

**CITY OF SAN ANTONIO**  
**INTERDEPARTMENTAL MEMORANDUM** **CONSENT AGENDA**  
ITEM NO. 16

**TO:** Mayor and City Council

**FROM:** Fidel Marquez, Senior Vice President, Electric Transmission and Distribution Systems, City Public Service

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Melissa Byrne Vossmer, Assistant City Manager; Andrew Martin, City Attorney; Thomas G. Wendorf, P.E., Director of Public Works: File

**SUBJECT:** Ordinance Declaring a Public Necessity for the Acquisition of an electric transmission and distribution lines easement on certain privately owned real property located in Bexar, County, Texas

**DATE:** April 10, 2003

**SUMMARY AND RECOMMENDATION**

This Ordinance declares a public necessity for the acquisition of an electric transmission and distribution lines easement and a temporary construction easement over, across, and upon certain privately owned real property located in Bexar County, Texas for the public purpose of the construction, reconstruction, refurbishment, operation and maintenance of the Leon Creek to Pleasanton Electric Transmission and Distribution Lines Project, and communications system and related appurtenances.

It is necessary that Council determine that a public necessity exists prior to the taking of these easements.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

The requested ordinance would authorize any condemnation action necessary to acquire a formal transmission and distribution lines easement and a temporary construction easement for the Leon Creek to Pleasanton Project. CPS will continue to try to acquire such property through negotiated purchase, but by this Ordinance, the City of San Antonio, acting through CPS, will have the authority to condemn the property if needed.

The Leon Creek to Pleasanton Project is a project to reconstruct electric transmission and distribution lines that will provide CPS with a more reliable source for electric service to its customers in the southwestern section of Bexar County, Texas. This electric transmission line has been in existence since approximately 1925 and was purchased by CPS from Comal Power Company. The transmission line is being rebuilt to replace existing H-frame wooden structures with steel poles and to upgrade the wire. Through research of the existing easements assigned to CPS from Comal Power Company, it was discovered that an instrument formally dedicating an easement for these purposes could not be located for a particular section of the line. We have been unsuccessful in our attempts to

negotiate a formal easement with the landowner of this section of the line and are therefore requesting condemnation approval. CPS is requesting that this item be placed on the April 10, 2003 Agenda for Council action. Construction of the transmission and distribution lines is ongoing. Completion of this project is required quickly to meet peak demands for this portion of the CPS service area with the need for property acquisition to be completed prior to construction completion. This line is currently out of service with the need for it to go back in service as part of the Texas transmission grid prior to the reconstruction of another CPS transmission line located in Wilson County, Texas.

### POLICY ANALYSIS

All environmental issues, including archeological and historical issues, have been addressed. Tree issues have been addressed where possible to minimize tree removal for construction purposes.

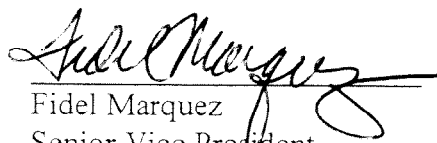
### FINANCIAL IMPACT


Funds for the construction of the transmission and distribution lines and easement acquisition are provided for in the CPS Construction Budget No. 311, Project No. T0002.

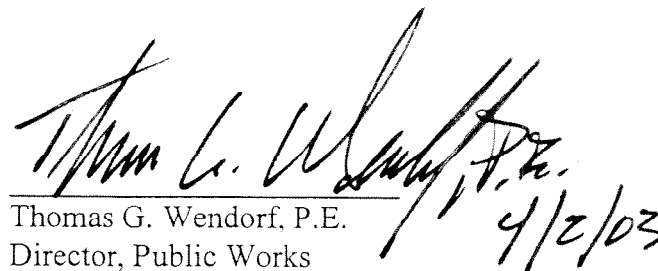
### COORDINATION

This request for Ordinance is being coordinated with the City Attorney's office and the Department of Public Works.

CITY OF SAN ANTONIO, TEXAS,  
ACTING BY AND THROUGH THE  
CITY PUBLIC SERVICE BOARD OF  
SAN ANTONIO, TEXAS, A  
MUNICIPAL BOARD OF THE  
CITY OF SAN ANTONIO

  
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Distribution Systems

  
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4/2/03

Approved:

  
Terry M. Brechtel  
City Manager

