

# LCRA Transmission Services Corporation

## Board Agenda

Tuesday, Dec. 12, 2023

LCRA General Office Complex  
Board Room – Hancock Building

3700 Lake Austin Blvd.

Austin, TX 78703

Earliest start time: 2 p.m.

### Items From the Chair

1. Comments From the Public ..... 4

### Items From the Chief Executive Officer

Chief Operating Officer’s Update

### Consent Items

2. Minutes of Prior Meeting..... 5

### Action Items

3. Capital Improvement Projects Approval ..... 9
4. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Lavaca County..... 12
5. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Gillespie, Williamson and Burnet Counties ..... 21

### 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.

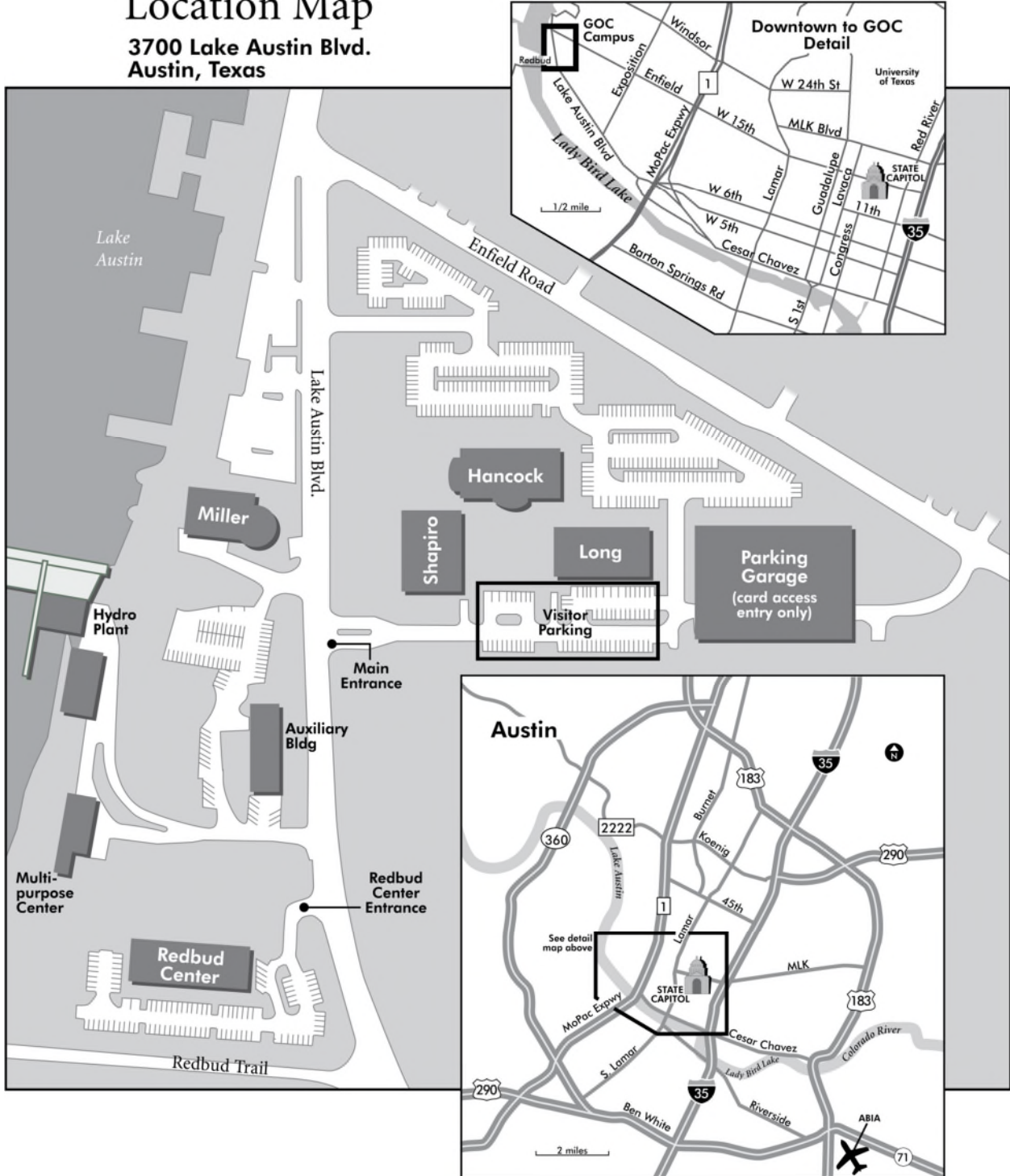
LCRA TSC is a nonprofit corporation created by LCRA to act on LCRA's behalf pursuant to Chapter 152, Texas Water Code, as amended. After Jan. 1, 2002, LCRA TSC engaged in the electric transmission and transformation activities previously carried out by LCRA and assumed LCRA's obligation to provide, and 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.

# LCRA General Office Complex Location Map

3700 Lake Austin Blvd.  
Austin, Texas



## **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. Minutes of Prior Meeting**

**Proposed Motion**

Approve the minutes of the Nov. 15, 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 Nov. 15, 2023, meeting

## **EXHIBIT A**

Minutes Digest  
Nov. 15, 2023

- 23-40            Approval of the minutes of the Sept. 20, 2023, meeting.
- 23-41            Authorization for the chief executive officer or his designee to sell an undivided 50% interest in the Lyle Wolz to Cooks Point 138-kilovolt transmission line located in Burleson County to Bluebonnet Electric Cooperative, Inc., and declare such undivided interest as not necessary or convenient or of beneficial use to the business of LCRA Transmission Services Corporation.
- 23-42            Approval of the Capital Improvement Project Authorization Request for the following projects and associated lifetime budgets: Copperas Cove (ONCOR)-Copperas Cove (PEC) Transmission Line Overhaul; Protective Relaying – FY 2023 System Upgrade; Substation Underground Fiber – FY 2024 Telecommunications Upgrade; Chief Brady-Round Rock Transmission Line Upgrade; and Rattler-Redwood Transmission Line Upgrade.

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
LCRA TRANSMISSION SERVICES CORPORATION  
Austin, Texas  
Nov. 15, 2023

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 11:41 a.m. Wednesday, Nov. 15, 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:

Timothy Timmerman, Chair  
Michael L. "Mike" Allen  
Matthew L. "Matt" Arthur  
Melissa K. Blanding  
Joseph M. "Joe" Crane  
Carol Freeman  
Robert "Bobby" Lewis  
Thomas Michael Martine  
Margaret D. "Meg" Voelter  
Martha Leigh M. Whitten  
David R. Willmann  
Nancy Eckert Yeary

Absent: Stephen F. Cooper, Vice Chair  
Thomas L. "Tom" Kelley  
Hatch C. Smith Jr.

Chair Timmerman convened the meeting at 11:41 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 October 2023 and the fiscal year to date [Agenda Item 2].

The Board next took action on the consent agenda.

23-40 Upon motion by Director Lewis, seconded by Director Crane, the Board unanimously approved the minutes of the Sept. 20, 2023, meeting [Consent Item 3] by a vote of 12 to 0.

23-41 Vice President of Transmission Asset Optimization Kristian Koellner presented for consideration a staff recommendation, described in Agenda Item 4 [attached hereto as Exhibit A], that the Board authorize the chief executive officer or his

designee to sell an undivided 50% interest in the Lyle Wolz to Cooks Point 138-kilovolt transmission line located in Burleson County to Bluebonnet Electric Cooperative, Inc., and declare such undivided interest as not necessary or convenient or of beneficial use to the business of LCRA Transmission Services Corporation. Upon motion by Director Lewis, seconded by Director Crane, the recommendation was unanimously approved by a vote of 12 to 0.

23-42 Vice President of Transmission Asset Optimization Kristian Koellner presented for consideration a staff recommendation, described in Agenda Item 5 [attached hereto as Exhibit B] that the Board approve the Capital Improvement Project Authorization Request for the following projects and associated lifetime budgets: Copperas Cove (ONCOR)-Copperas Cove (PEC) Transmission Line Overhaul; Protective Relaying – FY 2023 System Upgrade; Substation Underground Fiber – FY 2024 Telecommunications Upgrade; Chief Brady-Round Rock Transmission Line Upgrade; and Rattler-Redwood Transmission Line Upgrade. Upon motion by Director Lewis, seconded by Director Martine, the recommendation was unanimously approved by a vote of 12 to 0.

Chair Timmerman declared the meeting to be in executive session at 11:52 a.m. pursuant to sections 551.071, 551.072, 551.074, 551.076, 551.086, 551.089 and 418.183(f) of the Texas Government Code. Executive session ended, and Chair Timmerman declared the meeting to be in public session at 12:16 p.m.

There being no further business to come before the Board, the meeting was adjourned at 12:16 p.m.

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Leigh Sebastian  
Secretary  
LCRA Transmission Services Corporation  
Approved: Dec. 12, 2023



## **FOR ACTION**

### **3. 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 fiscal year 2024 capital plan.
- Staff will monitor the FY 2024 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 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**

*Dollars in millions*

<b>Project Name</b>	<b>FY 2023 and Prior</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Lifetime</b>
<b>Service Reliability Projects</b>						
Guadalupe-Lost Creek Transmission Line Upgrade	0.3	6.0	-	-	-	6.3
Western Maintenance Facilities Fuel Station Facilities Upgrade	-	1.5	0.8	-	-	2.3
<b>Total</b>	<b>0.3</b>	<b>7.5</b>	<b>0.8</b>	<b>-</b>	<b>-</b>	<b>8.6</b>

## **EXHIBIT B**

<h3><b>Project Details</b></h3>
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**Project Name:** Guadalupe-Lost Creek Transmission Line Upgrade

**Project Number:** 1027911

**Lifetime Budget:** \$ 6.3 million

**Description:** The project will increase the reliability of a 6.1-mile portion of the Guadalupe-Lost Creek 138-kilovolt transmission line in DeWitt County. The project scope includes addressing clearance issues near the flood plain and replacing structures and optical ground wire to address erosion issues caused by flooding between the Guadalupe and Lost Creek substations. The recommended project completion date is May 15, 2024.

**Project Name:** Western Maintenance Facilities Fuel Station Facilities Upgrade

**Project Number:** 1029128

**Lifetime Budget:** \$2.3 million

**Description:** The project will increase service reliability of transmission fleet assets at LCRA TSC's Western Maintenance Facility by adding a new fuel station. The project scope includes construction of a covered fueling facility with an above-ground fuel tank, leak detection and containment systems, and an integrated fuel management system. The recommended project completion date is Sept. 30, 2024.

## **FOR ACTION**

# **4. Acquisition of Interests in Real Property – Use of Eminent Domain in Lavaca 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 Mont to Pilot Grove Transmission Line Overhaul project to provide for the continued reliable transmission of electric energy on the Mont to Pilot Grove (T140) transmission line; 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 the Mont to Pilot Grove Transmission Line Overhaul project.

### **Summary**

LCRA TSC proposes to acquire easement rights in Lavaca County for the Mont to Pilot Grove Transmission Line Overhaul project. Allen, Williford and Seale, Inc. 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.

