

AN ORDINANCE 2006-06-29-0776

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS AND FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTIES FOR THE EXPANSION AND OPERATION OF CITY OF SAN ANTONIO GAS AND ELECTRIC SYSTEM, ("THE SYSTEM"), INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE CAGNON TO LYTLE ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, SUBSTATION PROPERTIES, AND COMMUNICATION SYSTEMS AND RELATED APPURTENANCES, ("THE PROJECT"), IN CERTAIN PRIVATELY OWNED REAL PROPERTIES LOCATED IN THE FOLLOWING AREAS OF BEXAR AND MEDINA COUNTIES, TEXAS:

BEXAR:

San Antonio Ditch Company (sometimes referred to as San Antonio Ditch Co.) Survey No. 64, Abstract 871, County Block 4335, Johann Pfeiffer Survey No. 7, Abstract 1018, County Block 4349, Juan P. Talamantes Survey No. 300 1/3, Abstract 1030, County Block 4369, M. Hernandez (sometimes referred to as Miguel Hernandez) Survey No. 300 1/4 (sometimes incorrectly referred to as Survey No. 300 1/2), Abstract 1052, County Block 4372, Elizabeth Davis Survey No. 6, Abstract 1001, County Block 4348, Singleton Thompson (sometimes referred to as S. Thompson and S. T. Thompson), Survey No. 25 3/4 (incorrectly referred to in deed as old survey No. 25, once patented to Jesse Thompson, but patent cancelled and now new Survey No. 25 3/4 granted to Jesse S. Thompson [sometimes incorrectly referred to as Jesse S. Tompson]) (referred to in deed as Cert. 105, Patent 494, Vol. 4, dated June 21, 1883), Abstract 981, County Block 4282, Socorro Farming Company (sometimes referred to as Socoro Farming Company) Survey No. 15 (sometimes referred to as Survey No. 15 1/2), Certificate No. 35/214, Abstract 1022, County Block 4323, M. W. Bumstead Survey No. 25 1/2 (sometimes incorrectly referred to in deeds as W. M. Bumstead), Abstract 951, County Block 4281, Caroline Logan (sometimes referred to as C. Logan) Survey No. 25 1/8, Abstract 1012, County Block 4275, J. P. Houghton Survey No. 25 3/8, Abstract 1010, County Block 4274, and Hardin Vickery (sometimes referred to as H. Vickery) Survey No. 25 5/8, Abstract 1032, County Block 4273.

MEDINA:

Elizabeth Davis Survey No. 6, Abstract 1447, G. Casias (sometimes referred to as Graviel Casias) Survey No. 112, Abstract 1256. Mary E. Gage Survey No. 395, Abstract 1277, J. S. Collard (sometimes incorrectly referred to as J. B. Collard) Survey No. 41 1/4, Abstract 1253, I. & G.N.R.R. Co. Survey No. 1/17, Abstract 1215, I. & G.N.R.R. Survey No. 2/17, Abstract 1214, I & G.N.R.R. Survey No. 3/17, Abstract 1213, J. W. Howard Survey No. 15 1/4, Abstract 1464, James T. Denman (sometimes referred to as James T. Dunman) Survey No. 3, Abstract 1446, James H. Bowman (sometimes referred to as J. H. Bowman) Survey No. 15 1/2, Abstract 1438 and Socorro Farming Company (incorrectly referred to in deed as Socoro Farming Company) Survey No. 15, Certificate No. 35/214, Abstract 1022.

FOR THE PUBLIC PURPOSES OF THE EXPANSION AND OPERATION OF THE SYSTEM, INCLUDING THE PROJECT FOR THE 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 AND FEE

SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTIES 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, RIGHTS OF INGRESS AND EGRESS, AND FEE PROPERTIES.

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WHEREAS, the City Public Service Board of San Antonio ("CPS Energy") has determined that the acquisition of easement rights, related rights of ingress and egress to certain privately owned real properties and fee simple title to certain privately owned real properties located in Bexar, and Medina Counties, Texas are necessary and desirable for the expansion and operation of the City of San Antonio Gas and Electric System, ("the System"), including the construction, operation and maintenance of the Cagnon to Lytle electric transmission and distribution lines, substation properties, communication systems and related appurtenances ("the Project"), along the route shown by Overall Project Drawing 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 and rights of ingress and egress to certain privately owned real properties and fee simple title to certain privately owned real properties as may be needed on behalf of 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, and fee simple title to certain privately owned real properties, 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. Public necessity requires that the City of San Antonio acquire easements over, under, across, and upon certain privately owned real property ("Easement Properties") and fee simple title to other privately owned real properties ("Fee Simple Title Properties") 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 Drawing marked "Exhibit A - 1" and made a part hereof, for the City of San Antonio Gas and Electric System. Public necessity also requires the City of San Antonio to acquire the right of ingress and egress over and across certain lands ("Ingress and Egress Properties"), 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.

SECTION 2. The Easement Properties which are the subject of Section 1 for which easements are required for the Project are described in "Exhibits A - 2 through A - 37" inclusive, which Exhibits are attached to and are made a part of this Ordinance for all purposes. The Ingress and Egress Properties which are the subject of Section 1 for which ingress and egress rights are required for the Project are described in "Exhibits A - 38 through A - 44" inclusive, which Exhibits are attached to and made a part of this Ordinance for all purposes. The Fee Simple Properties which are the subject of Section 1 for which fee simple title is required for the Project are described in "Exhibits A - 45 through A - 47", inclusive, which Exhibits are attached to and made a part of this Ordinance for all purposes.

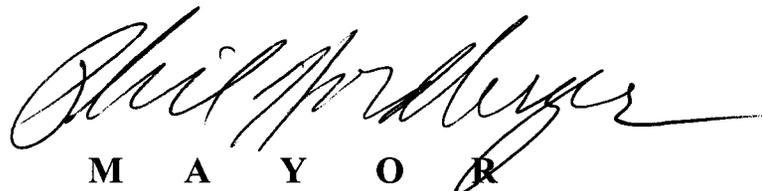
SECTION 3. CPS Energy, acting by and through its attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 2 of this Ordinance and to acquire such interests in land as CPS Energy is unable to 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 4. All acts and proceedings done or initiated by the employees, agents and attorneys of CPS Energy 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 grantors 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 29th day of June, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY