



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 19

**Agenda Date:** December 12, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 10

**SUBJECT:**

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties to complete the 2022 Bond Program Classen Road (Classen Spur to Knollcreek Drive) project.

**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 Classen Road (Classen Spur to Knollcreek Drive), a 2022 Bond Program funded project, to be public use project and a public necessity for the acquisitions of one (1) drainage easement totaling 0.21 acres (9,228 square feet), five (5) right of way easements totaling 0.53 acres (22,914 square feet), and nine (9) temporary construction easements totaling 0.61 acres (26,563 square feet), all located along Classen Road from Classen Spur to Knollcreek Drive in NCBs 17726 in Council District 10.

Pursuant to Texas Government Code Section 2206 et seq and Texas Property Code Chapter 21, this item requires the City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

**BACKGROUND INFORMATION:**

As part of the voter approved 2022 Bond Program, \$10,000,000.00 was allocated for the Classen Road from Classen Spur to Knollcreek Drive Project. The project will construct roadway improvements, including sidewalks, curbs, driveway approaches, bicycle facilities, and other improvements as funding allows. The project will also include drainage improvements at the existing low water crossing north of Corian Springs.

Acquisition of property is required to complete the Classen Road from Classen Spur to Knollcreek 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 unsuccessful.

#### **ISSUE:**

This ordinance authorizes the acquisition, through negotiation or condemnation, of interests in permanent and temporary parcels of land sufficient for project purposes of privately owned real property, declaring the project to be a public use project and a public necessity for the acquisitions.

The City is committed to using every effort available to obtain the required land rights through good faith negotiations but may require eminent domain if the negotiations are unsuccessful 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.

This public use project is necessary to complete the Classen Road from Classen Spur to Knollcreek Drive 2022 General Obligation Bond Project.

#### **ALTERNATIVES:**

Alternatively, the 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 Classen Road from Classen Spur to Knollcreek Drive.

#### **FISCAL IMPACT:**

Funds are available from the 2022 General Obligation Bond Program included in the FY 2025 Capital Budget.

#### **RECOMMENDATION:**

Staff recommends approval of this request to authorize the acquisition, through negotiation or condemnation, of interests in land sufficient for project purposes of privately-owned real property and declaring the project to be for public use and a public necessity for the acquisitions related to the 2022 Bond Classen Road from Classen Spur to Knollcreek Drive project.

