



SAN ANTONIO  
RIVER AUTHORITY

# Sponsored Land Rights Issues

November 9, 2023



# San Antonio River Authority Flood Water Retention Dams



## Leon Creek Watershed

LC1 - Wildlake Dam

## Salado Creek Watershed

- SC1 - Camp Bullis Dam
- SC2 - Lewis Creek Dam
- SC4 - Blanco Rd Dam
- SC5 - Panther Springs Creek Dam
- SC6 - Hill Country Village Dam
- SC7 - Walker Ranch Dam
- SC8 - Stone Oak Park Dam
- SC9 - Classen Ranch Dam
- SC10 - Mud Creek Dam
- SC11 - Elm Creek Dam
- SC12 - Elm Waterhole Creek Dam
- SC13A - Judson Rd Dam
- SC13B - Bulverde Rd Dam
- SC15 - McAllister Park Dam

## Martinez Creek Watershed

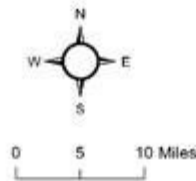
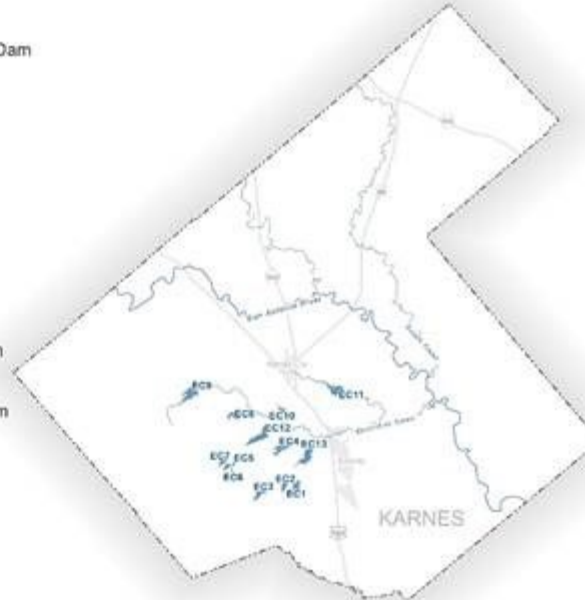
- MC1 - Binz Engelman Dam
- MC2 - Martinez Creek Dam
- MC3 - Escondido Creek Dam
- MC4 - Converse Dam
- MC5 - Live Oak Dam
- MC6A - Salatrillo Creek Dam

## Calaveras Creek Watershed

- CC3 - Calaveras Creek Dam
- CC5 - East Central Dam
- CC6 - Chupaderas Creek Dam
- CC7 - Stuart Rd Dam
- CC8 - Cooksey Rd Dam
- CC9 - Sulphur Springs Rd Dam
- CC10 - Parita Creek Dam

## Escondido Creek Watershed

- EC1 - Esse-Boehm Lake
- EC2 - Roy Young Lake
- EC3 - John Beck Lake
- EC4 - Hailey Lake
- EC5 - Robert May Lake
- EC6 - Crews Lake
- EC7 - Dunn Lake
- EC8 - Jauer Lake
- EC9 - Foegelle Lake
- EC10 - Wespahl Lake
- EC11 - Ingram Lake
- EC12 - Sam Kotara Lake
- EC13 - Willie D Pace Lake



# What is an encroachment?

- Person builds or extends an unauthorized structure or improvement onto another's property above or below the surface including aerial
- Violates another's property right including easement
- Unauthorized use



# Intent

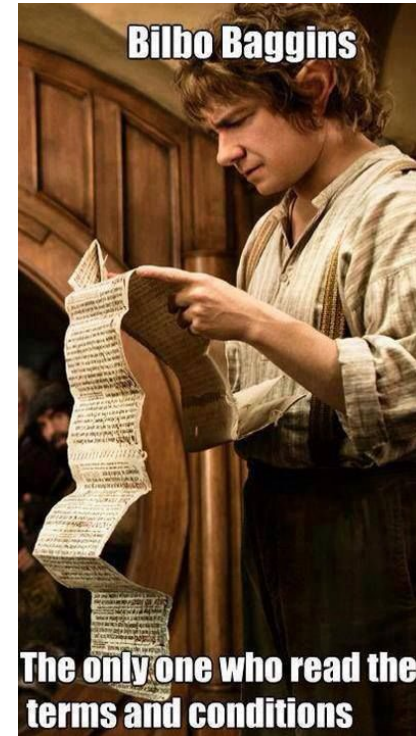
- Does not matter if it was intentional or not
- Often the person encroaching does not know they are encroaching, or they have wrong or incomplete information
- Think there is no harm done





# Strategies

- Know your property rights
- Communicate
- Educate
- Monitor
- Enforce



# Strategies

Know what your property rights are:

- Read your easements
- Property boundary line
- Survey
- Terms of easement
- Floodplain
- Who has jurisdiction?
- Special Conditions



# Communicate

Prevent Issues by:

- Communicating with property owners, developers, contractors, cities, counties, other agencies
- Maintaining relationships
- Being accessible
- Being consistent



# Educate

What most people think of as a dam:



What our dams look like:





# Educate

Why does it matter?

