



## Legislation Text

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**File #:** Res. 2021-256R, **Version:** 1

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### **AGENDA CAPTION:**

Consider approval of Resolution 2021-256R, authorizing the use of U.S. Department of Housing and Urban Development funds for the acquisition of fee simple title to two portions of privately owned property at 1310 and 1380 River Road for drainage rights of way, a permanent slope easement and two temporary construction easements generally depicted in the exhibits attached hereto and incorporated herein for all purposes, this acquisition being necessary to advance and achieve the public use of the Blanco Riverine Flood Mitigation Project to reduce the risk of and damage from future flooding in the Blanco Gardens neighborhood; authorizing the institution of condemnation proceedings to acquire the necessary land rights to the extent negotiations are unsuccessful; and providing an effective date.

**Meeting date:** December 15, 2021

**Department:** Eng/CIP

### **Amount & Source of Funding**

**Funds Required:** [Click or tap here to enter text.](#)

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** [Click or tap here to enter text.](#)

**Account Name:** [Click or tap here to enter text.](#)

### **Fiscal Note:**

**Prior Council Action:** Section 55071 of the Texas Government Code - Blanco Riverine Property Acquisitions (November 3, 2021).

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Sustainability

[Choose an item.](#)

[Choose an item.](#)

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - [Choose an item.](#)

Environment & Resource Protection - Population Prepared for and resilient to Man-Made & Natural

Disasters

- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Stormwater Master Plan

**Background Information:**

The Blanco Riverine Flood Mitigation project is one of the CDBG-DR&MIT funded projects to provide for a reduction in flooding after the 2015 flood events. This is an approximately \$20.4M project consists of a berm/floodwall structure located between River Road and the Blanco River to contain flood waters up to the 50-year flood event; thereby preventing the Blanco River from overflowing into the Blanco Gardens neighborhood. Property acquisitions required for the project have been underway since Summer 2020. All acquisitions must be in compliance with the Texas Landowner's Bill of Rights and federal acquisition requirements in order to provide a fair resolution to the property owner.

This acquisition is necessary for the stormwater outfall and the City has been unable to reach agreement with the owner for purchase of the property interests. The property owner has retained legal representation and this resolution is necessary to continue the required process for the acquisition. The owner has been informed of the posting of this agenda item and adoption of the resolution does not preclude further negotiations with the property owner in an effort to resolve this matter.

This acquisition consists of the following:

Parcel 10 & 10A. Acquisition in Fee Simple of 1.327 Acres. Slope Easement of 0.184 Acres. Temporary Construction Easement of 0.589 Acres.

**IN ORDER FOR THE CITY COUNCIL TO APPROVE THIS ITEM, IT IS NECESSARY TO MAKE A MOTION IN THE FOLLOWING FORM:**

**“I MOVE FOR APPROVAL OF RESOLUTION NUMBER 2021-256R PURSUANT TO WHICH THE CITY OF SAN MARCOS, TEXAS AUTHORIZES THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE PROPERTY INTERESTS AT 1310 AND 1380 RIVER ROAD AND WHICH PROPERTY INTERESTS ARE MORE PARTICULARLY DESCRIBED IN SAID RESOLUTION, A COPY OF WHICH IS INCLUDED IN THE POSTED AGENDA PACKET FOR THIS MEETING,**

**INCLUDING FOR DRAINAGE RIGHTS OF WAY, A PERMANENT SLOPE EASEMENT AND TWO TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE BLANCO RIVERINE FLOOD MITIGATION PROJECT”**

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Delay for re-design and permitting of the project with potential loss of federal funding

**Recommendation:**

Staff recommends approval of this resolution.