

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

**DETERMINING THE PUBLIC USE AND THE PUBLIC NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT ELECTRIC TRANSMISSION AND DISTRIBUTION LINE EASEMENTS, AND THE ACQUISITION OF FEE SIMPLE TITLE THROUGH NEGOTIATION AND/OR CONDEMNATION BY CPS ENERGY OF CERTAIN REAL PROPERTY, FOR ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, ELECTRIC SUBSTATION FACILITY, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES LOCATED IN SOUTHERN BEXAR COUNTY BEING OUT OF NEW CITY BLOCKS 10915, 10917, 10919, 16622 AND 16623 AND COUNTY BLOCKS 4069B AND 4007, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S GAS AND ELECTRIC SYSTEMS, INCLUDING THE CPS ENERGY SOUTHTON SUBSTATION AND TRANSMISSION PROJECT LOCATED IN COUNCIL DISTRICT 3.**

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WHEREAS, the City Public Service Board of San Antonio ("CPS Energy") has determined that the acquisition of permanent and temporary easement rights to certain real properties and fee simple title to certain real property located in Bexar County, Texas are necessary and desirable for the expansion and operation of the City of San Antonio Gas and Electric Systems ("the System"), including the construction, operation and maintenance of the Southton electric transmission and distribution lines, electric substation facility, communication systems and related appurtenances ("the Project"), along the route shown by Overall Project Drawings marked "EXHIBIT A-1" and made a part hereof, and has previously budgeted funds to be expended for these purposes, an adequate part of which remains on hand for such purposes; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through CPS Energy are in the process of investigating, surveying, defining and negotiating for the acquisition of such easements, on certain real properties and fee simple title to certain real property as may be needed on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of such easement rights, and fee simple title to certain real property, it may be necessary for CPS Energy to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement agreement or deed, or, if necessary, as part of any

filings to institute proceedings in eminent domain to acquire the necessary property rights;  
**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The above caption and recitals are incorporated herein for all purposes.

**SECTION 2.** Public necessity requires that the City of San Antonio acquire permanent and temporary, easements, over, under, across, and upon certain real property (“Easement Properties”) and fee simple title to other real property (“Fee Simple Title Property”) for the public purpose of expansion and operation of the System, including the construction, operation and maintenance of the Project, along the route shown by Overall Project Drawings marked “**EXHIBIT A-1**” and made a part hereof, for the City of San Antonio Gas and Electric System. Public necessity requires the City of San Antonio to acquire the easements and fee title either through purchase or by the process of eminent domain, and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose to be served and public use addressed by this ordinance is paramount to any private or public uses that may be encountered along the route.

**SECTION 3.** The Easement Properties which are the subject of Section 2 for which permanent and temporary easements are required for the Project are described in “**A-2 through A-28 and EXHIBIT A-30**”, which Exhibits are attached to and are made a part of this Ordinance for all purposes. The Fee Simple Property which is the subject of Section 2 for which fee simple title is required for the Project is described in “**EXHIBIT A-29**”, which Exhibit is attached to and made a part of this Ordinance for all purposes.

**SECTION 4.** CPS Energy, acting by and through its attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 3 of this Ordinance and to acquire such interests in land as CPS Energy is unable to acquire through negotiation by reason of its inability to agree with the owners of the land as to the value of such interest in land, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights.

**SECTION 5.** All acts and proceedings done or initiated by the employees, agents and attorneys of CPS Energy for the acquisition of such property interest rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

**SECTION 6.** Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this

Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

**SECTION 7.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this \_\_\_ day of **October, 2017.**

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Leticia M. Vacek, City Clerk**

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**Andrew Segovia, City Attorney**