

AN ORDINANCE

AN ORDINANCE DETERMINING THE PUBLIC NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS, FEE SIMPLE TITLE, ACCESS EASEMENTS, AND PROPERTY EXCHANGES THROUGH NEGOTIATIONS AND/OR CONDEMNATION BY THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO OF PRIVATELY OWNED REAL PROPERTY IN NORTHWEST BEXAR COUNTY, TEXAS FOR EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO ELECTRIC SYSTEM, INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A SUBSTATION, ELECTRIC TRANSMISSION LINES, DISTRIBUTION LINES, COMMUNICATION SYSTEMS, AND RELATED APPURTENANCES.

WHEREAS, the City Public Service Board of San Antonio (“CPS Energy”) has determined that the acquisition of permanent and temporary easement rights, fee simple title, and access easement rights, (the “Property Rights”) over, across, upon, and under certain real properties located in Bexar County, Texas are necessary and desirable to satisfy the power needs and to enhance reliability of CPS Energy’s electric system (the “System”), including within northwest Bexar County, Texas, which includes the construction, operation and maintenance of a substation, electric transmission lines, distribution lines, and related appurtenances, along the route shown by the Overall Project Drawing marked “Exhibit 1” attached hereto and made a part of this Ordinance for all purposes (the “Scenic Loop Project”). CPS Energy 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, appraising, and negotiating for the acquisition of the Property Rights as may be needed on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of the Property Rights, 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, deed, other legal instrument, 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 use and necessity requires that the City of San Antonio construct, operate, and maintain the Scenic Loop Project for the public purpose of the expansion and operation of the System.

SECTION 3. Public use and necessity requires that the City of San Antonio acquire Property Rights over, across, upon, and under certain real properties (the “Easement Properties”) either through purchase or by the process of eminent domain for the public purpose of the expansion and operation of the System, including the construction, operation, and maintenance of the Scenic Loop Project, along the route shown by Overall Project Drawing marked “Exhibit 1” attached hereto and made a part of this Ordinance for all purposes.

SECTION 4. The Easement Properties which are the subject of Section 2 for which the Property Rights are required for the Project are collectively described in “Exhibit 2” inclusive, which Exhibit is attached hereto and are made a part of this Ordinance for all purposes.

SECTION 5. 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 this Ordinance to acquire such interests in land as CPS Energy is unable to acquire through negotiated purchases 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 6. All acts and proceedings done or initiated by the employees, agents and attorneys of CPS Energy for the acquisition of the Property Rights, including any potential route adjustments, and acquisition of access easements or temporary construction easements determined to be needed, 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 have been or are being acquired.

SECTION 7. 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 8. 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 _____, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY