LCRA Transmission Services Corporation
Board Agenda
Wednesday, June 21, 2023
LCRA General Office Complex
Board Room – Hancock Building
3700 Lake Austin Blvd.
Austin, TX 78703
Earliest start time: 10:15 a.m.

Items From the Chair
1. Comments From the Public................................................................. 4

Consent Items
*2. Sale of Land in Williamson County................................................. 5
3. Minutes of Prior Meeting................................................................. 8

Action Items
4. Capital Improvement Projects Approval ....................................... 12
5. Acquisition of Land in Caldwell County......................................... 16
6. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Travis County................................................................................ 19
7. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Gillespie County.......................................................................... 27

*This agenda item requires the approval of 12 members of the Board.

Executive Session
The Board may go into executive session on any item listed above, pursuant to  
Chapter 551 of the Texas Government Code, including, but not limited to, sections  
551.071, 551.072, 551.074, 551.076, 551.086, 551.089 and 418.183(f) of the Texas  
Government Code.

Legal Notice
Legal notices are available on the Texas secretary of state website 72 hours prior to  
the meeting at the following link: https://www.sos.texas.gov/open/index.shtml
OVERVIEW OF LCRA TRANSMISSION SERVICES CORPORATION

In connection with the implementation of retail competition in the electric utility industry in the state of Texas, LCRA was required by the Texas Legislature in its amendments to the Public Utility Regulatory Act (enacted in 1999 under state legislation known as Senate Bill 7, and referred to as SB 7) to unbundle its electric generation assets from its electric transmission and distribution assets. LCRA conveyed, effective Jan. 1, 2002, all of its existing electric transmission and transformation assets (collectively, the Transferred Transmission Assets) to the LCRA Transmission Services Corporation (LCRA TSC) pursuant to the terms of an Electric Transmission Facilities Contract (the Initial Contractual Commitment), dated Oct. 1, 2001.

LCRA TSC is a nonprofit corporation created by LCRA to act on LCRA’s behalf pursuant to Chapter 152, Texas Water Code, as amended. After Jan. 1, 2002, LCRA TSC engaged in the electric transmission and transformation activities previously carried out by LCRA and assumed LCRA’s obligation to provide, and the right to collect revenues for, electric transmission and transformation services. LCRA TSC is an electric transmission service provider (a TSP) under the state’s open-access electric transmission regulatory scheme within the approximately 85% area of the state covered by the Electric Reliability Council of Texas (ERCOT). In such capacity, LCRA TSC is entitled to receive compensation from all electric distribution service providers using the electric transmission system within ERCOT. As a TSP in the ERCOT region of the state, the rates that LCRA TSC will charge for transmission services are regulated by the Public Utility Commission of Texas (PUC) and determined pursuant to transmission cost of service rate proceedings filed with and approved by the PUC.

Within the framework of SB 7, LCRA TSC implements the electric transmission business of LCRA, including the expansion of electric transmission services outside of LCRA’s traditional electric service territory. LCRA personnel are responsible for performing all of LCRA TSC’s activities pursuant to a services agreement between LCRA TSC and LCRA. This includes procuring goods and services on behalf of LCRA TSC and is reflected in the LCRA Board agenda contracts.

Under the LCRA Master Resolution, defined as the LCRA Board resolution governing LCRA’s outstanding debt, and certain provisions of state law, the LCRA Board is required to exercise control over all operations of LCRA TSC. This control includes approval of LCRA TSC’s business plan and of the sale or disposition of any significant assets of LCRA TSC. The Board of Directors of LCRA TSC (LCRA TSC Board) is appointed by and serves at the will of the LCRA Board. The current membership of LCRA TSC Board is made up entirely of the existing LCRA Board.
FOR DISCUSSION

1. Comments From the Public

Summary
   This part of the meeting is intended for comments from the public on topics under
   LCRA Transmission Services Corporation’s jurisdiction but not related to an item on the
   Board of Directors agenda. No responses or action may be taken by the Board during
   public comments.

   In order to address the Board, a member of the public is required to sign and
   complete the registration form at the entrance to the meeting room.

   Any member of the public wishing to comment on an item listed on this agenda will
   be called to make comments at the appropriate time.
FOR ACTION (CONSENT)

2. Sale of Land in Williamson County

Proposed Motion
Declare a 0.337-acre tract of land in Williamson County nonessential, and authorize the president and chief executive officer or his designee to sell the property to the City of Georgetown.

Board Consideration
LCRA Transmission Services Corporation Board Policy T401 – Land Resources requires at least 12 members of the LCRA Transmission Services Corporation Board to declare the land no longer necessary or beneficial to the business of LCRA TSC before conveyance. Additionally, LCRA TSC Board Policy T401 requires LCRA TSC Board approval of the terms of all land sales before conveyance.

Budget Status and Fiscal Impact
The administrative costs associated with the sale of this land are contained in the fiscal year 2023 business plan. Proceeds from the sale of land will benefit LCRA TSC.

