

DATE ISSUED: March 19, 2003

REPORT NO. 03-041

ATTENTION: Honorable Mayor and City Council
Docket of March 25, 2003

SUBJECT: Condemnation Proceeding Regarding Sewer Group 619 Project

SUMMARY

Issue - Should the City Council authorize a condemnation action seeking to acquire property rights necessary for the Sewer Group 619 Project.

Manager's Recommendations - Authorize the condemnation action to obtain the necessary property rights.

Other Recommendations - None

Fiscal Impact - the estimated costs of condemnation include: Value of the property rights to be acquired; Land \$40,450; title, litigation, and miscellaneous expenses \$74,550. Total \$115,000. Funds for the condemnation are available in C.I.P. No. 44-306.2

BACKGROUND

The City of San Diego has in place the sewer main replacement program in order to meet a mandate of the California Department of Health that all concrete sewer mains currently in service be replaced. To this end, the Sewer Group 619 Project (Project) involves the replacement and rehabilitation of approximately 9800 linear feet of old concrete sewer mains, including laterals and manholes in the Mission Hills and Middle Town communities within the Uptown Community Planning Area. The existing concrete sewer mains in this area were constructed prior to the 1920's and are approaching the end of their useful life. Additionally, the currently existing mains are eight inches in diameter and thus undersized for the location that they serve. In addition to the replacement and rehabilitation of existing concrete sewer mains in the area, the Project involves relocating currently existing concrete sewer mains to more accessible street locations. The replacement and relocation of these old and undersized concrete mains will provide the residents' of the Uptown Community Planning Area a safe and reliable sewage infrastructure.

Approximately 1644 of the 9800 linear feet of concrete pipe to be replaced or relocated affects nine privately owned properties within and around a canyon area extending from Sheridan

Avenue Southerly to California Street. The Project requires ten separate property rights from nine private property owners. Seven temporary construction area permits are sought within the canyon in order to allow crews access into the property to begin construction. These are strictly temporary construction permits. No permanent rights are sought within the canyon area. At the bottom of the canyon near California Street, a small section of concrete pipe, approximately 167 feet, is proposed to be abandoned and relocated from its current location underneath a private dwelling at 2010 California Street to a more accessible location on an adjoining lot at 2026 California Street. One temporary construction area permit and one permanent easement is sought from the owner at 2026 California Street and one temporary construction area permit is sought from the owner at 2010 California Street.

Through negotiations the City has acquired five temporary construction area permits within the canyon area and one permanent easement and two temporary construction area permits from the owners at 2010 and 2026 West California Street. Negotiations are on-going in order to acquire two additional temporary construction area permits from two owners within the canyon

In July, 2002, the City extended updated final offers to the two remaining property owners. The property owners, however, did not accept the offers. Although negotiations will continue with the affected property owners, condemnation is requested to insure that all the necessary property rights are acquired.

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:

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

Yes, the public interest and necessity require the proposed project. The City of San Diego has an outstanding mandate from the California Department of Health to replace all concrete sewer pipes currently in service. The Sewer Group 619 project is necessary to replace approximately 9800 linear feet of concrete pipe in the Uptown Community Planning Area, including 1644 linear feet of concrete pipe within a canyon area where nine affected private properties are located.

The sewer mains in this area were constructed in the early 1900's. They are quickly approaching the end of their useful life. This section of main has experienced problems with clogs and roots that have caused sewer back-ups into private homes and small sewer spills within the affected canyon area. In addition, the mains are eight inches in diameter and thus undersized for the location that they serve. They will be replaced with ten inch diameter pipes to better serve the community in which they are located.

In addition, relocation of specific areas of the sewer main to more accessible street locations is essential to the routine upkeep and future maintenance needs of these pipes. Currently, a small section of the pipe, approximately 167 linear feet at the bottom of the affected canyon, lies underneath a private dwelling at 2010 California Street. This severely limits access to that portion of the sewer pipe. That section of pipe is proposed to be re-located from underneath the

private dwelling onto a more accessible area on a private property at 2026 California Street.

The proposed sewer main replacement is a necessary upgrade to the currently existing sewer infrastructure. The sewer upgrade will prevent back-up and spillage problems and provide better, more efficient service to area residents. In addition, the proposed relocation of 167 linear feet of pipe from underneath a private dwelling and onto a more accessible area on an adjoining private lot will provide access to City crews in order to perform essential routine maintenance and necessary repairs to the pipe. In short, the replacement, rehabilitation and relocation of these sewer pipes insures that the Uptown Community Planning Area of San Diego will have a safe, efficient and reliable sewer infrastructure.

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

Yes, the proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury. Within the canyon, the Project proposes to replace approximately 1644 linear feet of aged and undersized concrete sewer pipe. Although the land within the canyon where the pipe lies is privately owned, it is essentially undeveloped. At the top of the canyon, there are private dwellings. At the bottom of the canyon, however, there are no structures or private development of any kind that will be affected by the replacement and rehabilitation of the currently existing concrete pipe there. In addition, there will be little, if any, imposition on the use of these undeveloped portions of private land during and after construction of the underground pipe. Only temporary rights are sought within the canyon area; no permanent rights are involved.

At the bottom of the canyon another portion of the Project proposes to replace and relocate approximately 167 linear feet of aged and undersized pipe that currently lies beneath a private dwelling at 2010 California Street. This portion of pipe is proposed to be relocated to an adjoining private lot at 2026 California Street in order to provide essential accessibility. The pipe's current location underneath the house at 2010 California severely limits access to the pipe. A sewer break to this portion of the pipe could potentially undermine the foundation of the private dwelling and cause structural damage. On the other hand, the portion of the property at 2026 California Street where the pipe is sought to be re-located is situated at the most southwesterly portion of that property and lies at the foot of a slope. There are no private structures at this location that will be impacted by the construction of the pipe. In addition, the area is located near a public street allowing ready access for maintenance and repair purposes. An added benefit will be the creation of a fire break as a result of the removal of weeds within this area.

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

Yes, the property sought to be acquired is necessary for the proposed project. The temporary construction area permits will allow crews access to the canyon area to begin replacement of the concrete sewer main which currently runs through the canyon. These permits will grant crews the right to enter the property, construct on the property, and to use or temporarily store any necessary construction equipment within the property. It is thus essential to the Project that

temporary construction area permits are obtained within the canyon area.

A primary reason for relocating the approximately 167 linear feet of sewer main at the bottom of the canyon at 2010 California street is due to its current inaccessible location beneath a private dwelling. Access to the pipe is critical to insure safety and efficiency of the sewer infrastructure in this location as it will allow City crews the ability to readily perform routine maintenance and repairs as they become necessary. The property sought to be acquired at 2026 California Street provides a readily accessible location for the pipe.

ALTERNATIVE: Do not authorize condemnation and require that the Project be abandoned, delayed or redesigned.

Respectfully Submitted,

Submitted by: WILLIAM T. GRIFFITH
Real Estate Assets Director

Approved: BRUCE A. HERRING
Deputy City Manager