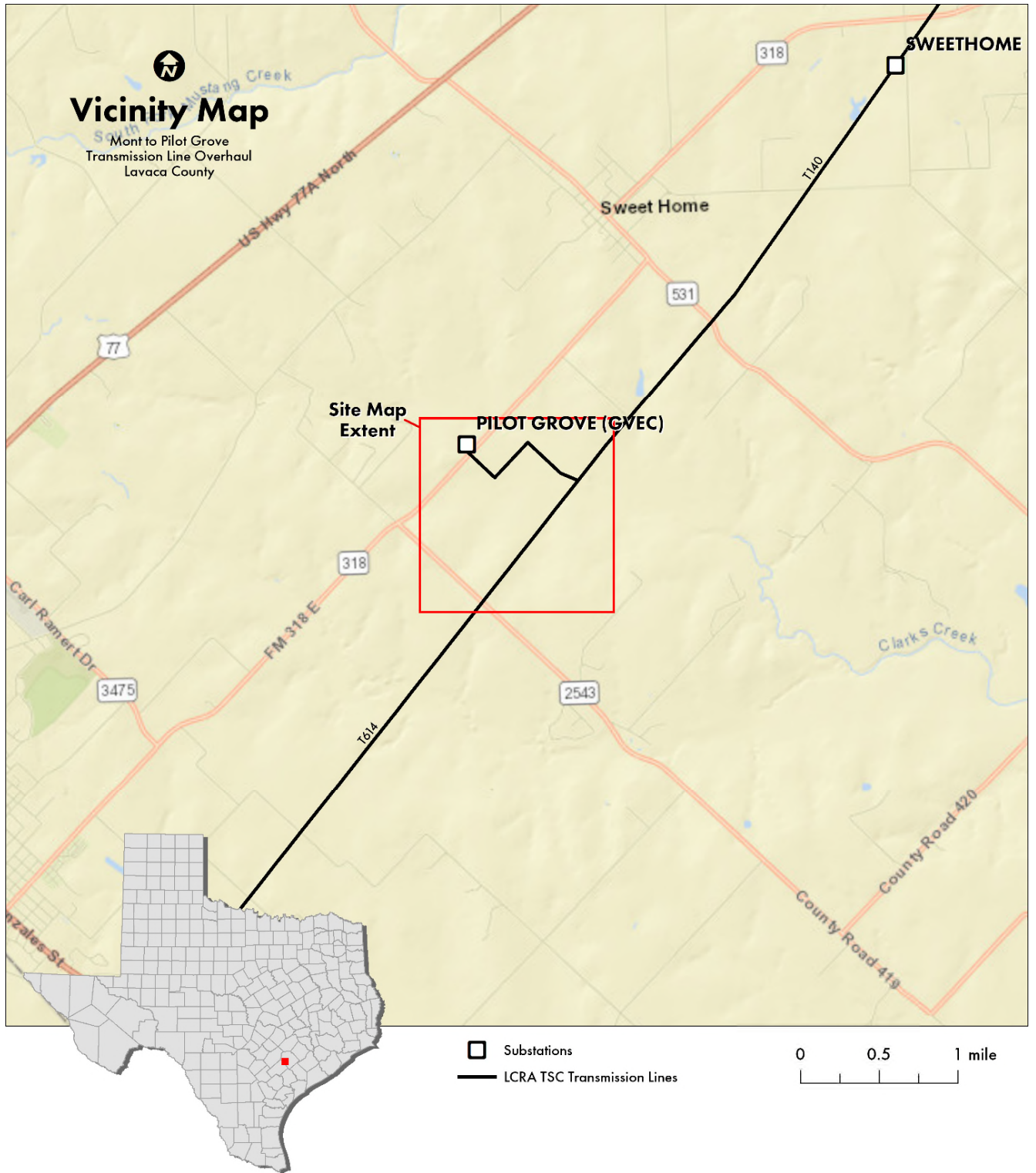
### **Presenter(s)**

Mark Sumrall  
Vice President, Real Estate Services

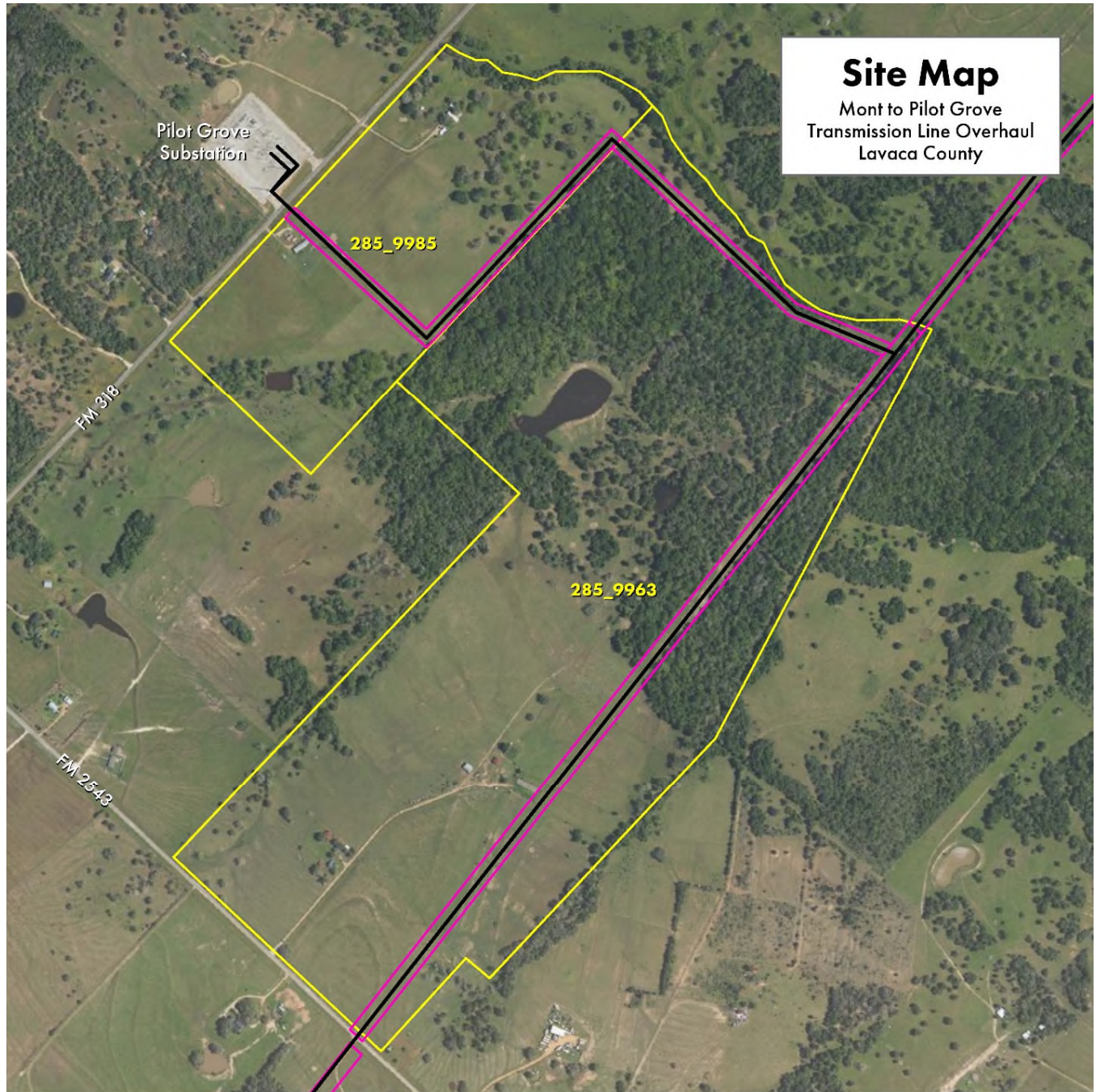
**Exhibit(s)**

- A – Vicinity Map
- B – Site Map
- C – Landowner List
- D – Resolution
- 1 – Property Description

**EXHIBIT A**



**EXHIBIT B**



0 1,000 feet

Existing Easements  
Lavaca County Parcels

LCRA TSC Transmission Lines

See Exhibit C Landowner List for owner names and acreages.

**EXHIBIT C**

<b>Track ID</b>	<b>Landowner</b>	<b>Approximate Parent Tract Acreage</b>	<b>Land Rights</b>	<b>Approximate Easement Acreage</b>	<b>County</b>	<b>Approximate Value</b>
285_9963	Mary Darlene Stary	247.60 acres	Easement Amendment	3.69 acres	Lavaca	\$2,657
285_9985	6 S Land & Cattle Company	76 acres	Easement Amendment	5.09 acres	Lavaca	\$4,352



**EXHIBIT D**

Page 1 of 2

**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 MONT TO PILOT GROVE TRANSMISSION LINE OVERHAUL PROJECT TO PROVIDE FOR THE CONTINUED RELIABLE TRANSMISSION OF ELECTRIC ENERGY ON THE MONT TO PILOT GROVE (T140) TRANSMISSION LINE; 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 LAVACA 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 Lavaca 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;

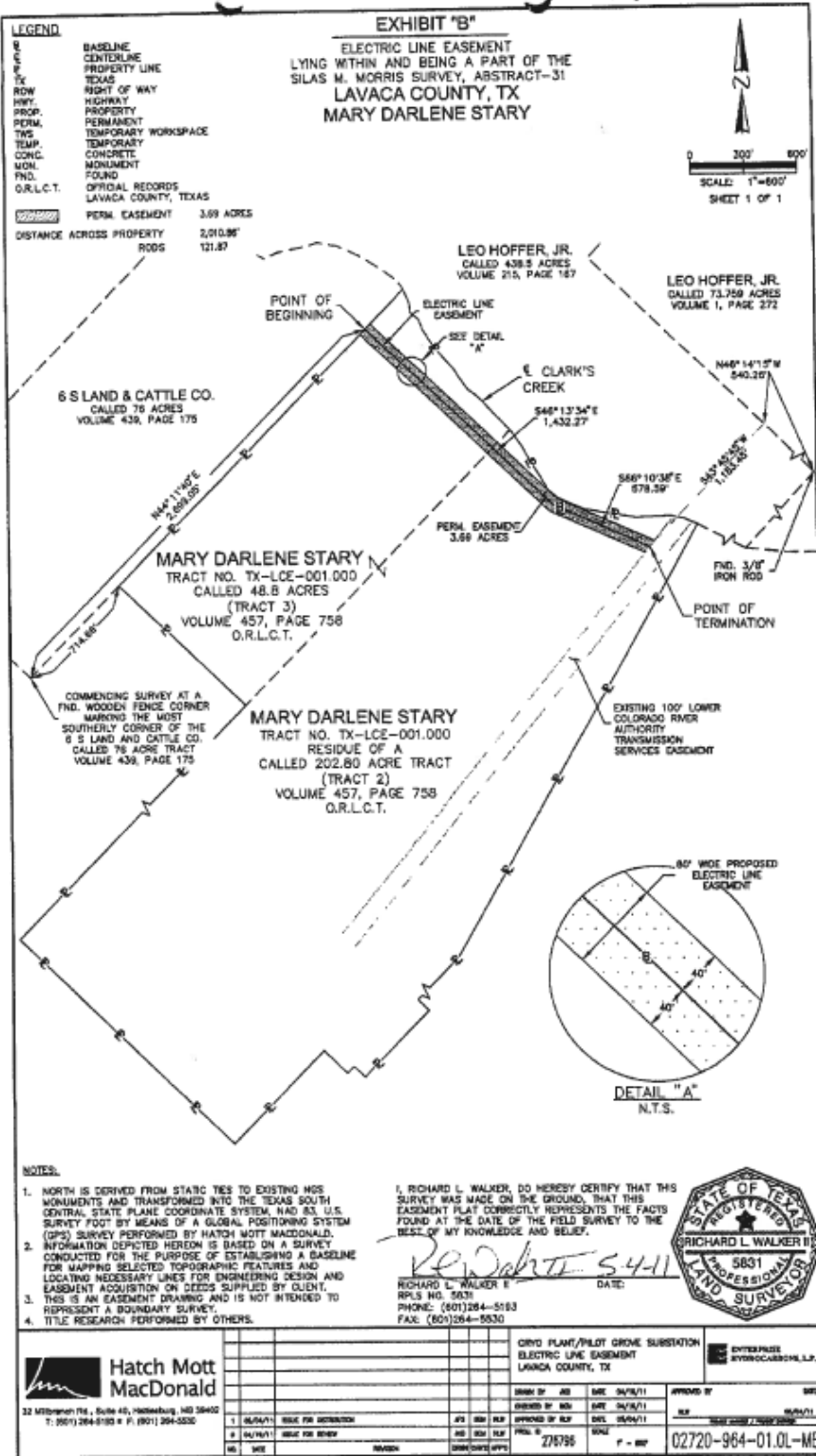
**NOW, THEREFORE, BE IT RESOLVED** that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowner(s) listed in the attached Exhibit C for the construction of the Mont to Pilot Grove Transmission Line Overhaul Project for the continued reliable transmission of electric energy on the Mont to Pilot Grove transmission line, 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

