

AN ORDINANCE 100325

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE CAGNON TO KENDALL PROJECT IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN THE FOLLOWING AREAS OF BEXAR AND MEDINA COUNTIES, TEXAS: BEXAR COUNTY: SAN ANTONIO DITCH CO. SURVEY NO. 64, ABSTRACT NO. 871, COUNTY BLOCK 4335, WILLIAM PAGE SURVEY NO. 188, ABSTRACT 594, COUNTY BLOCK 4334, BENJAMIN ODLUM SURVEY NO. 200, ABSTRACT NO. 865, COUNTY BLOCK 4338, ROBERT LEWIS SURVEY NO. 63, ABSTRACT NO. 422, COUNTY BLOCK 4341, M. LEAL SURVEY NO. 298, ABSTRACT NO. 444, COUNTY BLOCK 4350, A. FITZGERALD SURVEY NO. 268, ABSTRACT NO. 236, COUNTY BLOCK 4355, MANUEL LEAL SURVEY NO. 299, ABSTRACT NO. 443, COUNTY BLOCK 4357, JOHANN PFEIFFER SURVEY NO. 7, ABSTRACT NO. 1018, COUNTY BLOCK 4349, JOSE MUSQUIZ SURVEY NO. 300 $\frac{3}{4}$, ABSTRACT NO. 1149, COUNTY BLOCK 4368, JUAN TALAMANTES SURVEY NO. 300 $\frac{1}{3}$, ABSTRACT NO. 1030, COUNTY BLOCK 4369, S. MUSQUIZ SURVEY NO. 300 $\frac{1}{6}$, ABSTRACT NO. 1084, COUNTY BLOCK 4371, T. QUINTERA SURVEY NO. 300, ABSTRACT NO. 978, COUNTY BLOCK 4353, R. CARASCO SURVEY 101, ABSTRACT NO. 1195, COUNTY BLOCK 4376, C.C.S.D. & R.G.N.G.R.R. SURVEY NO. 207, ABSTRACT 887, COUNTY BLOCK 4381, L. BRAUN SURVEY NO. 34, ABSTRACT NO. 1277, COUNTY BLOCK 4380, JOHN FITZGERALD SURVEY NO. 33, ABSTRACT 1290, COUNTY BLOCK 4402, JOSE JACINTO GONZALES SURVEY NO. 255, ABSTRACT NO. 269, COUNTY BLOCK 4404, PAULINO DE LA GARZA SURVEY NO. 373, ABSTRACT NO. 1292, MRS. S. E. THOMASON SURVEY NO. 403, ABSTRACT NO. 1189, COUNTY BLOCK 4454, TYLER TAP R.R. CO. SURVEY NO. 385, ABSTRACT NO. 917, COUNTY BLOCK 4455, PABLO SOLIS SURVEY NO. 176 $\frac{3}{4}$, ABSTRACT NO. 700, COUNTY BLOCK 4489, GEORGE W. GARNETT SURVEY NO. 176 $\frac{1}{2}$, ABSTRACT NO. 287, COUNTY BLOCK 4494, JOHN B. MCMICHAEL SURVEY NO. 1, ABSTRACT NO. 1085,

COUNTY BLOCK 4498, HEINRICH DAHME SURVEY NO. 176 1/10, ABSTRACT NO. 204, COUNTY BLOCK 4512, JESUS ZERNA SURVEY NO. 277, ABSTRACT NO. 829, COUNTY BLOCK 4508, FRANK R. FEILLE SURVEY NO. SF 11858, ABSTRACT NO. 1270, COUNTY BLOCK 5580, AUGUSTIN CHAVES SURVEY NO. 181, ABSTRACT NO. 1223, COUNTY BLOCK 4509, CHARLES A. BIHL. JR. SURVEY NO. 2, ABSTRACT NO. 1216, COUNTY BLOCK 4510, G.C. & S.F.R.R. CO. SURVEY NO. 1, ABSTRACT NO. 1158, COUNTY BLOCK 4585, ESMEREGILDO RUIZ SURVEY NO. 406, ABSTRACT NO. 642, COUNTY BLOCK 4582, ADOLPHO ZEPEDA SURVEY NO. 407, ABSTRACT NO. 1125, COUNTY BLOCK 4584, J. A. MORALES SURVEY NO. 405 1/5, ABSTRACT NO. 1139, COUNTY BLOCK 4579, J. A. MORALES SURVEY NO. 405 1/2, ABSTRACT NO. 1139, COUNTY BLOCK 4579, H. & G.N.R.R. CO. SURVEY NO. 417, ABSTRACT NO. 357, COUNTY BLOCK 4659, LARKIN SMITH SURVEY NO. 2, ABSTRACT NO. 1135, COUNTY BLOCK 4666, C.C.S.D. & R.G.N.G.R.R. CO. SURVEY NO. 1, ABSTRACT NO. 999, COUNTY BLOCK 4620, M. H. DE MORALLA SURVEY NO. 921, ABSTRACT NO. 1132, COUNTY BLOCK 4617, LORENZO MORALES SURVEY NO. 920, ABSTRACT NO. 1130, COUNTY BLOCK 4597A, JULIAN LOPEZ SURVEY NO. 937, ABSTRACT NO. 901, COUNTY BLOCK 4597, S. FLORES SURVEY, ABSTRACT NO. 1193, COUNTY BLOCK 4583, CORNELIA MORALES SURVEY NO. 922, ABSTRACT NO. 1131, COUNTY BLOCK 4595, CESARIO MENCHACA SURVEY NO. 181 ½, ABSTRACT NO. 541, COUNTY BLOCK 4598, LOWER PINTO IRRIG. A & M CO. SURVEY NO. 901, ABSTRACT NO. 456, COUNTY BLOCK 4665, SIMON MONTALVO SURVEY NO. 418, ABSTRACT NO. 484, COUNTY BLOCK 4660, FRANCISCO NUNEZ SURVEY NO. 484, ABSTRACT NO. 556, COUNTY BLOCK 4653, BEATY, SEALE & FORWOOD SURVEY NO. 487, ABSTRACT NO. 111, COUNTY BLOCK 4654, SIMON MONTALVO SURVEY NO. 417, ABSTRACT NO. 483, COUNTY BLOCK 4661, AGAPITO GAYTON SURVEY NO. 409, ABSTRACT NO. 289, COUNTY BLOCK 4650, KENDALL AND MONTGOMERY SURVEY NO. 482, ABSTRACT NO. 413, COUNTY BLOCK 4649, ANSELMO PRU SURVEY NO. 189, ABSTRACT NO. 575, COUNTY BLOCK 4648, J. J. SANCHEZ SURVEY NO. 480, ABSTRACT NO. 671, COUNTY BLOCK 4651, AND THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 123, COUNTY BLOCK 4680; MEDINA COUNTY: BERIANA SANDOVAL SURVEY NO. 40, ABSTRACT NO. 840, JOHN FITZGERALD SURVEY NO. 33, ABSTRACT NO. 380, JOSE

J. GONZALES SURVEY NO. 255, ABSTRACT NO. 408, PAULINO DE LA GARZA SURVEY NO. 373, ABSTRACT NO. 449, JAMES M. GLENN SURVEY NO. 255 ¼, ABSTRACT NO. 442, MRS. S. E. THOMASON SURVEY NO. 403, ABSTRACT NO. 1476, I. & G.N.R.R. CO. SURVEY NO. 255 ¾, ABSTRACT NO. 1466, H. DAHME SURVEY NO. 256 ¾, ABSTRACT NO. 1899, AND THE JAMES M. GLENN SURVEY NO. 256 ½, ABSTRACT NO. 442; FOR THE PUBLIC PURPOSES OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES FOR THE CAGNON TO KENDALL ELECTRIC TRANSMISSION AND DISTRIBUTION LINES PROJECT FOR THE CITY OF SAN ANTONIO GAS AND ELECTRIC SYSTEM; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SUCH EASEMENTS AND RIGHTS OF INGRESS AND EGRESS; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO INVESTIGATE, SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY EASEMENT RIGHTS; AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

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WHEREAS, the City Public Service Board of San Antonio ("CPS") has determined that the acquisition of easement rights and related rights of ingress and egress to certain privately owned real properties located in Bexar, and Medina Counties, Texas are necessary and desirable for the construction, operation and maintenance of electric transmission and distribution lines, communication systems and related appurtenances for the Cagnon to Kendall Electric Transmission and Distribution Lines Project, along the route shown by Overall Project Drawing marked "Exhibit A - 1" and made a part hereof, for the City of San Antonio Gas and Electric System, 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, are in the process of investigating, surveying, defining and negotiating for the acquisition of such easements and rights of ingress and egress to certain privately owned real properties as may be needed on behalf of CPS and the City of San Antonio; and