Summary
In 2014, LCRA TSC acquired a 3.83-acre tract from the City of Georgetown to be used as the Georgetown South Substation. Georgetown requested to purchase a 0.337-acre tract to widen Rabbit Hill Road and agreed to a sale price of $122,382. The sale price is based on an appraisal performed by an independent and certified third-party appraiser.

The property will be sold subject to the following reservations:
1. LCRA TSC will reserve all presently held oil, gas and other mineral rights of every kind or character in, on, and under the property, provided that LCRA TSC shall not be permitted to drill or excavate for minerals on the surface of the property.
2. LCRA TSC will reserve the right to use the land for access to the substation land.

LCRA TSC representatives will complete environmental and cultural resource due diligence assessments in accordance with Board Policy T401.403 before the sale of the property.

Exhibit(s)
A – Vicinity Map
B – Site Map
EXHIBIT A

Vicinity Map
Sale of Land in Williamson County
Site Map
Sale of Land in
Williamson County

GEORGETOWN SOUTH
SUBSTATION
City of Georgetown to
LCRA Transmission Services Corporation
Doc. No. 2014056420
6/25/2014

Area of interest
0.337 Acres

Note: All acreages are approximate.
FOR ACTION (CONSENT)

3. Minutes of Prior Meeting

Proposed Motion
Approve the minutes of the May 24, 2023, meeting.

Board Consideration
Section 4.06 of the LCRA Transmission Services Corporation bylaws requires the secretary to keep minutes of all meetings of the Board of Directors.

Budget Status and Fiscal Impact
Approval of this item will have no budgetary or fiscal impact.

Summary
Staff presents the minutes of each meeting to the Board for approval.

Exhibit(s)
A – Minutes of May 24, 2023, meeting
EXHIBIT A

Minutes Digest
May 24, 2023

23-16  Declaration of a tract of land in Round Rock, Williamson County, nonessential, and authorization for the president and chief executive officer or his designee to sell the property to Bat City Financial LLC. Additionally, authorization for the president and CEO or his designee to sell the property using sealed bids, broker listings, or other public and private sale methods in the event the current transaction fails to close and to do all things reasonably necessary to accomplish the sale thereof.

23-17  Approval of the minutes of the April 18, 2023, meeting.

23-18  Adoption of a resolution approving the LCRA Transmission Services Corporation Fiscal Year 2024 Business and Capital Plans.


23-20  Adoption of a resolution authorizing the use of the power of eminent domain in Kendall, Gillespie and Gonzales counties to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of easement rights for the LCRA Broadband Program project to provide, on behalf of LCRA and at LCRA’s expense, for communications and to facilitate broadband services on the Kendall to Fredericksburg (T120), Fredericksburg to Peach (T379) and Cuero to Luling (T542) transmission lines.
Pursuant to notice posted in accordance with the Texas Open Meetings Act, the Board of Directors (Board) of LCRA Transmission Services Corporation (LCRA TSC) convened in a regular meeting at 9:12 a.m. Wednesday, May 24, 2023, in the Board Room of the Hancock Building, at the principal office of the Lower Colorado River Authority, 3700 Lake Austin Blvd., Austin, Travis County, Texas. The following directors were present, constituting a quorum:

Stephen F. Cooper, Vice Chair
Michael L. “Mike” Allen
Matthew L. “Matt” Arthur
Melissa K. Blanding
Joseph M. “Joe” Crane
Laura D. Figueroa
Carol Freeman
Robert “Bobby” Lewis
Thomas Michael Martine
Margaret D. “Meg” Voelter
Martha Leigh M. Whitten
Nancy Eckert Yeary

Absent: Timothy Timmerman, Chair
Raymond A. “Ray” Gill Jr.
Thomas L. “Tom” Kelley

Vice Chair Cooper convened the meeting at 9:12 a.m.

There were no public comments during the meeting [Agenda Item 1].

Treasurer and Chief Financial Officer Jim Travis presented financial highlights for LCRA TSC covering April 2023 and the fiscal year to date [Agenda Item 2].

The Board next took action on the consent agenda. Upon motion by Director Yeary, seconded by Director Whitten, the Board unanimously approved consent items 3 and 4 by a vote of 12 to 0 as follows:

23-16 Declaration of a tract of land in Round Rock, Williamson County, nonessential (not necessary or convenient or of beneficial use to the business of LCRA TSC), and authorization for the president and chief executive officer or his designee to sell the property to Bat City Financial LLC. Additionally, authorization for the president and CEO or his designee to sell the property using sealed bids, broker listings, or other public and private sale methods in the event the current transaction fails to close and to
do all things reasonably necessary to accomplish the sale thereof, as recommended by staff in Consent Item 3 [attached hereto as Exhibit A].

23-17 Approval of the minutes of the April 18, 2023, meeting [Consent Item 4].

23-18 Treasurer and Chief Financial Officer Jim Travis presented for consideration a staff recommendation, described in Agenda Item 5 [attached hereto as Exhibit B], that the Board adopt a resolution approving the LCRA Transmission Services Corporation Fiscal Year 2024 Business and Capital Plans. The Board had a detailed discussion on the FY 2024 business and capital plans during a work session on April 18. Upon motion by Director Crane, seconded by Director Blandung, the recommendation was unanimously approved by a vote of 12 to 0.

23-19 Vice President of Transmission Asset Optimization Kristian M. Koellner presented for consideration a staff recommendation, described in Agenda Item 6 [attached hereto as Exhibit C], that the Board approve and ratify the Capital Improvement Project Authorization Request for the following projects and associated lifetime budgets: Flood Mitigation – FY 2023 System Upgrade; Instrument Transformer – FY 2023 Substation Upgrade; Mobile Switch Installation – FY 2023 Substation Upgrade; Switch Automation – FY 2023 Substation Upgrade; Winter Storm – FY 2023 System Restoration [Ratification due to Winter Storm Mara restoration work performed]; Cooks Point to Lyle Wolz Transmission Line Upgrade; and LCRA Transmission Services Corporation – FY 2024 General Additions. Upon motion by Director Arthur, seconded by Director Crane, the recommendation was unanimously approved by a vote of 12 to 0.

23-20 Vice President of Real Estate Services Mark Sumrall presented for consideration a staff recommendation, described in Agenda Item 7 – Acquisition of Interests in Real Property – Use of Eminent Domain in Kendall, Gillespie and Gonzales counties [attached hereto as Exhibit D]. Director Martine moved, seconded by Director Yeary, that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of easement rights for the LCRA Broadband Program project to provide, on behalf of LCRA and at LCRA’s expense, for communications and to facilitate broadband services on the Kendall to Fredericksburg (T120), Fredericksburg to Peach (T379) and Cuero to Luling (T542) transmission lines; and that the first record vote applies to all units of property to be condemned. The Board unanimously approved the motion by a record vote of 12 to 0.

There being no further business to come before the Board, the meeting was adjourned at 9:28 a.m.

Leigh Sebastian
Secretary
LCRA Transmission Services Corporation
Approved: June 21, 2023
FOR ACTION

4. Capital Improvement Projects Approval

Proposed Motion
Approve the Capital Improvement Project Authorization Request for the projects and associated lifetime budgets as described in exhibits A and B.

Board Consideration
LCRA Transmission Services Corporation Board Policy T301 – Finance requires Board of Directors approval for any project exceeding $1.5 million.

Budget Status and Fiscal Impact
- All projects recommended for Board approval are within the total annual budget approved in the capital plan.
- Staff will monitor the forecast and will request a fiscal year budget increase if needed.
- The treasurer and chief financial officer will release funds as needed.
- Project costs will be funded through LCRA TSC regulated rates, subject to approval by the Public Utility Commission of Texas.

Summary
Staff recommends approval of the capital projects described in exhibits A and B. These projects meet legal requirements in the Public Utility Regulatory Act and PUC rules.

Project funds will pay for activities, including but not limited to project management, engineering, materials acquisition, construction, and the acquisition of necessary land rights. LCRA TSC representatives will perform all necessary regulatory, real estate, environmental and cultural due diligence activities.

Presenter(s)
Kristian M. Koellner
Vice President, Transmission Asset Optimization

Exhibit(s)
A – Project Cost Estimates and Cash Flow
B – Project Details
## EXHIBIT A

### Project Cost Estimates and Cash Flow

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2022 and Prior</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
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<td><strong>Generation Interconnection Projects</strong></td>
<td></td>
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<tr>
<td>Property Acquisition and Upgrade</td>
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</table>
EXHIBIT B

**Project Details**

**Project Name:** John Dumas Substation Property Acquisition and Upgrade  
**Project Number:** 1030244  
**Lifetime Budget:** $12.3 million  
**Description:** The project will acquire property rights for the John Dumas Substation Addition project and perform necessary site preparation and improvements to support a 345-kilovolt generation interconnection request in Caldwell County. The LCRA TSC project scope includes surveying work and document preparations, acquisition of approximately 17 acres, acquisition of necessary site-related permits, and site improvements. The recommended project completion date is June 30, 2024.

**Project Name:** Altair-Garwood Transmission Line Overhaul  
**Project Number:** 1020844  
**Lifetime Budget:** $31.1 million  
**Description:** The project will increase the reliability and capacity of transmission facilities by overhauling the 9.4-mile Altair to Garwood 69-kV transmission line in Colorado County. The project scope includes installing or replacing structures, conductor, and fiber to meet or exceed current National Electrical Safety Code and LCRA TSC design standards. Replacement structures will be capable of future operation at 138-kV. The recommended project completion date is June 30, 2024.

