

DATE ISSUED: September 18, 2002

REPORT NO.: 02-207

ATTENTION: Honorable Mayor and City Council
Docket of September 24, 2002

SUBJECT: Pump Station 30A Alternative

SUMMARY

Issue - Should the City Council authorize a condemnation action with an Order of Prejudgment Possession to acquire General Utility Easements and Temporary Construction Area permits required for completion of the subject improvement project?

Manager's Recommendation - Authorize the condemnation action for the acquisition of the necessary property rights.

Other Recommendations - None.

Fiscal Impact - Funds in the amount of \$700,000 are available in Fund 41506, Sewer Pump Station 30A Alternative; CIP No. 46-200.

BACKGROUND

The Sewer Pump Station 30A Alternative Project is located near La Jolla Village Drive and the Interstate 5 corridor, in the University City community. The project involves the installation of a new, gravity-fed sewer main, and the demolition and removal of existing Pump Station 30A . The new sewer main will be installed using tunneling methods, with conventional trenching used at areas where the shallow depth of the new line precludes tunneling. Replacement of the sewer pump station is necessary due to the fact that the existing system is aged and deteriorated, there is no back up power source to the facility in the event of power outages or disturbance, and access to the pump station facility for maintenance purposes is inadequate. Successful completion of the project will provide the surrounding community with a safe and reliable sewer infrastructure, and will greatly minimize the threat of sewer overflows or spills.

On December 10, 2001, Council adopted Resolution R-295841, authorizing the expenditure of an amount not to exceed \$700,000 from Fund 41505, CIP No. 46-200.0 (Sewer Pump Station

30A Alternative) for the acquisition of property rights required for the subject project. Property rights were subsequently acquired from three of the five affected owners, and construction commenced within these areas. Issues raised by one of the two owners in the southwest quadrant of the project area led to a realignment of the planned sewer replacement across these two parcels. This change in the improvement plans necessitated revisions to the right-of-way drawings, which in turn led to the need for new appraisals for the property rights required from these two parcels.

Updated offers have been made to the two unsigned owners for the necessary property rights. While the Real Estate Assets Department will continue negotiations with the owners, condemnation authorization is requested to insure that construction can be completed without incurring costly delays.

Eminent Domain Law requires that any person subject to condemnation proceedings be given the opportunity to speak and be heard regarding the following questions to which the Council must address itself:

1. Does the public interest and necessity require the proposed project?

Yes. Because the existing sewer main and pump station are aged and deteriorated, the installation of the new, gravity-fed sewer main, and the demolition and removal of the pump station facility are necessary to insure safe and reliable sewer service to the surrounding community, and greatly reduce the risk of sewer overflows and spills. The occurrence of a 1995 sewer spill at the pump station site has prompted frequent maintenance visits by City utility crews. This costly venture is made more difficult by the fact that access to the site can only be taken by crossing three private properties. While access easements do exist, the fact remains that ingress and egress by City crews has them driving through a commercial gas station site, and two highly-traveled parking lots, with the inherent risk of liability.

2. Is the proposed project planned or located in the manner that will be most compatible with the greatest public good and the least private injury?

Yes. The location and alignment of the new gravity-fed line is determined by the location of the existing sewer lines which will be tied into at the northern (receiving) end, and at the southern (discharge) point. Considering the topography of the area, and the elevations of the tie-in points, the projected alignment and project location are considered to be the most compatible with the greatest public good and least private injury. The proposed alignment calls for two existing lines to be replaced by a single line, thereby reducing the amount of required property rights. Maintaining depth of coverage requirements for the portions under Interstate 5, minimizing impacts to environmentally-sensitive native habitat, avoiding existing utilities, and minimizing impacts to private and public improvements and infrastructure were other determining factors for the alignment.

The initially-proposed alignment was changed at the property owners' request to reduce the impacts to their properties. Sewer utilities served by the existing system will be reconnected to the new main, including those utilities serving the impacted ownerships.

3. Is the property sought to be acquired necessary for the proposed project?

Yes. An extensive analysis was completed before arriving at the proposed alignment. Based initially on the elevation of connection points to the existing sewer main, combined with efforts to minimize impacts to the environment as well as numerous existing utilities and public and private infrastructures, it was determined that the property rights sought to be acquired are the minimum needed to provide for the installation of the new, gravity-fed sewer line. The resultant project will provide a safe and reliable sewer system to the businesses and facilities in the immediate area, as well as in the surrounding community.

ALTERNATIVE

Do not condemn for the necessary property rights, and require that the project be delayed and/or redesigned.

Respectfully submitted,

William T. Griffith Approved:
Real Estate Assets Director

Bruce Herring
Deputy City Manager

GRIFFITH/SLG/cdj