



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 10

Agenda Date: August 15, 2024

In Control: City Council A Session

DEPARTMENT: Public Works Department

DEPARTMENT HEAD: Razi Hosseini

COUNCIL DISTRICTS IMPACTED: District 4

SUBJECT:

Real Estate Acquisition on behalf of SAWS: Declaration of public necessity for acquiring real property for the Loop 410 @ Valley Hi Drive Bore Project.

SUMMARY:

An ordinance authorizing the acquisition, on behalf of the San Antonio Water System (SAWS), through negotiation or condemnation of interests in land sufficient for project purposes, involving the acquisition of two (2) Permanent Sewer Easements and two (2) Temporary Construction Easements on privately-owned real property located in the southwest quadrant of Bexar County in Council District 4, related to the Loop 410 @ Valley Hi Drive Bore Project, declaring the project to be for public use and a public necessity for the acquisition.

This public-use project is required to repair existing sewer lines on the southwest side of San Antonio. Pursuant to the enacted Texas Senate Bill (SB 18), these items require the City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

BACKGROUND INFORMATION:

The Loop 410 @ Valley Hi Drive Bore Project is located within Council District 4. It will consist of repairing existing sewer lines and requiring the acquisition of two (2) Permanent Sewer

Easements and two (2) Temporary Construction Easements. The design phase was completed in February 2024, and construction is expected to begin in January 2025 and be completed in August 2025. The estimated construction cost for this project is approximately \$938,000.00.

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 unsuccessful 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.

SAWS will complete the property acquisition. 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 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 interests in land sufficient for project purposes involving two (2) Permanent Sewer Easements and two (2) Temporary Construction Easements located in Council District 4, related to the Loop 410 @ Valley Hi Drive Bore Project, and declaring the project to be for public use and a public necessity for the acquisition.

ALTERNATIVES:

The City Council could choose not to approve this request and require SAWS to redesign the project, increasing costs and delaying its completion.

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 Loop 410 @ Valley Hi Drive Bore Project and is funded from the SAWS 2024 Capital Improvement Program, Wastewater Core Business, and Main Replacement—Wastewater Category line item.

RECOMMENDATION:

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

The project was reviewed and approved by the San Antonio Water System Board of Trustees on May 7, 2024.