



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
danb@cctexas.com
Fred Segundo, Director of Aviation
fredS@cctexas.com

Motion adopting a Resolution for the acquisition of an Avigation easement referred to as Parcel 3 and two tracts of land referred to a Parcels 3A and 3B, 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 tract of land referred to herein as Parcels 3, 3A, and 3B located in the area adjacent to State Highway 44, more specifically, for 0.87 acres fee simple; and 14.10 acres for an Avigation Easement; both being a portion of Tracts 1 and 2 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 Runway Extension / Displacement Project.

PURPOSE: The adoption of this resolution authorizes the City to acquire fee simple tracts of land and an avigation easement 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 parcels and any resulting damages, then eminent domain proceedings would become necessary to acquire the parcels. This resolution establishes a public necessity for the acquisition of these parcels and authorizes initiation of eminent domain proceedings, 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%.

The Runway 17/35 Extension Project and Runways 13/31 Extension Project will address safety issues resulting from runway incursion incidents. A runway incursion is an incident where an unauthorized intrusion occurs into a runway by an aircraft, vehicle, person or object that creates a collision hazard. These projects are the result of the Runway Alternate Study performed in year 2011 by Jacobs Engineering that recommended decoupling the runway ends at 35 and 31, following FAA new Advisory Circular standards.

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. 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 have acquired full title to the land and avigation easement. Parcel 3 is a 14.10 acre Avigation Easement, whereas Parcels 3A and 3B total .87 acres needed in fee simple for road and access purposes. Negotiations for Parcel 3, 3A, 3B, 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

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

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**