**Project Name:** Cuero Substation Upgrade  
**Project Number:** 1026635  
**Lifetime Budget:** $25.9 million  
**Description:** The project will increase the reliability of equipment at the Cuero Substation in DeWitt County. The project scope includes converting the substation bus configuration, replacing obsolete and/or aged equipment, upgrading facility structures, and installing a new control enclosure to adhere to high wind requirements. The recommended project completion date is May 15, 2024.

**Project Name:** Hallettsville-Mont Transmission Line Overhaul  
**Project Number:** 1024841  
**Lifetime Budget:** $6.6 million  
**Description:** The project will perform an overhaul on the Hallettsville to Mont transmission line in Lavaca County. The LCRA TSC project scope includes rebuilding the existing 2.32-mile 138-kV transmission line between the Hallettsville Substation and Mont Substation, including replacing foundations, structures, and conductor, and installing fiber to increase the reliability, safety, and capacity of the transmission line and ensure it meets or exceeds current NESC and LCRA TSC design standards. The recommended project completion date is May 15, 2024.
**Project Name:** Howard Lane-McNeil Transmission Line Storm Hardening  
**Project Number:** 1026914  
**Lifetime Budget:** $9.5 million  
**Description:** The project will perform storm hardening on the 2.7-mile Howard Lane to McNeil 138-kV transmission line in Travis County. The LCRA TSC project scope includes replacing structures and conductor and installing fiber to increase the reliability and safety of the transmission line and ensure it meets or exceeds current NESC and LCRA TSC design standards and complies with PUC storm hardening requirements for this circuit. The recommended project completion date is May 15, 2024.

**Project Name:** Lakeway-Marble Falls Transmission Line Storm Hardening  
**Project Number:** 1024594  
**Lifetime Budget:** $104.9 million  
**Description:** The project will perform storm hardening on the 23-mile Lakeway to Marble Falls 138-kV transmission line in Travis County. The LCRA TSC project scope includes replacing structures, conductor, and fiber to improve the reliability, safety, and capacity of the transmission line and ensure it meets or exceeds current NESC and LCRA TSC design standards and complies with PUC storm hardening requirements for this circuit. The recommended project completion date is May 15, 2025.

**Project Name:** Marshall Ford-Spicewood Transmission Line Storm Hardening  
**Project Number:** 1026917  
**Lifetime Budget:** $3.7 million  
**Description:** The project will perform storm hardening on a 0.7-mile portion of the Marshall Ford to Spicewood 138-kV transmission line in Travis County. The LCRA TSC project scope includes replacing structures and conductor and installing fiber to increase the reliability, capacity, and safety of the transmission line and ensure it meets or exceeds current NESC and LCRA TSC design standards and complies with PUC storm hardening requirements for this circuit. The recommended project completion date is May 15, 2024.
FOR ACTION

5. Acquisition of Land in Caldwell County

Proposed Motion
Authorize the president and chief executive officer, or his designee, to negotiate and purchase from LCRA approximately 17 acres of land in Caldwell County. Additionally, authorize the president and chief executive officer, or his designee, to acquire a transmission easement from LCRA over two tracts totaling approximately 0.46 acre related to the proposed John Dumas Substation and an approximately 0.4-acre aerial transmission line easement to accommodate the existing T519 transmission line.

Board Consideration
LCRA Transmission Services Corporation Board Policy T401 – Land Resources requires Board authorization for any land acquisition with a purchase price exceeding $600,000.

Budget Status and Fiscal Impact
The funds for this acquisition are included in the fiscal year 2024 business plan.

Summary
LCRA TSC staff is seeking approval to acquire in fee from LCRA approximately 17 acres located in Caldwell County, a point of transmission easement, over two tracts totaling approximately 0.46 acre, and an additional aerial transmission line easement totaling approximately 0.4 acre, which will be used to develop the John Dumas Substation and to accommodate T519.

The approximately 17 acres will be acquired subject to the following reservations and restrictions:
1. LCRA will reserve all presently held oil, gas and other mineral rights of every kind or character in, on and under the property, provided that LCRA shall not be permitted to drill or excavate for minerals on the surface of the property.
2. LCRA will reserve a variable width road easement on the west side of the sale tract.

The sales price will not exceed $1,000,000 and will be based on the fair market value of the property. Environmental and cultural resource due diligence will be conducted in accordance with Board Policy T401.401 – Land Acquisition.

Presenter(s)
Mark Sumrall
Vice President, Real Estate Services

Exhibit(s)
A – Vicinity Map
B – Site Map
EXHIBIT A

Vicinity Map
Acquisition of Land
John Dumas Substation
Caldwell County
EXHIBIT B

Site Map
Acquisition of Land
John Dumas Substation
Caldwell County
FOR ACTION

6. Acquisition of Interests in Real Property – Use of Eminent Domain in Travis County

Proposed Motion

I move that the LCRA Transmission Services Corporation Board of Directors adopt the attached resolution; that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of easement rights for the Marshall Ford to McNeil Storm Hardening project to provide for the continued reliable transmission of electric energy on the Marshall Ford to McNeil (T197) and the Spicewood to McNeil (T242) transmission lines; and that the first record vote applies to all units of property to be condemned.

