



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 19

Agenda Date: April 6, 2023

In Control: City Council A Session

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 water main related to the IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) 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 six permanent water easements and one temporary construction easement in NCB 18333, 18338 and 16392 located along Interstate Highway 10 in Council District 8 related to the IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) project; declaring the project to be for public use and a public necessity for the acquisition.

This project is required to meet TCEQ (Texas Commission on Environmental Quality) regulations of a minimum of 35 pounds per square inch (PSI) during peak demands in a region experiencing significant growth. Pursuant to 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 SAWS IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) project will provide a water main along Interstate Highway 10 (IH-10) to improve system connectivity from the IH-10 Pump Station to the northernmost parts of the pressure zone 1400W to meet Texas Commission on Environmental Quality minimum pressure requirements. This project will install approximately 14,200 feet of 36-inch water main from an area north of Boerne Stage Road to Heuermann Road along the IH-10 corridor. The project is expected to begin at the end of 2023. The estimated construction cost for this project is approximately \$18,537,706.

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 one. 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 install a new SAWS water main along Interstate Highway 10. 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 a 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 authorizes the acquisition, on behalf of the San Antonio Water System (SAWS), through negotiation or condemnation of interests in land sufficient for project purposes involving six permanent water easements and one temporary construction easement in NCB 18333, 18338 and 16392 located along Interstate Highway 10 in Council District 8 related to the IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) project; declaring the project to be for public use and a public necessity for the acquisition.

The IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) Project located in Council District 8 is required to meet TCEQ minimum pressure requirement regulations of a minimum of 35 pounds per square in (PSI) during peak demands in a region experiencing significant growth. The project will consist of constructing a water main. The project is still under design, and construction is expected to begin at the end of 2023. The estimated construction cost for this project is approximately \$18,537,706.

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 public. 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 authorize 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.

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:

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. IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) Project costs are funded from SAWS FY 2023 Capital Improvement Program, Water and Wastewater Core Business, Main - Replacement project budget line.

RECOMMENDATION:

The San Antonio Water System Board of Trustees reviewed and approved the project on January 10, 2023.

On behalf of SAWS, staff recommends approval of this request to authorize acquisition by negotiation or condemnation for the needed land interests for the IH-10: Boerne Stage Road to Heuermann Road 36-inch Water Main (Phase A) project.