



Legislation Details (With Text)

File #: ID 16-851 **Version:** 1 **Name:**
Type: Ordinance
File created: 7/1/2016 **In control:** City Council
On agenda: 8/16/2016 **Final action:**

Title: Consider adoption of an ordinance of the City of Denton (“City”) determining the public use, need, and necessity for the acquisition of (1) fee simple title to the surface estate, including a waiver of surface use as to the mineral estate, of a 38.889 acre tract described and depicted in Exhibit “A” and (2) six electric utility and communication easements described in Exhibit “B” (0.800 acres shown as “Electric Easement No. 1” in Exhibit “B” and 0.046 acres shown as “Electric Easement No. 2” in Exhibit “B”), Exhibit “C” (0.919 acres), Exhibit “D” (0.642 acres shown as “Electric Easement No. 1” in Exhibit “D” and 4.636 046 acres shown as “Electric Easement No. 2” in Exhibit “D”), and Exhibit “E” (0.040 acres), with each and every property interest described above being located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas, and each and every property interest described above being collectively referred to hereafter as “Property Interests”; authorizing the City to acquire the property interests by either agreement or through the use of the power of eminent domain; authorizing the use of the power of eminent domain to acquire the property interests if an agreement cannot be reached; authorizing the expenditure of funds; makings findings; providing a savings clause; and providing an effective date. [Brinker SS and TL]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Brinker Substation Map, 2. Exhibit 2 - Brinker Substation Easements, 3. Exhibit 3 - Ordinance

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

DEPARTMENT: Denton Municipal Electric

CM/ ACM: Howard Martin

Date: August 16, 2016

SUBJECT

Consider adoption of an ordinance of the City of Denton (“City”) determining the public use, need, and necessity for the acquisition of (1) fee simple title to the surface estate, including a waiver of surface use as to the mineral estate, of a 38.889 acre tract described and depicted in Exhibit “A” and (2) six electric utility and communication easements described in Exhibit “B” (0.800 acres shown as “Electric Easement No. 1” in Exhibit “B” and 0.046 acres shown as “Electric Easement No. 2” in Exhibit “B”), Exhibit “C” (0.919 acres), Exhibit “D” (0.642 acres shown as “Electric Easement No. 1” in Exhibit “D” and 4.636 046 acres shown as “Electric Easement No. 2” in Exhibit “D”), and Exhibit “E” (0.040 acres), with each and every property interest described above being located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas, and each and every property interest described above being collectively referred to hereafter as “Property Interests”; authorizing the City to acquire the property interests by either agreement or through the use of the

power of eminent domain; authorizing the use of the power of eminent domain to acquire the property interests if an agreement cannot be reached; authorizing the expenditure of funds; makings findings; providing a savings clause; and providing an effective date. [Brinker SS and TL]

BACKGROUND

The Denton Municipal Electric (DME) Capital Improvement Plan includes a project to reconstruct its electric transmission system. Its current capacity is inadequate for expected future load. The need for a substation in the vicinity of the above described area in the City of Denton, Texas has been identified and shared with closely impacted landowner representatives.

DME has had meetings to discuss the siting of the proposed substation and transmission routes with landowner representatives of the potential site area and it has received feedback from them.

OPTIONS

1. Approve adoption of an ordinance to acquire the above subject property.
2. Do not approve adoption of the ordinance and provide staff with further direction.

RECOMMENDATION

DME recommends approval of the proposed ordinance.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

A Public Hearing was held at PUB on January 25, 2016 and at City Council on February 16, 2016. The substation site was approved by PUB on January 25, 2016 and by City Council on February 16, 2016.

FISCAL INFORMATION

The costs for property and services purchased under the proposed options will be funded out of amounts budgeted for specific projects. A component of the work proposed will be in the transmission category. The costs for transmission projects will ultimately be recovered through the Public Utility Commission Transmission Cost of Service Program (TCOS)

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Public Infrastructure
Related Goal: 2.3 Promote superior utility services and facilities

EXHIBITS

1. Brinker Substation Map
2. Brinker Substation Easements
3. Ordinance

Respectfully submitted:
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Denton Municipal Electric

Prepared by:
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Denton Municipal Electric