Board Consideration

LCRA Transmission Services Corporation Board Policy T401 – Land Resources and Section 2206.053 of the Texas Government Code require Board authorization prior to the initiation of eminent domain proceedings.

Section 2206.053 of the Texas Government Code provides that if two or more Board members object to adopting a single resolution for all units, a separate record vote must be taken for each unit of property. If two or more units of real property are owned by the same person, those units may be treated as one unit of property.

Budget Status and Fiscal Impact

The acquisition cost was included in the Board-approved budget for Marshall Ford to McNeil Storm Hardening project.

Summary

LCRA TSC proposes to acquire easement rights in Travis County for the Marshall Ford to McNeil Storm Hardening project. Hornsby and Company Appraisers and Consultants performed independent appraisals of the interests in real property to be acquired to determine just compensation to the landowners.

Staff will make an initial offer to acquire the necessary interests in real property voluntarily from the landowners listed on Exhibit C, as required by Section 21.0113 of the Texas Property Code. Staff will continue to negotiate for the purchase of the interests in real property. Staff seeks Board authorization to proceed with condemnation if an agreement cannot be reached with the landowner(s).

Staff has provided to the Board descriptions of the specific properties to be acquired and will attach the descriptions to the resolution.

LCRA TSC will perform environmental and cultural due diligence studies and address all identified concerns. Staff requests that the Board adopt the resolution in Exhibit D authorizing the initiation of condemnation proceedings on the first record vote for all units of property.
Presenter(s)
Mark Sumrall
Vice President, Real Estate Services

Exhibit(s)
A – Vicinity Map
B – Site Maps
C – Landowner List
D – Resolution
1 – Property Description
EXHIBIT A
## EXHIBIT C

<table>
<thead>
<tr>
<th>Tract ID</th>
<th>Landowner</th>
<th>Approximate Parent Tract Acreage</th>
<th>Land Rights</th>
<th>Approximate Easement Acreage</th>
<th>County</th>
<th>Approximate Value</th>
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</thead>
<tbody>
<tr>
<td>565454</td>
<td>Satyendra Kumar and Sweta Rani</td>
<td>5.20 acres</td>
<td>Aerial Easement</td>
<td>0.08 acre</td>
<td>Travis</td>
<td>$6,294</td>
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</table>
PROPOSED MOTION

I MOVE THAT THE LCRA TRANSMISSION SERVICES CORPORATION BOARD OF DIRECTORS ADOPT THE ATTACHED RESOLUTION; THAT THE BOARD AUTHORIZE BY RECORD VOTE THE USE OF THE POWER OF EMINENT DOMAIN RIGHTS IN THE PROPERTIES DESCRIBED IN EXHIBIT 1 TO THE RESOLUTION FOR THE ACQUISITION OF EASEMENT RIGHTS FOR THE MARSHALL FORD TO MCNEIL STORM HARDENING PROJECT TO PROVIDE FOR THE CONTINUED RELIABLE TRANSMISSION OF ELECTRIC ENERGY ON THE MARSHALL FORD TO MCNEIL (T197) AND THE SPICEWOOD TO MCNEIL (T242) TRANSMISSION LINES; AND THAT THE FIRST RECORD VOTE APPLIES TO ALL UNITS OF PROPERTY TO BE CONDEMNED.

RESOLUTION

AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY BY CONDEMNATION IN TRAVIS COUNTY FOR ELECTRIC TRANSMISSION LINE EASEMENTS.

WHEREAS, LCRA Transmission Services Corporation has determined the need to acquire the interests in real property necessary for the public uses of construction, operation and maintenance of electric transmission line(s) in Travis County; and

WHEREAS, an independent, professional appraisal of the subject property will be submitted to LCRA Transmission Services Corporation, and an amount will be established to be just compensation for the interests in real property to be acquired;

NOW, THEREFORE, BE IT RESOLVED that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowner(s) listed in the attached Exhibit C for the construction of the Marshall Ford to McNeil Storm Hardening project for the continued reliable transmission of electric energy on the Marshall Ford to McNeil and the Marshall Ford to Spicewood transmission lines, with the description of the location of and interest in the property LCRA Transmission Services Corporation seeks to acquire being more particularly described in maps provided to the Board and attached to this Resolution as Exhibit 1; that the public convenience and necessity requires the acquisition of said interests in real property; that the public necessity requires the condemnation of the interests in real property in order to acquire them for such uses; that LCRA Transmission Services Corporation does not intend to acquire rights to groundwater or surface water in the land; that LCRA Transmission Services Corporation will make a bona fide offer to acquire the interests in real property from the landowner(s) voluntarily as required by Section 21.0113 of the Texas Property Code; and that at such time as LCRA Transmission Services Corporation has determined that the landowner(s) and LCRA Transmission Services Corporation will be unable to
EXHIBIT D
Page 2 of 2

reach an agreement on the fair market value of the subject interests in real property and that it should appear that further negotiations for settlement with the landowner(s) would be futile, then the president and chief executive officer or his designee is authorized and directed to initiate condemnation proceedings against the owner(s) of the property, and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the necessary interests in real property, and that this resolution take effect immediately from and after its passage;

