



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 12

**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 3

**SUBJECT:**

Real Estate Acquisition: Declaration of public necessity for acquisition of real properties to complete 2022 Bond project Brookside Outfall (Esma Roadway Area Phase 2).

**SUMMARY:**

An ordinance approving the acquisition through negotiation or condemnation, of interests in permanent parcels of land sufficient for project purposes of privately-owned real property and declaring the 2022 Bond Program project Brookside Outfall (Esma Roadway Area Phase 2) to be a public use project and a public necessity for the acquisitions of portions of seven (7) private properties, which includes three (3) permanent fee simple parcels and four (4) drainage easements located within the Brookside Subdivision in for the Brookside Outfall (Esma Roadway Area Phase 2) project located in Council District 3.

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 2022-2027 General Obligation Bond Program which authorized \$4,150,000 for the construction of channel improvements, culvert replacements and associated roadway reconstruction, curbs, and driveway approaches at culvert crossings as appropriate. This is a multi-phase and Hazard Mitigation Action Plan project. Construction is anticipated to begin in Winter 2026 and be complete by Summer 2027.

Acquisition of property is required complete the Brookside Outfall (Esma Roadway Area Phase 2) 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 permanent parcels of land sufficient for project purposes of privately-owned real property and declaring the Brookside Outfall (Esma Roadway Area Phase 2) project 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 Brookside Outfall (Esma Roadway Area Phase 2) project.

#### **FISCAL IMPACT:**

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

#### **RECOMMENDATION:**

Staff recommends approval.