



# City of San Antonio

## Agenda Memorandum

**File Number:**

---

**Agenda Item Number:** 21

**Agenda Date:** December 16, 2021

**In Control:** City Council A Session

---

**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Real Estate Acquisition on behalf of SAWS: Declaration of public necessity for acquisition of real property to construct a sewer lift station

**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 approximately two permanent easements, one temporary construction easement and one access easement of privately-owned real property generally near the confluence of IH-35 and South Laredo Street, north of Cevallos and south of the Union Pacific rail spur, in the southwestern quadrant of Bexar County in New City Block 919 located in Council District 1 related to the South Laredo IH-35 Lift Station Project declaring the project to be for public use and a public necessity for the acquisition.

This public use project is required to address existing sewer systems per the Consent Decree with the EPA and operation of the SAWS sanitary sewer infrastructure systems. Pursuant to enacted Texas Senate Bill (SB 18), these items require City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

## **BACKGROUND INFORMATION:**

The South Laredo IH-35 Lift Station Project in Council District 1 was identified as part of the July 23, 2013 Consent Decree between the San Antonio Water System (SAWS) and the Environmental Protection Agency (EPA). The project will consist of constructing a sewer main and lift station. The project will require the acquisition of one permanent lift station easement, one permanent sewer line easement, one temporary construction easement and one access easement totaling four parcels. The design phase began in 2020, and construction is expected to begin in April 2022 with completion in December 2022. The estimated construction cost for this project is approximately \$750,000.00.

SAWS will continue 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. In order for SAWS to exercise its power of eminent domain, the City of San Antonio City Council must declare the projects as public projects. 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.

The public use project is necessary for improvement of sanitary sewer infrastructure systems. The property acquisition will be completed by SAWS. 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, on behalf of the San Antonio Water System (SAWS), authorizes the acquisition through negotiation or condemnation of interests in land sufficient for project purposes involving approximately two permanent easements, one temporary construction easement and one access easement of privately-owned real property generally near the confluence of IH-35 and South Laredo Street, north of Cevallos and south of the Union Pacific rail spur, in the southwestern quadrant of Bexar County in New City Block 919 located in Council District 1 related to the South Laredo IH-35 Lift Station Project declaring the project to be for public use and a public necessity for the acquisition.

SAWS will continue to use every effort available to obtain the required permanent and temporary land rights for said project through good faith negotiations but may require eminent domain if the negotiations are not successful. In order for SAWS 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 and require SAWS to redesign the project, increasing costs and resulting in the delay of the project and potentially subjecting SAWS to penalties under the Consent Decree with the EPA.

**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.

South Laredo IH-35 Lift Station Project costs are funded from SAWS FY 2021 Capital Improvement Program, Wastewater Core Business, Main Replacement - Sewer Category.

**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 outlined projects. The project was reviewed and approved by the San Antonio Water System Board of Trustees on November 2, 2021.