**EXHIBIT D**

Page 2 of 2

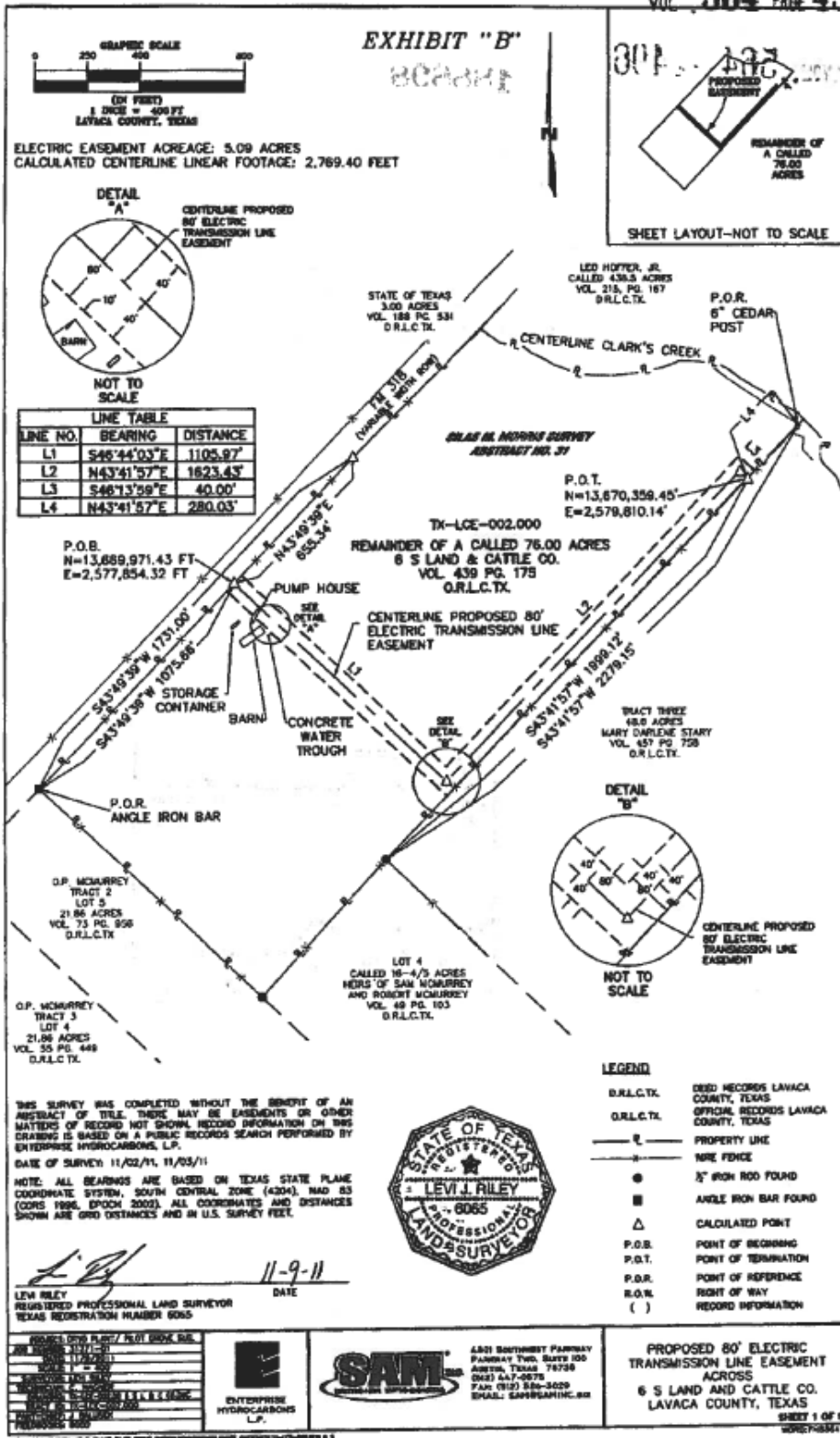
president and chief executive officer or his designee is authorized and directed to initiate condemnation proceedings against the owner(s) of the properties, and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the necessary interests in real 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).



**EXHIBIT 1**

VOL. **564** PAGE **495**



## **FOR ACTION**

# **5. Acquisition of Interests in Real Property – Use of Eminent Domain in Gillespie, Williamson and Burnet Counties**

### **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), Fredericksburg to Peach (T379), Spanish Oak to Round Rock (T642) and Graphite Mine to Lampasas (T715) 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 the LCRA Broadband Program project.

### **Summary**

LCRA TSC proposes to acquire communication rights, including the facilitation of broadband services, in Gillespie, Williamson and Burnet counties for the LCRA Broadband Program project. Paul Hornsby and Company 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.

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.