- Explain the impact of the encroachment
- Importance of flood control
- Violation property rights
- Federal funds limits use of property
- Other agencies involved: NRCS & TCEQ



# Educate

- Provide copies of easement, deeds, survey
- Easement refresh
- Have a process for approval of land use, declaring surplus, etc.
- Other party needs to understand any improvements are “At Risk”



# Process

- Water Code § 49.226. Sale or Exchange of Real or Personal Property
- Requires “like fair market value”
- Exception for original grantors, their heirs, assigns, survey conflicts, “insubstantial encroachments”, or over 25 yrs. upon T&C “necessary or advantageous” to district



# Process

Texas Constitution, article III, section 52(a).

- “prohibits a political subdivision's gratuitous grant of public money or a thing of value in aid of, or to any individual.”





# Process

AG Ltr. No. KP-0316 requires legitimate public purpose:

- Predominant purpose is to accomplish a public purpose not to benefit private parties;
- There are adequate public controls to ensure public purpose is accomplished and to protect the public's investment; and
- Public entities required to get consideration.



# Process

- Land Use Application & Fee must be submitted
- Reviewed to determine if the easement is or is not necessary to operations and maintenance including anticipated needs
- Processing costs are at expense of requestor (survey, etc.)
- GM is authorized to dispose of non-essential de minimis lands, which have a value of \$30,000 or less based on a broker's opinion & are less than 21,780 sq ft (1/2 acre).
- If over threshold, then Board must find that the property is not necessary, convenient or of beneficial use to River Authority.



# Monitor

- Monitor regularly and as often as possible
- Aerial/drone
- Annual inspection
- Incident response
- Check in with local county, city, utilities, and agencies



# Enforce

- Reach out and have conversations
- Document
- Options for remediation
- Legal intervention
- File lawsuit

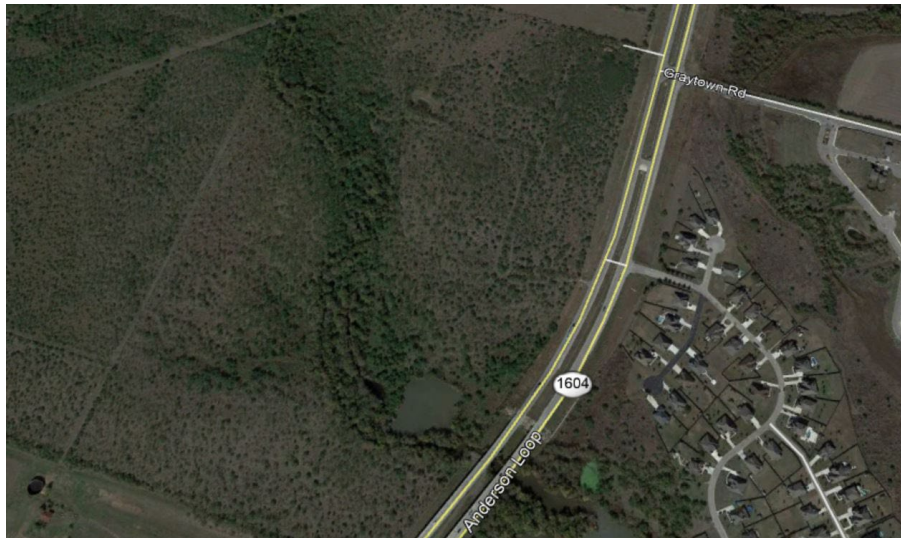




# Martinez 6A Dam

*San Antonio River Authority v. JPN, LLC and Flatiron Constructors, Inc.*

Case of illegal dumping to move property out of the floodplain



# Martinez 6A Dam

## Steps taken:

- Reached out to Property Owner, Contractor and TxDOT
- Worked with City to send Floodplain Violation letter
- Filed a lawsuit to enforce our rights under the easement
- Multiple site visits to inspect remediation work

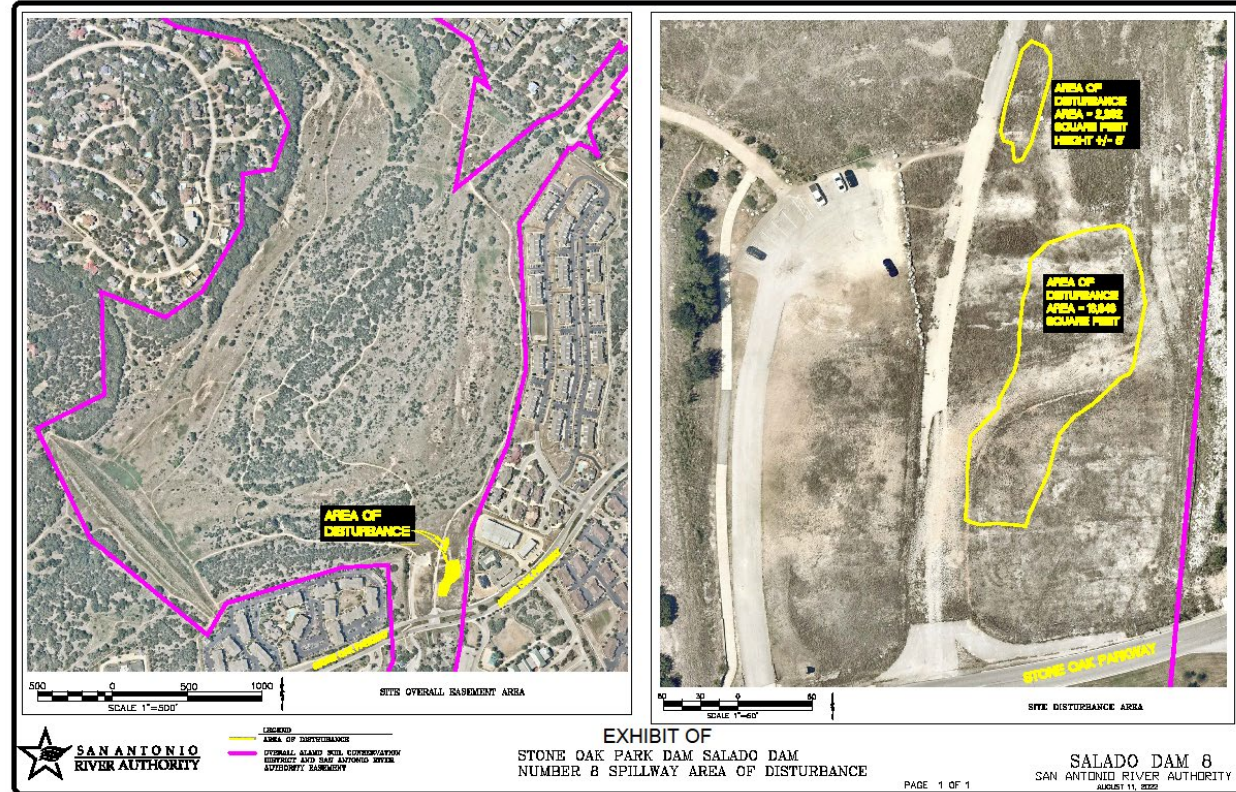




# Salado 8/Stone Oak Dam

*Stone Oak  
Property Owners  
Association, Inc. v.  
Sage-Bell  
Properties LLC*

- Case of a Developer with land in desirable area



# Salado 8/Stone Oak Dam

## Steps Taken:

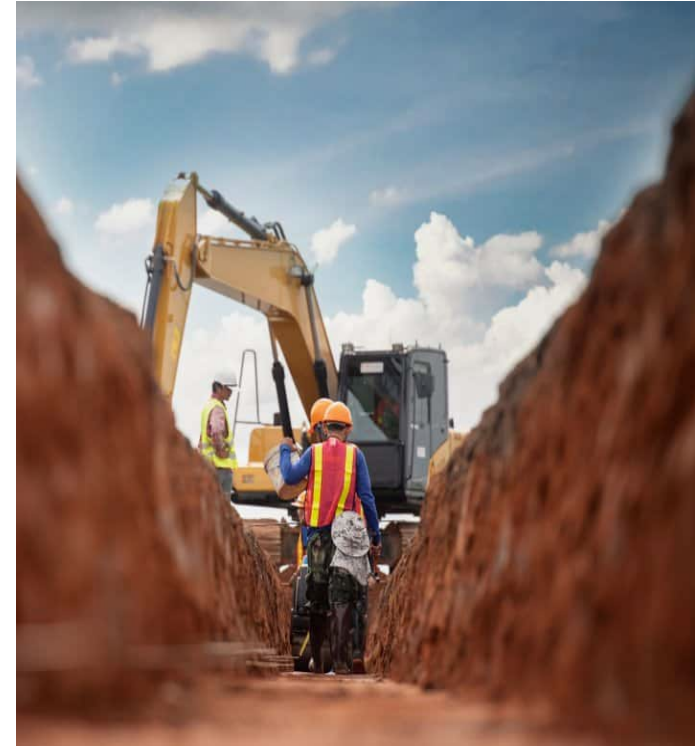
- Worked with HOA, City, Councilmember & Property Owner
- Removal of spoils
- Plans repair dam and approvals
- Still negotiating





# Pipeline Requests

- Check feasibility
- Competing government/public purpose use
- Check permits
- Address environmental issues
- Access to site
- Demand indemnity and that improvements are at their own risk and any issues are on them





Questions?