BE IT FURTHER RESOLVED that the president and chief executive officer or his designee is hereby authorized to do all things necessary and proper to carry out the intent and purpose of this resolution, including determination and negotiation of the interest(s) in real property that are proper and convenient for the operation of the electric transmission line(s).
FOR ACTION

7. Acquisition of Interests in Real Property – Use of Eminent Domain in Gillespie County

Proposed Motion
I move that the LCRA Transmission Services Corporation Board of Directors adopt the attached resolution; that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of easement rights for the LCRA Broadband Program project to provide, on behalf of LCRA and at LCRA’s expense, for communications and to facilitate broadband services on the Kendall to Fredericksburg (T120) and Fredericksburg to Peach (T379) transmission lines; and that the first record vote applies to all units of property to be condemned.

Board Consideration
LCRA Transmission Services Corporation Board Policy T401 – Land Resources and Section 2206.053 of the Texas Government Code require Board authorization prior to the initiation of eminent domain proceedings.
Section 2206.053 of the Texas Government Code provides that if two or more Board members object to adopting a single resolution for all units, a separate record vote must be taken for each unit of property. If two or more units of real property are owned by the same person, those units may be treated as one unit of property.

LCRA uses LCRA Transmission Services Corporation to provide LCRA with fiberoptic communications and broadband services at LCRA’s expense pursuant to LCRA Board Policy 220 – Telecommunications and Section 8503.032 of the Special District Local Laws Code.

Budget Status and Fiscal Impact
The acquisition cost was included in the Board-approved budget for LCRA Broadband Program project.

Summary
LCRA TSC proposes to acquire communication rights, including the facilitation of broadband services, in Gillespie County for the LCRA Broadband Program project. Paul Hornsby and Company will perform independent appraisals of the interests in real property to be acquired to determine just compensation to the landowners.

Staff will make an initial offer to acquire the necessary interests in real property voluntarily from the landowners listed on Exhibit C, as required by Section 21.0113 of the Texas Property Code. Staff will continue to negotiate for the purchase of the interests in real property. Staff seeks Board authorization to proceed with condemnation if an agreement cannot be reached with the landowner(s).

Staff has provided to the Board descriptions of the specific properties to be acquired and will attach the descriptions to the resolution.

Staff requests that the Board adopt the resolution in Exhibit D authorizing the initiation of condemnation proceedings on the first record vote for all units of property.
Presenter(s)
   Mark Sumrall
   Vice President, Real Estate Services

Exhibit(s)
   A – Vicinity Map
   B – Site Maps
   C – Landowner List
   D – Resolution
   1 – Property Descriptions
## EXHIBIT C

<table>
<thead>
<tr>
<th>Track ID</th>
<th>Landowners</th>
<th>Approximate Parent Tract Acreage</th>
<th>Land Rights</th>
<th>Approximate Easement Acreage</th>
<th>County</th>
<th>Approximate Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>171_21554</td>
<td>Meusebach Creek Lochte Ranch Ltd.</td>
<td>242.75 acres</td>
<td>Third-Party Communication</td>
<td>10.40 acres</td>
<td>Gillespie</td>
<td>$3,262.73</td>
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<tr>
<td>171_21560</td>
<td>Meusebach Creek Lochte</td>
<td>68.94 acres</td>
<td>Third-Party Communication</td>
<td>1.59 acres</td>
<td>Gillespie</td>
<td>$498.82</td>
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<tr>
<td>171_20078</td>
<td>Karen Weinheimer et al.</td>
<td>1.11 acres</td>
<td>Third-Party Communication</td>
<td>0.06 acre</td>
<td>Gillespie</td>
<td>$166.30</td>
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<tr>
<td>171_20080</td>
<td>Karen Weinheimer et al.</td>
<td>1.89 acres</td>
<td>Third-Party Communication</td>
<td>0.89 acre</td>
<td>Gillespie</td>
<td>$851.86</td>
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<td>171_23318</td>
<td>Beatrice Rivera</td>
<td>2.26 acres</td>
<td>Third-Party Communication</td>
<td>0.21 acre</td>
<td>Gillespie</td>
<td>$618.29</td>
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<tr>
<td>171_23320</td>
<td>Beatrice Rivera</td>
<td>0.25 acre</td>
<td>Third-Party Communication</td>
<td>0.05 acre</td>
<td>Gillespie</td>
<td>$147.21</td>
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</tbody>
</table>
PROPOSED MOTION

