



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 17

**Agenda Date:** August 18, 2022

**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 to construct a new ground storage tank at the University Pump 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 one permanent easement and a fee simple parcel of privately-owned real property located at the southeast corner of Babcock Road and West Hausman Road, in the northwest quadrant of Bexar County in New City Block 14861 located in Council District 8, related to the University Pump Station Additional Lands Project declaring the project to be for public use and a public necessity for the acquisition.

This public use project is required to increase water storage capacity within pressure zones located on the northwest side of San Antonio. 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 University Pump Station Additional Land Project is located within Council District 8. Due to high growth in the northwest part of San Antonio, the University Pump Station cannot keep up with water demand as the existing water tank does not fill fast enough. The demand on the current university water tank is significant during peak times, impacting the operation of elevated water storage tanks in Pressure Zone (PZ) 1111. An additional new ground water storage tank is required to effectively transfer water from PZ 1111 to 1170, especially under maximum conditions when the existing water tank experiences increased demand.

The project will require acquiring a fee simple parcel and one (1) permanent easement. The design phase was completed in December 2021, and construction is expected to begin in January 2023 with completion in December 2024. The estimated construction cost for this project is approximately \$7.7 million and is funded from the SAWS FY 2022 Capital Improvement Program.

SAWS intends to use every effort available to obtain the necessary land rights for the project through good faith negotiations but may require eminent domain if the negotiations are unsuccessful. 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.

Approval of this ordinance is a continuation of City Council policy to determine and declare certain projects necessary for a public purpose and public use and authorizes the acquisition of private property by and through the SAWS Board of Trustees for the public project by negotiation or condemnation. This public use project is necessary for improvements to the water infrastructure. SAWS will complete the property acquisition.

#### **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 approximately one permanent easement and a fee simple parcel of privately-owned real property located at the southeast corner of Babcock Road and West Hausman Road, in the northwest quadrant of Bexar County in New City Block 14861 located in Council District 8, related to the University Pump Station Additional Lands Project declaring the project to be for public use and a public necessity for the acquisition.

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#### **ALTERNATIVES:**

City Council could choose not to approve this request and require SAWS to redesign the project, increasing costs and resulting in the project's delay and potentially subjecting SAWS to a Texas Commission on Environmental Quality (TCEQ) violation.

#### **FISCAL IMPACT:**

This ordinance does not have a financial impact on the City of San Antonio. Any condemnation costs, including awards, will be paid by or through SAWS.

University Pump Station Project costs are funded from SAWS FY 2022 Capital Improvement Program, Water Delivery Core Business, Production 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 University Pump Station project.

The San Antonio Water System Board of Trustees reviewed and approved the project on May 3, 2022.