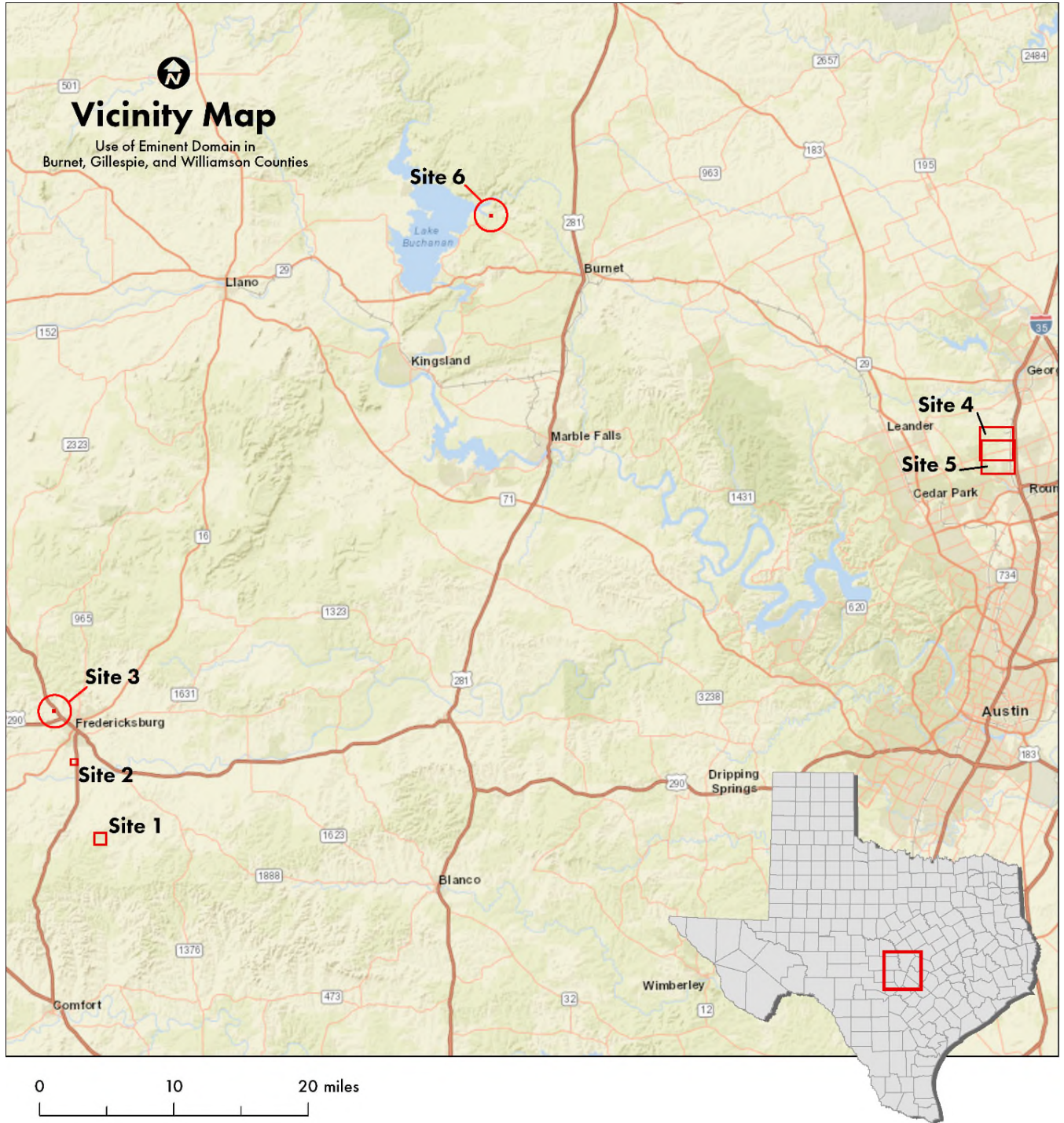
**Presenter(s)**

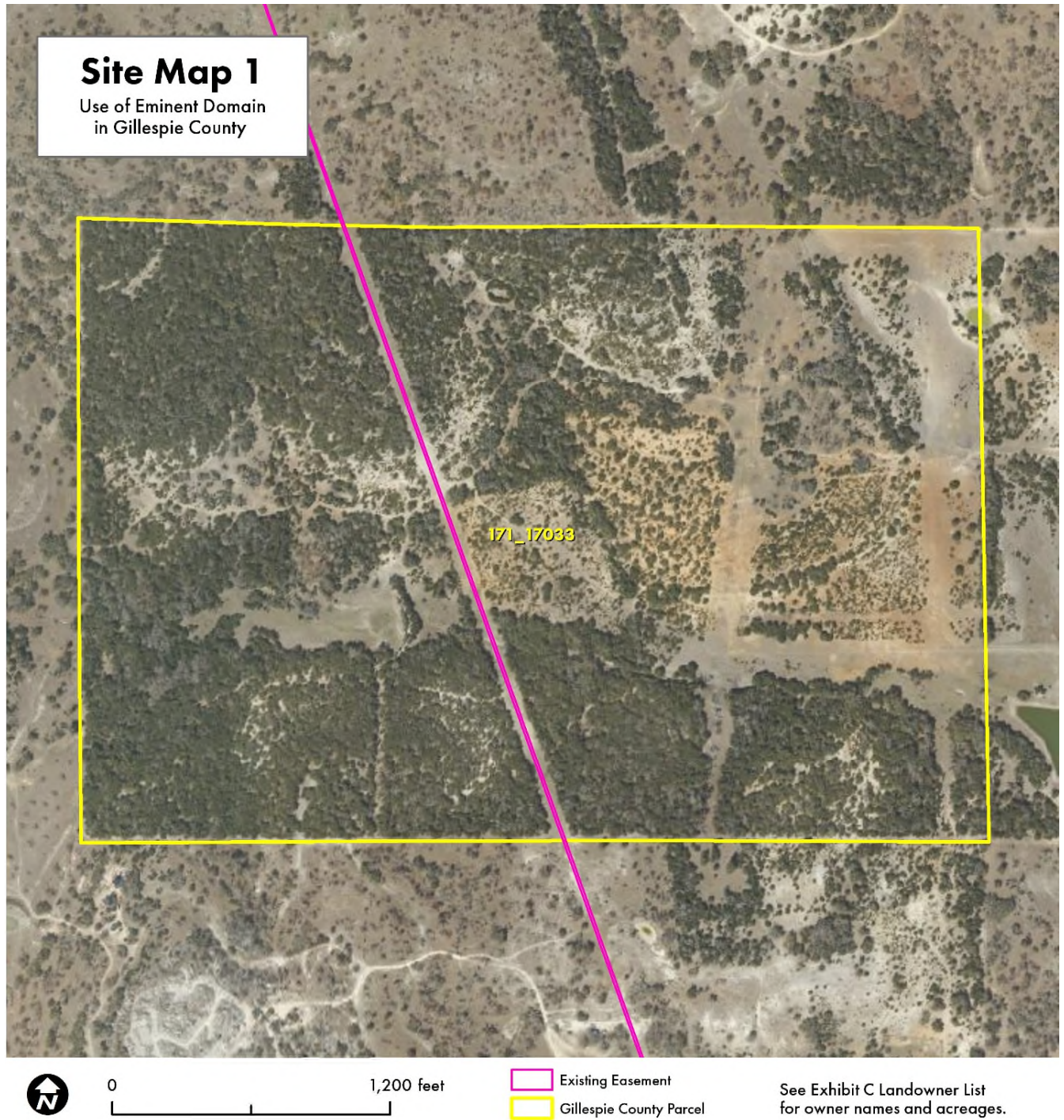
Mark Sumrall  
Vice President, Real Estate Services

**Exhibit(s)**

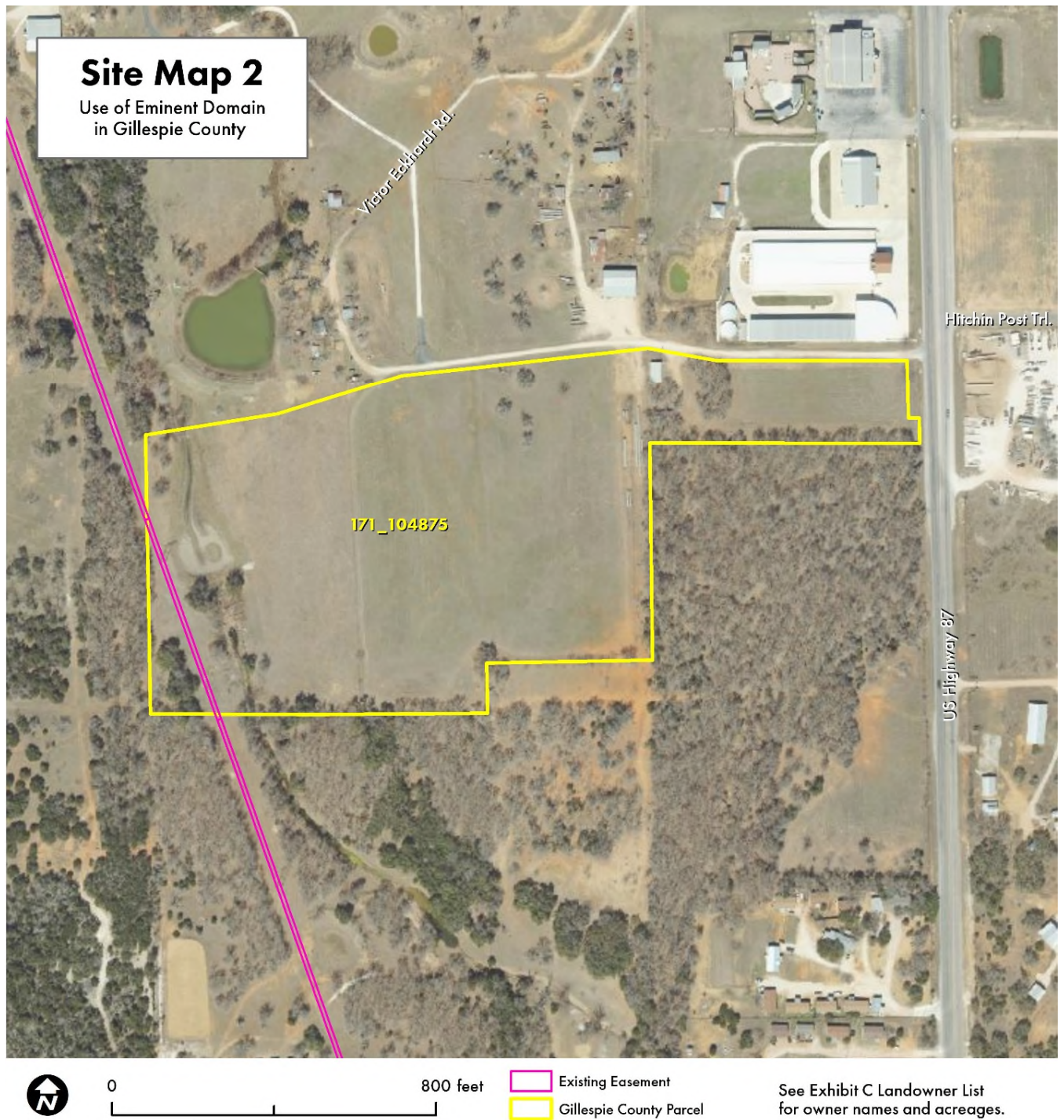
A – Vicinity Map  
B – Site Maps  
C – Landowner List  
D – Resolution  
1 – Property Descriptions

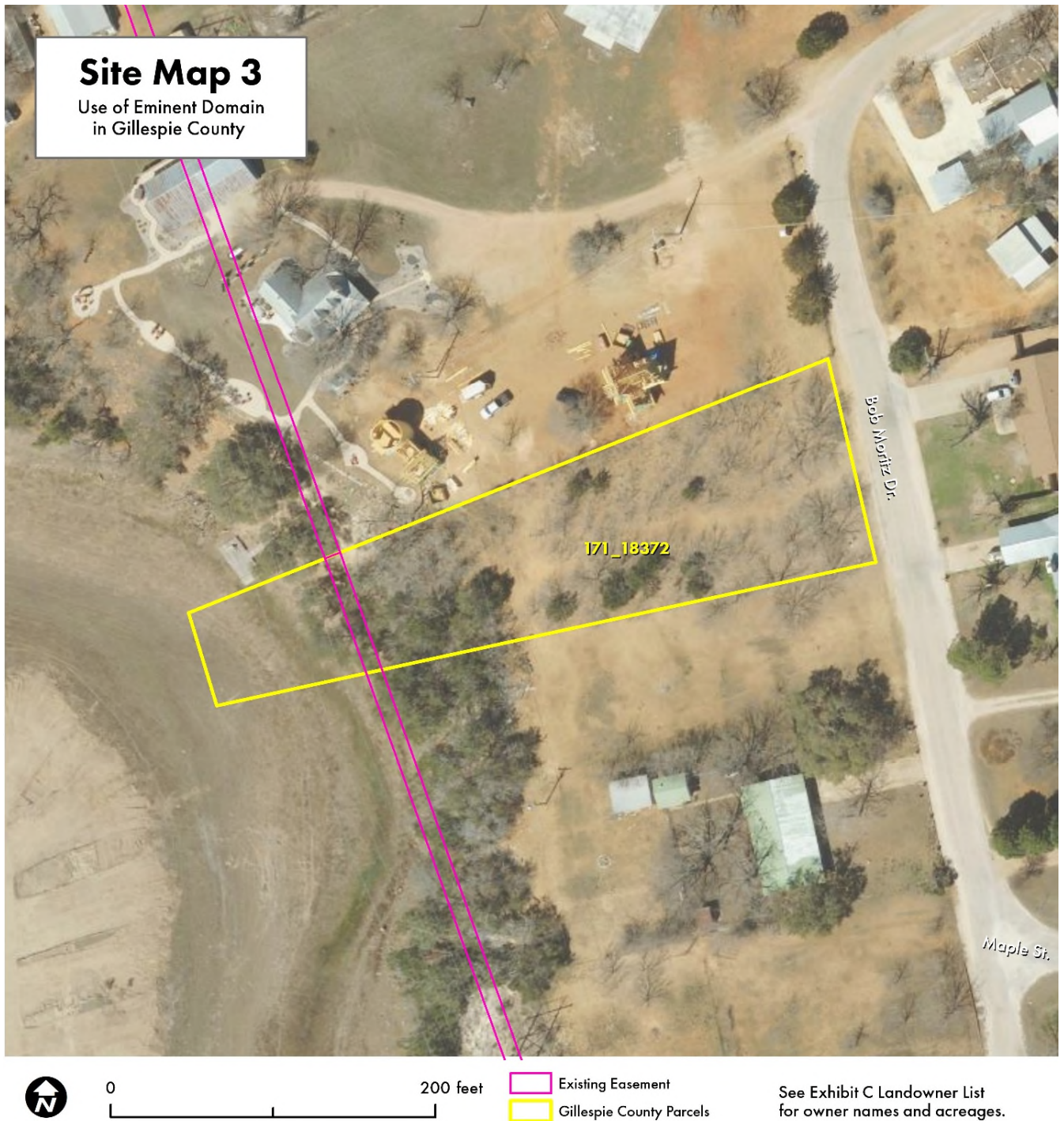
# EXHIBIT A



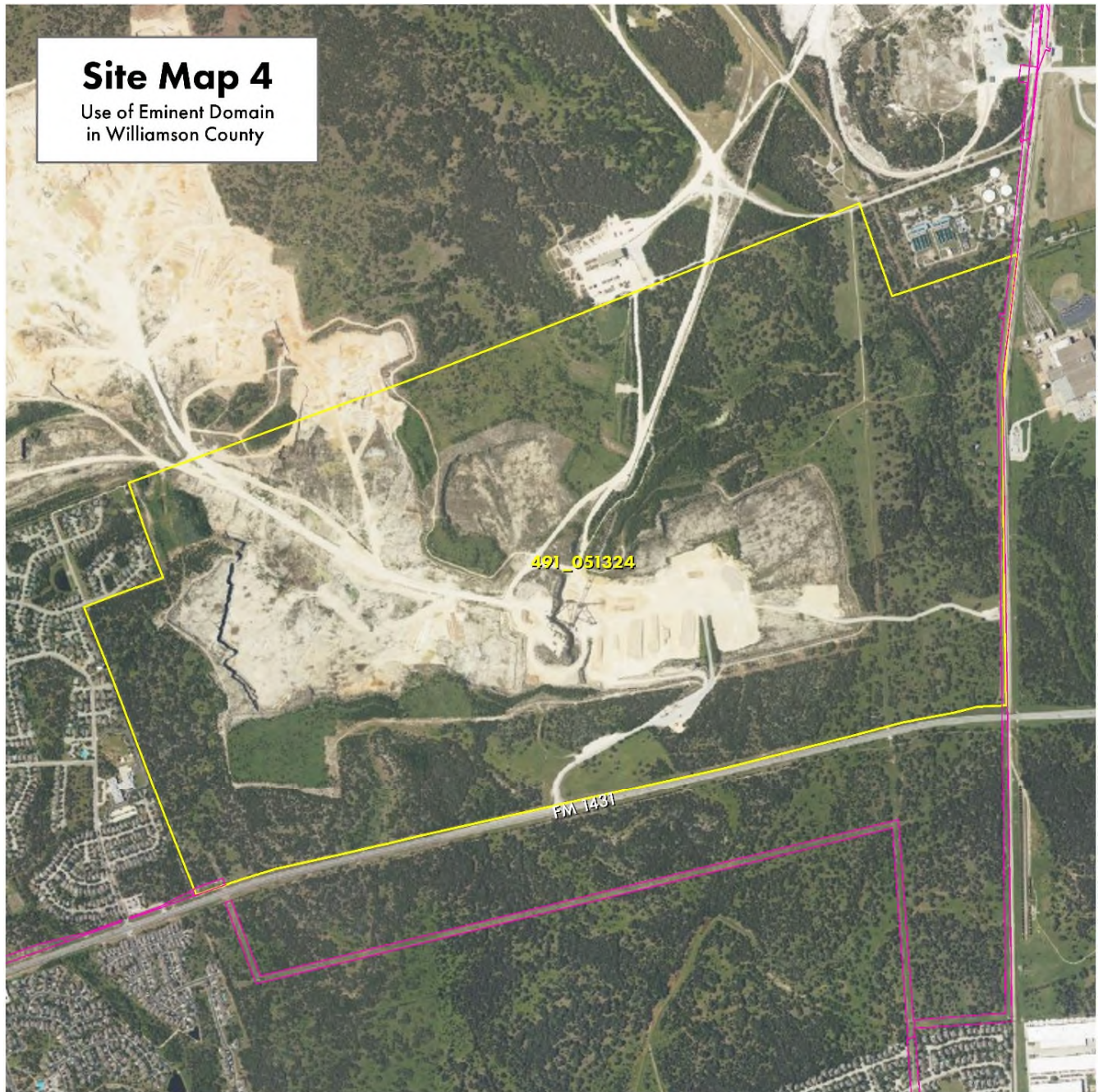


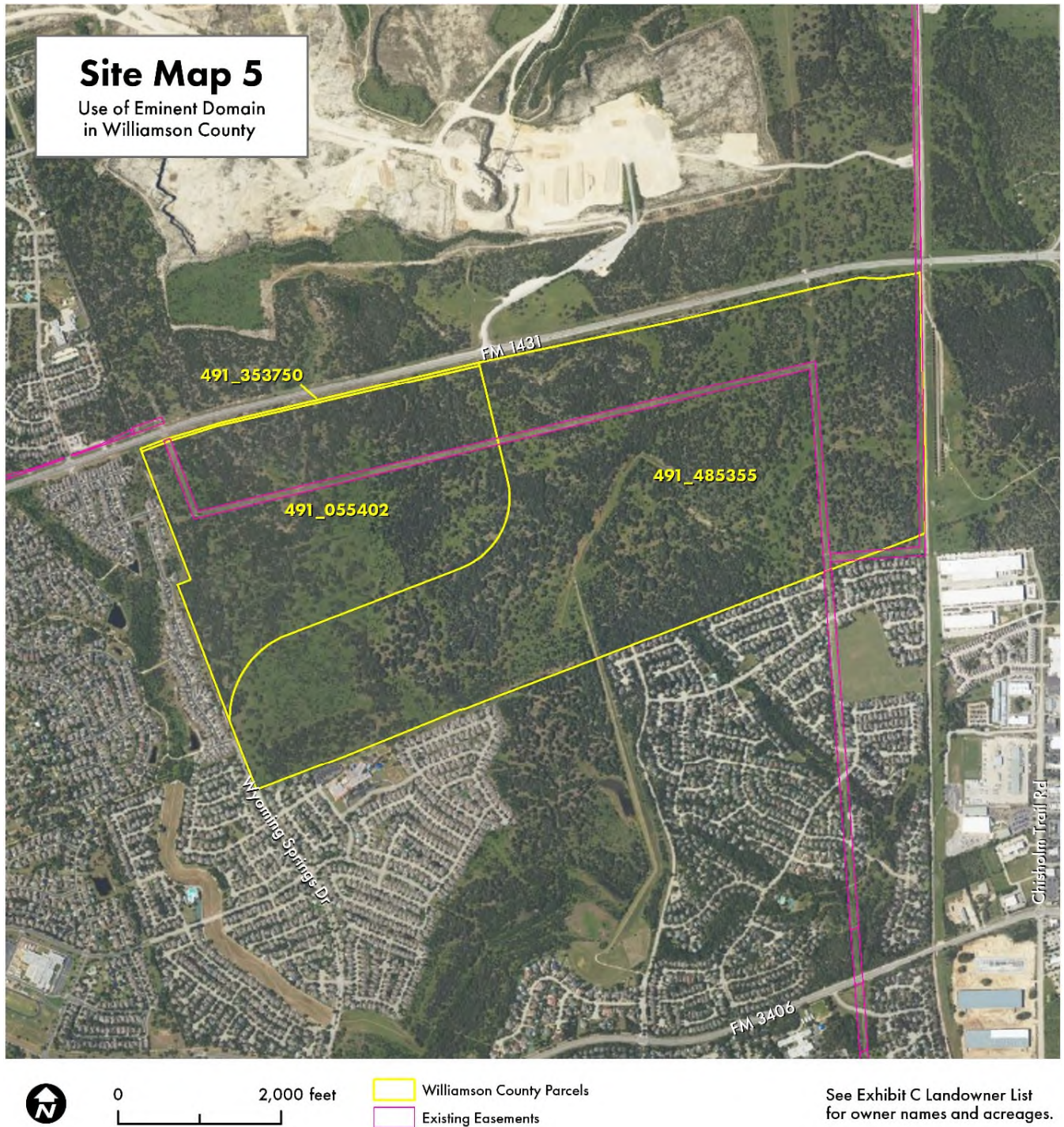


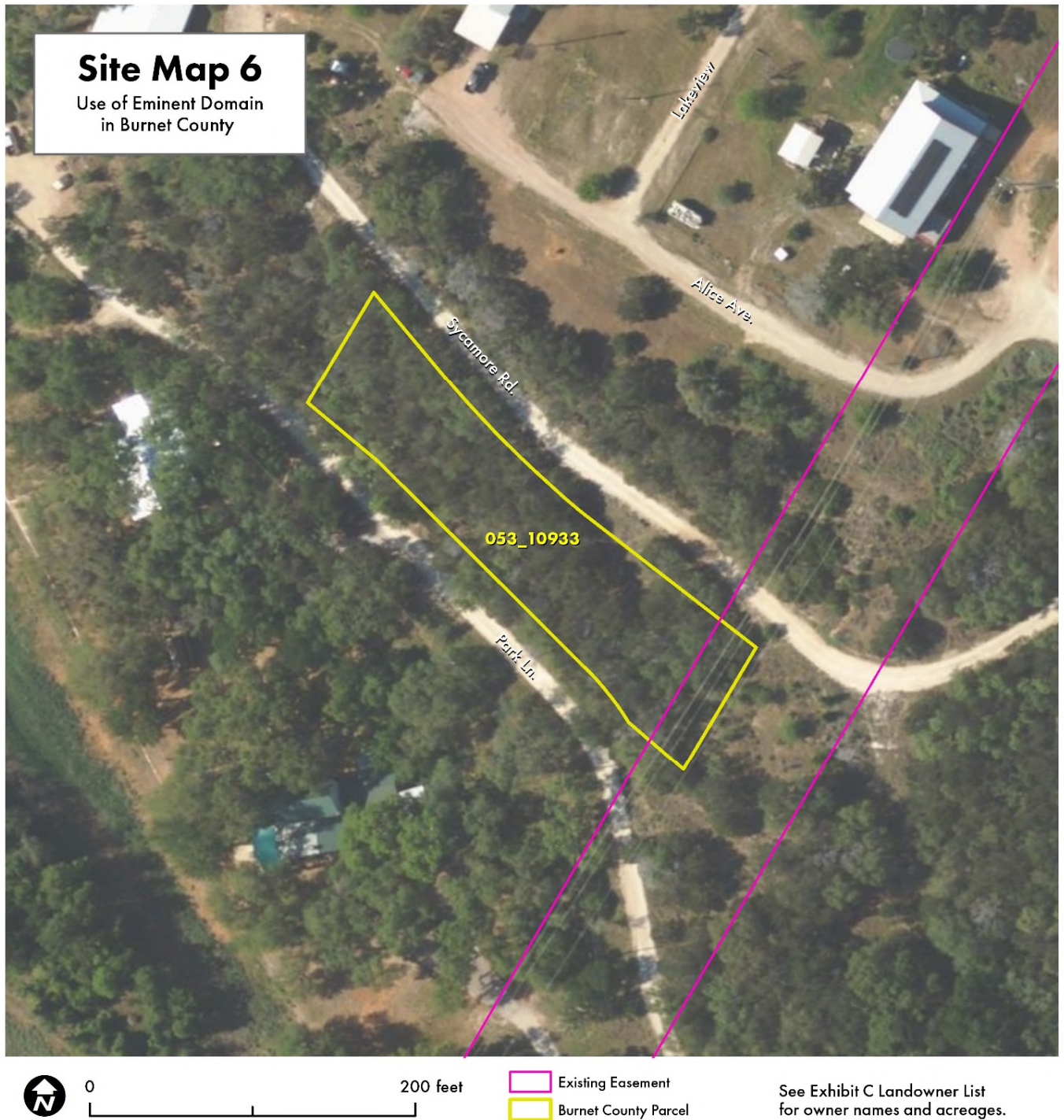




**EXHIBIT B**







**EXHIBIT C**

<b>Tract ID</b>	<b>Landowner</b>	<b>Approximate Parent Tract Acreage</b>	<b>Land Rights</b>	<b>Approximate Easement Acreage</b>	<b>County</b>	<b>Approximate Value</b>
171_17033	Charles Gerhardt, Allen Gerhardt and Rhoda Fenner Gerhardt Trust	241.30 acres	Third-Party Communication	6.49 acres	Gillespie	\$2,139
171_104875	Jowad Aysheh	25.03 acres	Third-Party Communication	1.17 acres	Gillespie	\$1,338
171_18372	Brandon and Kim Wheeler and Rene and Nicole Gallegos	0.84 acre	Third-Party Communication	0.15 acre	Gillespie	\$1,110
491_051324	Texas Crushed Stone Company, a Texas Corporation	1,325.76 acres	Third-Party Communication	0.70 acre	Williamson	\$786
491_055402	Georgetown Railroad Company, Inc.	248.32 acres	Third-Party Communication	8.78 acres	Williamson	\$37,469
491_353750	Georgetown Railroad Company, Inc.	1.896 acres	Third-Party Communication	0.06 acre	Williamson	\$256
491_485355	Georgetown Railroad Company, Inc.	576.51 acres	Third-Party Communication	11.97 acres	Williamson	\$51,083
053_10933	Mary Gonzales	0.57 acre	Third-Party Communication	0.05 acre	Burnet	\$82

**EXHIBIT D**

Page 1 of 2

**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 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), FREDERICKSBURG TO PEACH (T379), SPANISH OAK TO ROUND ROCK (T642), AND GRAPHITE MINE TO LAMPASAS (T715) 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, WILLIAMSON AND BURNET COUNTIES 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, Williamson and Burnet counties; 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

## **EXHIBIT D**

Page 2 of 2

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 properties, 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).



Completed by [Signature] - 6/10/26  
E0000051-64 (764-1)

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

County of Gillespie

That We, Julius Tatsch of Gillespie County, Texas, for and in consideration of the sum of \$10,000.00 DOLLARS to us cash in hand paid by WEST TEXAS UTILITIES COMPANY, a private Corporation, the receipt of which is hereby acknowledged, have bargained, sold and 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 construct, operate, patrol, maintain and repair its transmission line, including a private telephone line along said easement for said purposes, 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 maintain 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:

Situated in Gillespie County Texas and being in the Tyler Top RR. Co Survey # 197.

