



Legislation Text

File #: Res. 2021-255R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2021-255R, 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 1320 and 1320A River Road for drainage rights of way 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 property owner. The property owners have retained legal representation and this resolution is necessary to continue the required process for the acquisition. The owners have been notified of the posting of this item and adoption of the resolution does not preclude further negotiations in an effort to resolve this matter.

The acquisitions consist of the following:

Parcel 11. Acquisition in Fee Simple of approximately 4.60 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 2021-255R PURSUANT TO WHICH THE CITY OF SAN MARCOS, TEXAS AUTHORIZES THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE PROPERTY INTERESTS MORE PARTICULARLY DESCRIBED IN SAID RESOLUTION, COPY OF WHICH IS INCLUDED IN THE POSTED AGENDA PACKET FOR THIS MEETING, FOR DRAINAGE RIGHTS-OF-WAY 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.