



**AGENDA MEMORANDUM**  
for the City Council Meeting of June 12, 2012

**DATE:** May 10, 2012

**TO:** Ronald L. Olson, City Manager

**FROM:** Daniel Biles, P.E. Interim Director of Engineering Services  
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**Motion adopting a Resolution for the acquisition of an Avigation easement referred to as Parcel 1, needed for the CCIA Runway 17-35 Extension/Displacement Project.**

**CAPTION:**

Motion adopting a resolution authorizing the use of the power of eminent domain to acquire certain property rights to an Avigation and Hazard Easement referred to herein as Parcel 1 located in the area adjacent to State Highway 44, more specifically, for 7.80 acres being a portion of Tract 4 of the V.M. Donigan Partition recorded in Volume 501, page 228, Deed Records of Nueces County, Texas, in Corpus Christi, Texas, for public use for the Corpus Christi International Airport (CCIA) Runway Extension / Displacement Project.

**PURPOSE:** The adoption of this resolution authorizes the City to acquire avigation easements for a public aviation project using eminent domain proceedings. The City first provides owners with the Texas Landowner Bill of Rights which fully describes the eminent domain process. If the City and the landowners cannot reach an agreement on the value of the parcel and any resulting damages, then eminent domain proceedings would become necessary to acquire the parcel. This resolution establishes a public necessity for this acquisition of the parcel and authorizes initiation of eminent domain proceeding, but only in the event that they become necessary. The resolution and the motion to adopt it are required in order to comply with the new Senate Bill 18 requirements for a public record vote.

**BACKGROUND AND FINDINGS:** On May 17, 2011, City Council approved an

Ordinance appropriating \$600,000 from the Unreserved Fund Balance in Passenger Facility Charge Funds to fund Capital Improvement Projects at Corpus Christi International Airport (CCIA) identified in the FY2010-2011 Capital Budget. In addition, the ordinance changed the FY2010-2011 Capital Budget adopted by Ordinance No. 028995 to identify alternate funding sources for airport projects. These funds were to be used on an interim basis for design, environmental studies, and land acquisition costs in advance of a future award of a Federal Aviation Administrative (FAA) grant. The future FAA Grant will provide 90% of the eligible expenses with Aviation CIP funds providing the other 10%.

On the same agenda, a Motion was passed to execute a contract with KSA Engineers, Inc., of Longview, Texas for various tasks involved with the runway project development and design. Based on the location of the runway extension and FAA's recommendations, KSA Engineers determined the need for a total of six parcels comprised of three Avigation Easements and three tracts of land needed for the Runway 17-35 runway protection zone (RPZ) and runway approach lighting stations. These six individual parcels are shown on the attached Location Map as Parcels 1 through 3B. In compliance with FAA's land acquisition guidelines, City Land Acquisition staff began negotiations with three groups of landowners which are listed on the attached Parcel List. Offers of just compensation were made to all the landowners based on appraisal reports obtained by the City, a copy of which was provided to the property owners. City Land Acquisition staff has since completed negotiations with the owner of Parcels 2 and 2A and has acquired full title to the land and avigation easement. Negotiations for Parcel 1, Avigation Easement, are concluding with a final offer having been presented. In the event an agreement is not reached with the landowner, eminent domain proceedings could be required.

State law, as amended by Texas Senate Bill 18, requires all entities to follow certain procedures prior to initiating eminent domain proceedings under §21.012 of the Texas Property Code. These procedures are codified in Subchapter B, of Chapter 2206, of the Texas Government Code. The parcels are grouped into individual resolutions according to landowner groups, as permitted under Tex. Gov't Code §2206.053. City Council is requested to pass a motion to adopt each resolution individually by separate record vote, as permitted under this stated code. Other similar resolutions will be presented to City Council in the near future for parcels associated with Runway 13-31, located west of this Runway 17-35.

**ALTERNATIVES:**

No alternatives are available. Texas law requires a resolution be adopted at a public meeting by record vote prior to initiating eminent domain proceedings.

**OTHER CONSIDERATIONS:**

N/A

**CONFORMITY TO CITY POLICY:**

The resolution conforms to the City Charter, Code of Ordinances, Article X, General Powers and Provisions, Section 1.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Aviation and Engineering Departments.

**FINANCIAL IMPACT:**

Operating

Revenue

Capital

Not applicable

<b>Fiscal Year: 2011-2012</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
<b>BALANCE</b>				

Fund(s): **Not applicable**

**Comments:** Funding will be required in the future for payment of just compensation settlements to landowners. Payments and expenditures which exceed \$50,000, will require City Council approval.

**RECOMMENDATION:** Adoption of the Resolution as presented.

**LIST OF SUPPORTING DOCUMENTS:**

**Location Map**

**Parcel List**

**Resolution**