



## AGENDA MEMORANDUM

Action Item for the City Council Meeting December 20, 2022

**DATE:** December 14, 2022

**TO:** Peter Zaroni, City Manager

**FROM:** Michael Murphy, Chief Operations Officer for Water Utilities  
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Determining Public Necessity and authorizing acquisition of property  
by eminent domain for the Inner Harbor Desalination Water Supply Project

### **CAPTION:**

One-Reading Ordinance authorizing execution of all documents necessary to acquire an underground utility easement from Union Pacific Railroad near Broadway Street and Palm Drive; declaring a public use and necessity; and authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire an underground utility easement for water supply projects across railroad right-of-way near Broadway Street and Palm Drive in a manner that does not interfere with transportation by rail carriers or operation of railroad tracks or railroad facilities

### **SUMMARY:**

The ordinance authorizes the City Manager or designee to execute all contracts and instruments provided the amounts are within Council-approved project budgets to acquire an underground utility easement crossing Union Pacific Railroad property. The cost of the easement is not expected to exceed \$50,000. In the event the City and Railroad are not able to agree to an underground crossing, this ordinance authorizes the City Manager to proceed with eminent domain proceedings in order to acquire the property interests needed for this water supply project. City Council must first determine that a public use and necessity exists for the project and then must delegate its authority to use the power of eminent domain to the City Manager. Eminent domain proceedings will be necessary only if the City and the landowner cannot reach an agreement on the terms of the property acquisition.

### **BACKGROUND AND FINDINGS:**

The City of Corpus Christi has been working on alternative water sources for decades. Following the 2011-2013 drought, the City of Corpus Christi along with stakeholders formed a group to investigate potential water sources for a new, uninterrupted water supply for the region. Following extensive evaluations of the quality, quantity, and reliability of alternative water supplies, seawater desalination was determined to be the

most safe, reliable, and cost-effective alternative.

On July 23, 2020, the City of Corpus Christi was approved to receive funding through the State Water Implementation Fund for Texas (SWIFT) loan program in an amount not to exceed \$222,475,000 from the Texas Water Development Board (TWDB) to fund the design and construction of a seawater desalination facility within the Inner Harbor to provide a future water supply.

On August 25, 2020, City Council authorized the financial agreement to accept the first part of the loan, \$11,425,000, from the TWDB. Pursuant to the plan presented to City Council, this item proceeds with Land Acquisition, Easements, Right of Ways, and Site Mitigation.

**ALTERNATIVES:**

No alternatives are available for a governmental entity to be able to use of its power of eminent domain. Under Texas law, Council must adopt a resolution or ordinance at a public meeting by a record vote delegating its authority.

**FINANCIAL IMPACT:**

No financial impact to approving this resolution.

**RECOMMENDATION:**

Staff recommends approval of resolution to acquire property for the Inner Harbor Desalination project.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance