

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: April 15, 2025

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation, Discussion, and Possible Approval of a Resolution Authorizing the Use of Eminent Domain to Acquire a Portion of Zarzamora Creek, a Property Described in the Bexar County Real Property Records at Volume 4725, Pages 1637-1697 and Bexar County Appraisal District Property Identification No. 217323, Said Property Owned Wholly or Partially by the Deland Two Corporation, for Public Maintenance and Safety Improvements

SPONSOR(S): City Council

PURPOSE & BACKGROUND

The portion of Zarzamora Creek between Bandera Road and the NW Loop 410 access road is currently owned by a defunct corporation, Deland Two Corp, which ceased operations in 1999. Over the years, this area has become severely overgrown and filled with trash and debris. It has also served as an informal gathering place for unhomed individuals, resulting in the accumulation of shopping carts and hazardous materials, such as drug paraphernalia.

The neglected state of the creek poses significant health and safety risks, including:

- Obstructed downstream water flow
- Increased fire hazards
- Proliferation of vermin and bacteria
- Accumulation of silt and debris

Additionally, the unkempt condition of the creek has negatively impacted nearby businesses, whose owners have expressed concerns about its detrimental effect on customer attraction and retention.

Despite numerous attempts by the City to contact the property owner over the past 25 years, no remedial actions have been taken. As an interim measure, the City's Public Works Department, with the assistance of local volunteers, has organized annual clean-up efforts to comply with the Municipal Separate Storm Sewer System (MS4) Stormwater Permit's Best Management Practices. However, this approach is insufficient to maintain the creek's cleanliness and functionality on an ongoing basis.

Ownership of the property by the City would allow for regular maintenance, including scheduled mowing and debris removal, thereby alleviating the burden of contacting an unresponsive

property owner. This action would also address the concerns of adjacent business owners and contribute to improved community safety and aesthetics.

FISCAL IMPACT

- Possible appraisal \$3,500 (if needed)
- Survey \$3,500
- Court filing fees TBD
- Property purchase \$300 (if needed)
- Attorney fees TBD
- Ongoing Maintenance Included in the Public Works Budget (4-6 cycles per year)

The city already possesses the necessary mowing and clearing equipment. The Public Works Department plans to request an additional mower in the next fiscal year to accommodate increased job duties.

RECOMMENDATION

Staff recommends the approval of the Resolution authorizing the use of eminent domain to acquire the property for public use. The acquisition will enable the city to address safety concerns, enhance stormwater management, and support local businesses.

Motion for approval must be read out loud as follows:

“I move approval of the resolution and that the City of Leon Valley authorize the use of the power of eminent domain to acquire property described as follows:

Property described in the Bexar County Real Property Records at Volume 4725, Pages 1637-1697 and identified by the Bexar County Appraisal District Property Identification No.217323, said property being wholly or partially owned by Deland Two Corp for necessary fee simple acquisition for the purpose of, among other municipal purposes, including but not limited to a water works systems, drainage and emptying facilities, and other public uses.”

Voting Requirement: A roll call vote is required for approval.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary