



AGENDA MEMORANDUM

Action Item for the City Council Meeting January 28, 2020

DATE: December 26, 2019

TO: Peter Zaroni, City Manager

THRU: Steve Viera, Assistant City Manager
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Determining Public Necessity and authorizing acquisition of property by eminent domain for the La Volla Creek Detention Pond Project

CAPTION:

Resolution determining the public necessity and public use for the acquisition of fee simple property rights for a public improvement project known as the La Volla Creek Detention Pond Project; authorizing negotiation to acquire the property interests; authorizing condemnation by eminent domain to acquire fee simple property interests in approximately 132 acres of land owned by Lands Greenwood 2018 LLC located near the intersection of Saratoga Boulevard and Greenwood Drive.

SUMMARY:

This Resolution fulfills the legal requirement that a municipality, through its governing body, must first pass a vote through an ordinance or resolution which declares the public use and public necessity for a project. The passage of the Resolution by the governing body (City Council) determines that the acquisition of the property to construct the detention pond is necessary for the welfare of the City and its citizens. It also authorizes the City Manager to negotiate the acquisition of property rights and allows the City Manager to proceed with eminent domain proceedings if negotiations for parcel acquisitions should reach an impasse.

BACKGROUND AND FINDINGS:

The City of Corpus Christi has performed drainage studies to identify and better understand the causes of the flooding in the La Volla Creek watershed and the improvements that can be made for flood mitigation. In mid-2019, the City completed the La Volla Creek Excavation project, which provided incremental flooding relief. However, more systemic flood relief is still needed within the La Volla basin. A new study completed in February 2019 identified two drainage improvements projects which will provide a greater benefit to the flood mitigation efforts of La Volla Creek watershed: construction of a detention pond near the confluence of La Volla Creek and Airport Tributary Number 1 (Los Robles St.), and addition of four 12' x 7' box culverts at the intersection of North Padre Island Drive (SH 358) and Airport Tributary Number 1.

On January 15, 2019, the City Council approved a Resolution 031647 authorizing submittal of applications to the General Land Office for Community Development Block Grant Disaster Recovery (CDBG-DR) grant for post-Harvey disaster (DR-4332-2017) related recovery. In December 2019, the City staff received "OK to Proceed" from GLO with the proposed project of constructing an approximately 1,146 ac-ft of detention pond near the confluence of La Volla Creek and Airport Tributary Number 1 (Los Robles St.). This Resolution authorizes staff to negotiate to acquire the property located along the west bank of Airport Tributary No. 1 from La Volla Creek to nearly 1,000-feet south of Holly Road for constructing the detention pond.

On September 1, 2011, Texas Senate Bill 18 (SB18) was enacted and requires all entities with eminent domain authority to follow certain procedures prior to initiating eminent domain proceedings under Section §21.012 of the Texas Property Code. These new procedures are more restrictive on the condemning authorities and stipulate certain requirements. One of them is the requirement of a vote on the use of eminent domain by a governmental entity under Section 2206.052 of the Texas Government Code. This resolution and the motion to adopt it are in a form required under Senate Bill 18 and other state law requirements.

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 La Volla Creek Detention Pond project.

LIST OF SUPPORTING DOCUMENTS:

Resolution

PowerPoint Presentation