I MOVE THAT THE LCRA TRANSMISSION SERVICES CORPORATION BOARD OF DIRECTORS ADOPT THE ATTACHED RESOLUTION; THAT THE BOARD AUTHORIZE BY RECORD VOTE THE USE OF THE POWER OF EMINENT DOMAIN RIGHTS IN THE PROPERTIES DESCRIBED IN EXHIBIT 1 TO THE RESOLUTION FOR THE ACQUISITION OF EASEMENT AMENDMENTS NECESSARY TO PROVIDE, ON BEHALF OF LCRA AND AT LCRA’S EXPENSE, FOR COMMUNICATIONS AND TO FACILITATE BROADBAND SERVICES ON THE KENDALL TO FREDERICKSBURG (T120) AND FREDERICKSBURG TO PEACH (T379) TRANSMISSION LINES; AND THAT THE FIRST RECORD VOTE APPLIES TO ALL UNITS OF PROPERTY TO BE CONDEMNED.

RESOLUTION

AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY BY CONDEMNATION IN GILLESPIE COUNTY FOR TRANSMISSION LINE EASEMENT AMENDMENTS.

WHEREAS, LCRA Transmission Services Corporation has determined the need to acquire the interests in real property necessary for the public uses of construction, operation and maintenance of electric transmission line(s), communication lines, and appurtenances thereto in Gillespie County; and

WHEREAS, an independent, professional appraisal of the subject property will be submitted to LCRA Transmission Services Corporation, and an amount will be established to be just compensation for the interests in real property to be acquired;

NOW, THEREFORE, BE IT RESOLVED that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowner(s) listed in the attached Exhibit C, with the description of the location of and interest in the properties LCRA Transmission Services Corporation seeks to acquire being more particularly described in maps provided to the Board and attached to this Resolution as Exhibit 1; that the public convenience and necessity requires the acquisition of said interests in real property; that the public necessity requires the condemnation of the interests in real property in order to acquire them for such uses; that LCRA Transmission Services Corporation does not intend to acquire rights to groundwater or surface water in the land; that LCRA Transmission Services Corporation will make a bona fide offer to acquire the interests in real property from the landowner(s) voluntarily as required by Section 21.0113 of the Texas Property Code; and that at such time as LCRA Transmission Services Corporation has determined that the landowner(s) and
LCRA Transmission Services Corporation will be unable to reach an agreement on the fair market value of the subject interests in real property and that it should appear that further negotiations for settlement with the landowner(s) would be futile, then the president and chief executive officer or his designee is authorized and directed to initiate condemnation proceedings against the owner(s) of the property(ies), and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the necessary interests in real property, and that this resolution take effect immediately from and after its passage;

BE IT FURTHER RESOLVED that the president and chief executive officer or his designee is hereby authorized to do all things necessary and proper to carry out the intent and purpose of this resolution, including determination and negotiation of the interest(s) in real property that are proper and convenient for the operation of the electric transmission line(s).
THE STATE OF TEXAS

Know all men by these presents:

This We, W.W. Stecher, of Gillespie County, Texas, for and in consideration of the sum of

FORTY SIX HUNDRED DOLLARS

to be paid in lawful money of the United States of America, do hereby acknowledge, have

negotiated, sold and conveyed and by these presents do hereby convey and sell, and forever make the said WEST TEXAS UTILITIES COMPANY, a private corporation, its successors and assigns, an easement and right of way across the following described real estate situate in Gillespie County, Texas, with the right to construct, operate, patrol, maintain and repair its transmission line, including a right to install poles along said easement for said purpose, and including necessary poles and fixtures, and authority for cutting and trimming all trees along the line necessary to keep the wires cleared, and with the right to set the necessary guy and brace poles, and attach to trees and to install the needed guy wires, together with the right of ingress and egress across said property for the above named purposes. Said real estate across which said easement is granted being described as follows:

SELECTED IN GILLESPIE COUNTY between

in the Northeast 1/4 of Sec. 23, T25S, R34E, N:\200 acres, Sec. 20, T25S, R33E

Stecher Survey # 196 Smith # 1166

Said Easement along which said line of transmission extends is described as follows:

Beginning at a point in the W.S. line of the above described project 80 feet N 49° 30' 30" W of Sec. 23, T25S, R34E, and running in the S.W. quarter of Sec. 23, T25S, R34E

TO HAVE AND TO HOLD the above described easement, right and privilege over the said WEST TEXAS UTILITIES COMPANY, its successors and assigns forever so long as same are used for said purposes.

And we hereby warrant unto said WEST TEXAS UTILITIES COMPANY its successors and assigns that we have the title to said property and the right to convey said easement and that we will forever warrant and defend the title to same to the said WEST TEXAS UTILITIES COMPANY, its successors and assigns against every person whomsoever lawfully claiming so to claim the same or any part thereof so long as said easement is used for said purposes for which it is granted.

Witnesses:


THE STATE OF TEXAS

COUNTY OF

Before me, the undersigned authority on this day personally appeared:

knows me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under hand and seal of office this the day of , 19__.

THE STATE OF TEXAS

COUNTY OF

Before me, the undersigned authority on this day personally appeared...

and his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and consideration therein expressed, and the said wife of W.W. Stecher, having been examined by me privately and apart from her husband, and having the same fully explained to her, she the said...

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purpose and consideration therein expressed, and that she did not wish to retract it.

Given under hand and seal of office this the day of , 19__.
EXHIBIT 1
Page 2 (2 of 2) of 4

THE STATE OF TEXAS
County of Gillespie

That We, Louis Lechtle, of Gillespie County, Texas, for and in consideration of the sum of Thirty Thousand Dollars to us in hand paid by WEST TEXAS UTILITIES COMPANY, a private corporation, the receipt of which is hereby acknowledged, have conveyed and by these presents do hereby bargain, sell and convey unto the said WEST TEXAS UTILITIES COMPANY, a private corporation, its successors and assigns, an easement and right of way across the following described real estate situated in Gillespie County, Texas, with the right to enter upon, operate, patrol, maintain and repair its transmission lines, including a 1200-volts a-c line along said easement for said purposes, and including necessary poles, andJunior, and authority for cutting and trimming all trees along the line necessary to keep the wires clear, and with the right to set the necessary guy and brace poles, and attach to same all necessary guy wires, subject to the right of ingress and egress across said property for the above named purposes. Said real estate across which said easement is granted being described as follows:

287 acres, part of Sec. 37, T5N, R5W, Gillespie

Sold Easement along which said line of transmission extends is described as follows: Beginning at a point on the N line of the above described property 110.00 feet E of the same property, and then S 89° 45' E 41.50 feet, thence S 89° 45' W 179 feet, thence N 89° 45' W 235 feet, thence N 89° 45' E 179 feet to the beginning

TO HAVE AND TO HOLD the above described easement, rights and privileges unto the said WEST TEXAS UTILITIES COMPANY, its successors and assigns forever as long as same are used for said purposes.

And we hereby warrant unto said WEST TEXAS UTILITIES COMPANY its successors and assigns that we have the title to said property and the right to convey said easement and that we will forever warrant and defend the title to same to the said West Texas Utilities Company, its successors and assigns, and to every person whatsoever lawfully claiming or to claim the same or any part thereof as long as said easement is used for said purposes for which it is granted.

Witness:

Louis Lechtle
José A. Muench

THE STATE OF TEXAS
COUNTY OF Gillespie

Before me, the undersigned authority on this day personally appeared

Louis Lechtle and Jose Lecht

known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this the 14 day of August, A.D. 1926

THE STATE OF TEXAS
COUNTY OF Gillespie

Before me, the undersigned authority on this day personally appeared

Louis Lechtle and Jose Lecht

his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and consideration therein expressed, and the said..............wife of............having been examined by me privately and apart from her husband, and having the same fully explained to her, she the said............

acknowledged each instrument to be her act and deed, and she declared that she had willingly signed the same for the purpose and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the............day of............A.D. 1926

001 001 274
THE STATE OF TEXAS

COUNTY OF...
EXHIBIT 1
Page 4 of 4

THE STATE OF TEXAS
County of Bexar

KNOW ALL MEN BY THESE PRESENTS:

That We,

R. Knopf

at the town of San Antonio, Doth, in consideration of the sum of

500.00 Dollars,

to be paid by the said West Texas Utilities Company, a private corporation, for and in

Return for the consent to the use of the land described below, the said West

Texas Utilities Company, a private corporation, is hereby granted, sold and conveyed to the said

West Texas Utilities Company, a private corporation, the use of the land described below, as follows:

A tract of land located in Bexar County, Texas, containing one and one-half acres, more or less, and

situated on the western boundary of the City of San Antonio, as described in the plat of said City,

as recorded in Volume 123, Pages 10-11, of the deed records of Bexar County, Texas.

TO HAVE AND TO HOLD the above-described tract of land to the said West Texas Utilities

Company, its successors and assigns forever, as long as same are used for said purposes.

We, the undersigned witnesses, to the foregoing instrument, do hereby certify that we

were present at the signing of the same, and do hereby acknowledge the same to be

true and correct.

Given under our hands and seals this day of July, 1923.

R. Knopf

Elizabeth Knopf

Before me, the undersigned authority, on this day personally appeared

R. Knopf, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that

he was the person who executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this day of July, 1923.

R. Knopf

Eliza Knopf

Before me, the undersigned authority, on this day personally appeared

R. Knopf, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that

he was the person who executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this day of July, 1923.

R. Knopf

Eliza Knopf

Before me, the undersigned authority, on this day personally appeared

R. Knopf, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that

he was the person who executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this day of July, 1923.

R. Knopf

Eliza Knopf

Before me, the undersigned authority, on this day personally appeared

R. Knopf, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that

he was the person who executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this day of July, 1923.

R. Knopf

Eliza Knopf
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