WHEREAS, in connection with the acquisition of such easement rights and rights of ingress and egress to certain privately owned real property, it may be necessary for CPS 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, 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. Public necessity requires that the City of San Antonio acquire easements over, under, across, and upon certain privately owned real property either through purchase or by the process of eminent domain, for the public purpose of the construction, operation and maintenance of electric transmission and distribution lines, communication systems and related appurtenances for the Cagnon to Kendall Electric Transmission and Distribution Lines Project, along the route shown by Overall Project Drawing marked "Exhibit A - 1" and made a part hereof, for the City of San Antonio Gas and Electric System. The public purpose to be served by the Project is paramount to any conservation easements or other public easements that may be encountered along the route. Public necessity also requires the City of San Antonio to acquire the right of ingress and egress over and across certain lands, either through purchase or by the process of eminent domain for the same public purpose, 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 easements and rights of ingress and egress.

SECTION 2. The properties which are the subject of Section 1 for which easement rights are required for the construction, operation and maintenance of electric transmission and distribution lines, communication systems and related appurtenances for the Cagnon to Kendall Electric Transmission and Distribution Lines Project, are described in "Exhibit A - 2" through "Exhibit A - 12 - 1", inclusive and "Exhibit A - 12 - 2" through "Exhibit A - 53", inclusive, which are attached to and are made a part of this Ordinance for all purposes. The properties which are the subject of Section 1 for which only rights of ingress and egress are required for the Cagnon to Kendall Electric Transmission and Distribution Lines Project are described in "Exhibit A - 54" through "Exhibit - 80," inclusive which are attached to and made a part of this Ordinance for all purposes.

SECTION 3. CPS, 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 2 of this Ordinance and to acquire such interests in land as CPS 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 4. All acts and proceedings done or initiated by the employees, agents and attorneys of CPS for the acquisition of such property interests 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 parties from whom such rights are being purchased or acquired.

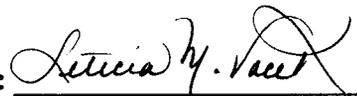
SECTION 5. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall 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 6. This ordinance shall be effective on the tenth day after passage.

PASSED AND APPROVED this 21st day of January, 2005.



MAYOR
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
CITY ATTORNEY

Agenda Voting Results

Name: 5A.

Date: 01/21/05

Time: 01:30:33 AM

Vote Type: Multiple selection

Description: An Ordinance declaring a public necessity for the acquisition of electric transmission and distribution lines easements and related rights of ingress and egress for the Cagnon to Kendall Project in certain privately owned real property located in the following areas of Bexar and Medina Counties, Texas:

