8, related to the IH-10: Heuermann Road to La Cantera Parkway 36-inch Water Main (Phase B) Project, declaring the project to be for public use and a public necessity for the acquisition.

This public use project is required to meet TCEQ regulations of a minimum of 35 psi during peak demands in a region experiencing significant growth and will install approximately 15,000 feet of 36-inch water main along Interstate Highway 10. Under the Texas Government Code Ann., Section 2206. et seq, (Vernon 2020), this item requires the City Council to pull the item from the Consent Agenda and initiate a motion authorizing the use of the power of eminent domain, should it be needed.

## **BACKGROUND INFORMATION:**

The IH-10: Heuermann Road to La Cantera Parkway 36-inch Water Main (Phase B) Project is located within Council District 8. The project will provide a water main along Interstate Highway 10 (IH-10) to improve pressure and reliability within pressure zone 1400W to meet the Texas Commission on Environmental Quality minimum pressure requirements. This project will install approximately 15,000 feet of 36-inch water main from the existing IH10 station, generally along IH10, to a tie-in point near Heuermann Road. Approximately 5,200 feet of that will be installed via trenchless methods to minimize impacts to the community. The design phase is scheduled to be completed in February 2025, and construction is expected to begin in June 2025, with completion in April 2028. The estimated construction cost for this project is approximately \$36,000,000.00.

SAWS intends to use every effort available to obtain the required land rights for the project through good faith negotiations but may require eminent domain if the negotiations are not successful or if the owner lacks the legal capacity to grant the necessary land rights. In order for SAWS to exercise its power of eminent domain, the City of San Antonio City Council must declare the project as a necessary public project for public use. 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.

This public use project is necessary for the installation of a new SAWS water main along Interstate Highway 10. SAWS will complete the property acquisition. Approval of this ordinance continues City Council policy to determine and declare certain projects 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.

## **ISSUE:**

This ordinance will authorize the acquisition, on behalf of the San Antonio Water System (SAWS), through negotiation or condemnation of real property sufficient for project purposes involving nineteen (19) Permanent Water Easements and thirteen (13) Temporary Construction Easements located in Council District 8, related to the IH-10: Heuermann Road to La Cantera Parkway 36-inch Water Main (Phase B) Project, and declaring the project to be for public use and a public necessity for the acquisition.

## **ALTERNATIVES:**

City Council could choose not to approve this request and require SAWS to redesign the project, increasing costs, resulting in a project delay, and potentially subjecting SAWS to a TCEQ violation, a violation of the Consent Decree, and significant fines pursuant thereto.

## **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 or through SAWS.

The project fund will finance the expenditures included in the IH-10: Heuermann Road to La Cantera Parkway 36-inch Water Main (Phase B) Project. Funded from the SAWS 2024 Capital Improvement Program, Water Delivery Core Business, Mains New—Water Category, and IH-10: Heuermann Rd. to La Cantera Parkway 36-inch Water Main (Phase B) project.

**RECOMMENDATION:**

On behalf of SAWS, staff recommends approval of this request to acquire by negotiation or condemnation the needed land interests for the project.