BEXAR COUNTY: San Antonio Ditch Co. Survey No. 64, Abstract No. 871, County Block 4335, William Page Survey No. 188, Abstract 594, County Block 4334, Benjamin Odlum Survey No. 200, Abstract No. 865, County Block 4338, Robert Lewis Survey No. 63, Abstract No. 422, County Block 4341, M. Leal Survey No. 298, Abstract No. 444, County Block 4350, A. Fitzgerald Survey No. 268, Abstract No. 236, County Block 4355, Manuel Leal Survey No. 299, Abstract No. 443, County Block 4357, Johann Pfeiffer Survey No. 7, Abstract No. 1018, County Block 4349, Jose Musquiz Survey No. 300 $\frac{3}{4}$, Abstract No. 1149, County Block 4368, Juan Talamantes Survey No. 300 $\frac{1}{3}$, Abstract No. 1030, County Block 4369, S. Musquiz Survey No. 300 $\frac{1}{6}$, Abstract No. 1084, County Block 4371, T. Quintera Survey No. 300, Abstract No. 978, County Block 4353, R. Carasco Survey 101, Abstract No. 1195, County Block 4376, C.C.S.D. & R.G.N.G.R.R. Survey No. 207, Abstract 887, County Block 4381, L. Braun Survey No. 34, Abstract No. 1277, County Block 4380, John Fitzgerald Survey No. 33, Abstract 1290, County Block 4402, Jose Jacinto Gonzales Survey No. 255, Abstract No. 269, County Block 4404, Paulino De La Garza Survey No. 373, Abstract No. 1292, Mrs. S. E. Thomason Survey No. 403, Abstract No. 1189, County Block 4454, Tyler Tap R.R. Co. Survey No. 385, Abstract No. 917, County Block 4455, Pablo Solis Survey No. 176 $\frac{3}{4}$, Abstract No. 700, County Block 4489, George W. Garnett Survey No. 176 $\frac{1}{2}$, Abstract No. 287, County Block 4494, John B. McMichael Survey No. 1, Abstract No. 1085, County Block 4498, Heinrich Dahme Survey No. 176 $\frac{1}{10}$, Abstract No. 204, County Block 4512, Jesus Zerna Survey No. 277, Abstract No. 829, County Block 4508, Frank R. Feille Survey No. SF 11858, Abstract No. 1270, County Block 5580, Augustin Chaves Survey No. 181, Abstract No. 1223, County Block 4509, Charles A. Bihl. Jr. Survey No. 2, Abstract No. 1216, County Block 4510, G.C. & S.F.R.R. Co. Survey No. 1, Abstract No. 1158, County Block 4585, Esmeregildo Ruiz Survey No. 406, Abstract No. 642, County Block 4582, Adolpho Zepeda Survey No. 407, Abstract No. 1125, County Block 4584, J. A. Morales Survey No. 405 $\frac{1}{5}$, Abstract No. 1139, County Block 4579, J. A. Morales Survey No. 405 $\frac{1}{2}$, Abstract No. 1139, County Block 4579, H. & G.N.R.R. Co. Survey No. 417, Abstract No. 357, County Block 4659, Larkin Smith Survey No. 2, Abstract No. 1135, County Block 4666, C.C.S.D. & R.G.N.G.R.R. Co. Survey No. 1, Abstract No. 999, County Block 4620, M. H. De Moralla Survey No. 921, Abstract No. 1132, County Block 4617, Lorenzo Morales Survey No. 920, Abstract No. 1130, County Block 4597A, Julian Lopez Survey No. 937, Abstract No. 901, County Block 4597, S. Flores Survey, Abstract No. 1193, County Block 4583, Cornelia Morales Survey No. 922, Abstract No. 1131, County Block 4595, Cesario Menchaca Survey No. 181 $\frac{1}{2}$, Abstract No. 541, County Block 4598, Lower Pinto Irrig. A & M Co. Survey No. 901, Abstract No. 456, County Block 4665, Simon Montalvo Survey No. 418, Abstract No. 484, County Block 4660, Francisco Nunez Survey No. 484, Abstract No. 556, County Block 4653, Beaty, Seale & Forwood Survey No. 487, Abstract No. 111, County Block 4654, Simon Montalvo Survey No. 417, Abstract No. 483, County Block 4661, Agapito Gayton Survey No. 409, Abstract No. 289, County Block 4650, Kendall and Montgomery Survey No. 482, Abstract No. 413, County Block 4649, Anselmo Pru Survey No. 189, Abstract No. 575, County Block 4648, J. J. Sanchez Survey No. 480, Abstract No. 671, County Block 4651, and the Antonio Cruz Survey No. 170, Abstract No. 123, County Block 4680; and

MEDINA COUNTY: Beriana Sandoval Survey No. 40, Abstract No. 840, John Fitzgerald Survey No. 33, Abstract No. 380, Jose J. Gonzales Survey No. 255, Abstract No. 408, Paulino De La Garza Survey No. 373, Abstract No. 449, James M. Glenn Survey No. 255 $\frac{1}{4}$, Abstract No. 442, Mrs. S. E. Thomason Survey

No. 403, Abstract No. 1476, I. & G.N.R.R. Co. Survey No. 255 ³/₄, Abstract No. 1466, H. Dahme Survey No. 256 ³/₄, Abstract No. 1899, and the James M. Glenn Survey No. 256 ¹/₂, Abstract No. 442;

for the public purposes of the construction, operation and maintenance of electric transmission and distribution lines, communication systems and related appurtenances for the Cagnon to Kendall Electric Transmission and Distribution Lines Project for the City of San Antonio Gas and Electric System; authorizing all appropriate action of the City Public Service Board of San Antonio in the institution and prosecution of condemnation proceedings to acquire any such needed easements and related rights of ingress and egress that cannot be acquired through negotiation; ratifying and affirming all prior acts and proceedings done or initiated by attorneys, agents and employees of the City Public Service Board to acquire such easements and rights of ingress and egress, authorizing all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary easement rights, and declaring the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
CARROLL SCHUBERT	DISTRICT 9		x		
CHRISTOPHER "CHIP" HAAS	DISTRICT_10			x	
MAYOR ED GARZA	MAYOR		x		