Said Easement along which said line of transmission extends is described as follows: Beginning at a point in the N. line of the above described property 2785 feet W of the N.E. corner, thence S 20-40'E across said property 3038.5 feet to a point in the S. line, 829 feet W of the S.E. corner.

TO HAVE AND TO HOLD the above described easement, rights and privileges unto 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 or to claim the same or any part thereof so long as said easement is used for said purposes for which it is granted.

Witness my hand this the 12th day of August, A. D. 1926  
Julius Tatsch  
Pauline Tatsch

THE STATE OF TEXAS, COUNTY OF

Before me, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the day of , A. D. 19

THE STATE OF TEXAS, COUNTY OF Gillespie

Before me, the undersigned authority, on this day personally appeared Julius Tatsch and Pauline Tatsch, 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 purposes and consideration therein expressed, and the said Pauline Tatsch, wife of Julius Tatsch having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Pauline Tatsch acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the 14 day of August, A. D. 1926  
A. W. [Signature] P. S.  
Notary Public, Gillespie County, Texas

E0000051-42 D12-6

**THE STATE OF TEXAS**  
County of Hillspie KNOW ALL MEN BY THESE PRESENTS:

That We, Louis Kott of Hillspie County, Texas, for and in consideration of the sum of Five Dollars DOLLARS to us cash in hand paid by WEST TEXAS UTILITIES COMPANY, a private Corporation, the receipt of which is hereby acknowledged, have bargained, sold and 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 Hillspie County, Texas, with the right to construct, operate, patrol, maintain and repair its transmission line, including a private telephone line along said easement for said purposes, 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 maintain 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:

10 1/2 acres, part of Sur. No. 40, Keney Harmon, Abstract No. 299.

Said Easement along which said line of transmission extends is described as follows: Beginning at a point in the W. 1/4 line of the above described property, 495 feet N of the S.W. corner, thence S 20° 00' E, 526.5 feet across said property, to a point in the S. 1/4 line, 165.5 feet E of the S.W. corner.

TO HAVE AND TO HOLD the above described easement, rights and privileges unto 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 or to claim the same or any part thereof so long as said easement is used for said purposes for which it is granted.

Witness my hand this the 4 day of August, A. D. 1926.

Louis Kott  
George E. Kott  
By R. L. Kott Attorney-in-Fact (by R. L. Kott)

THE STATE OF TEXAS,  
COUNTY OF Hillspie

Before me, the undersigned authority on this day personally appeared R. L. Kott, Louis Kott, George E. Kott known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 17 day of August, A. D. 1926

THE STATE OF TEXAS,  
COUNTY OF Hillspie

R. W. Pietruschka, P. +  
Es. officio Notary Public, Hillspie County, Texas.

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 purposes and consideration therein expressed, and the said \_\_\_\_\_ wife of \_\_\_\_\_ having been examined by me privily 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 purposes 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. 19\_\_\_\_\_

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THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

County of Hillispie

That We, Emil Knopp of Hillispie County, Texas, for and in

consideration of the sum of Twenty Five Dollars DOLLARS to us cash in hand paid by WEST TEXAS UTILITIES COMPANY, a private Corporation, the receipt of which is hereby acknowledged, have bargained, sold and 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

Hillispie County, Texas, with the right to construct, operate, patrol, maintain and repair its transmission line, including a private telephone line along said easement for said purposes, 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 maintain 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:

Situated in Hillispie County Texas and later Acreslots # 398, 399, 350, 351, 353 and one part of lot # 353 of the German Immigration Colony

Said Easement along which said line of transmission extends is described as follows: Beginning at a point in the N. 1/4 of the above described property, 1074 feet E of the N.W. corner; thence S 20° 40' E; 2015.5 feet across said property to a point in the S. 1/4 and 1029 feet E of the S.W. corner.

TO HAVE AND TO HOLD the above described easement, rights and privileges unto 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 or to claim the same or any part thereof so long as said easement is used for said purposes for which it is granted.

Witness my hand this the 29th day of July, A. D. 1926  
Emil Knopp  
Anna Knopp

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that \_\_\_\_\_ executed the same for the purposes and consideration therein expressed.  
Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF Hillispie

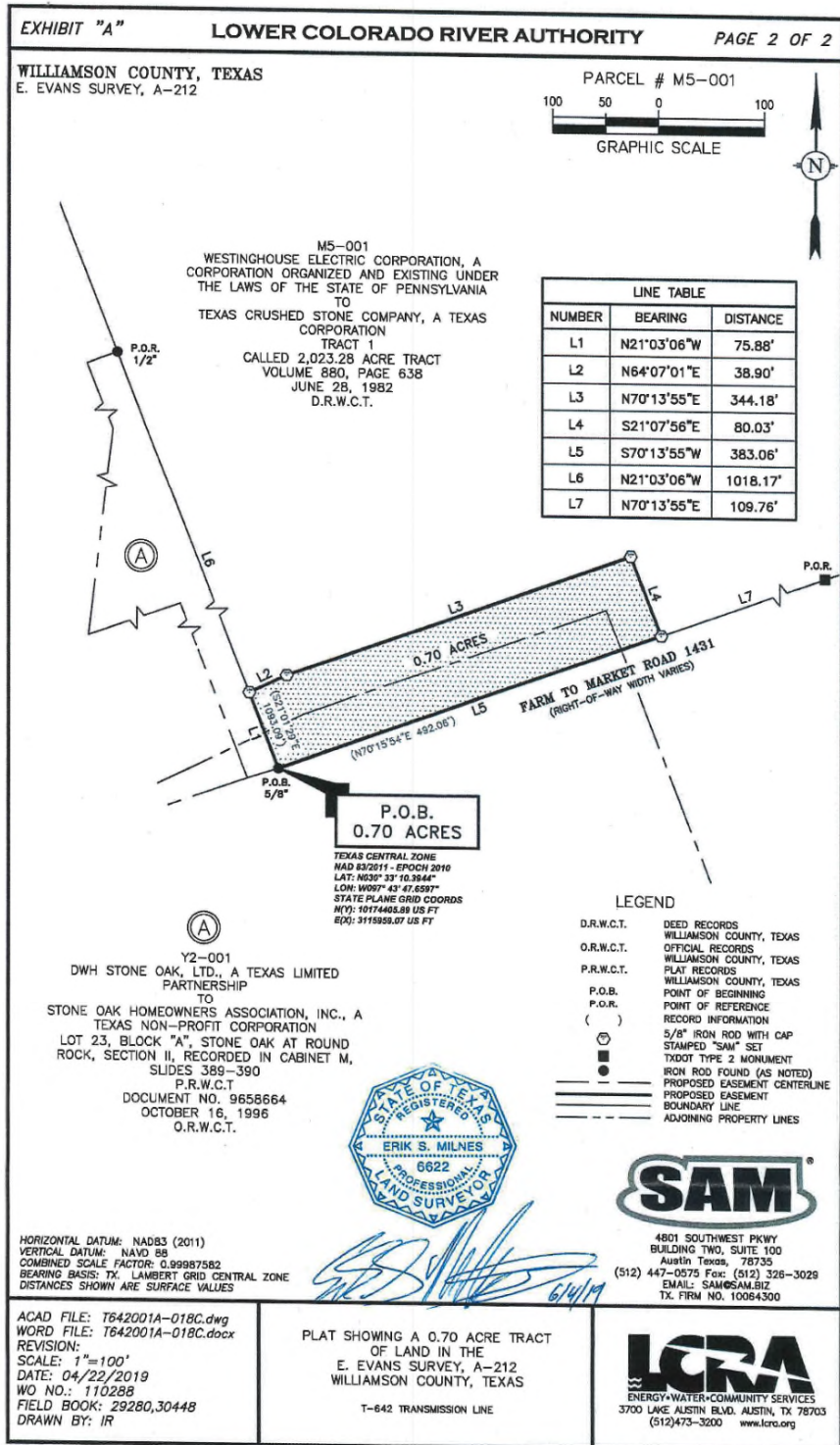
Before me, the undersigned authority on this day personally appeared Emil Knopp and Anna Knopp his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Anna Knopp wife of Emil Knopp having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Anna Knopp acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the 29 day of July, A. D. 1926  
W. O. ...  
Public ...

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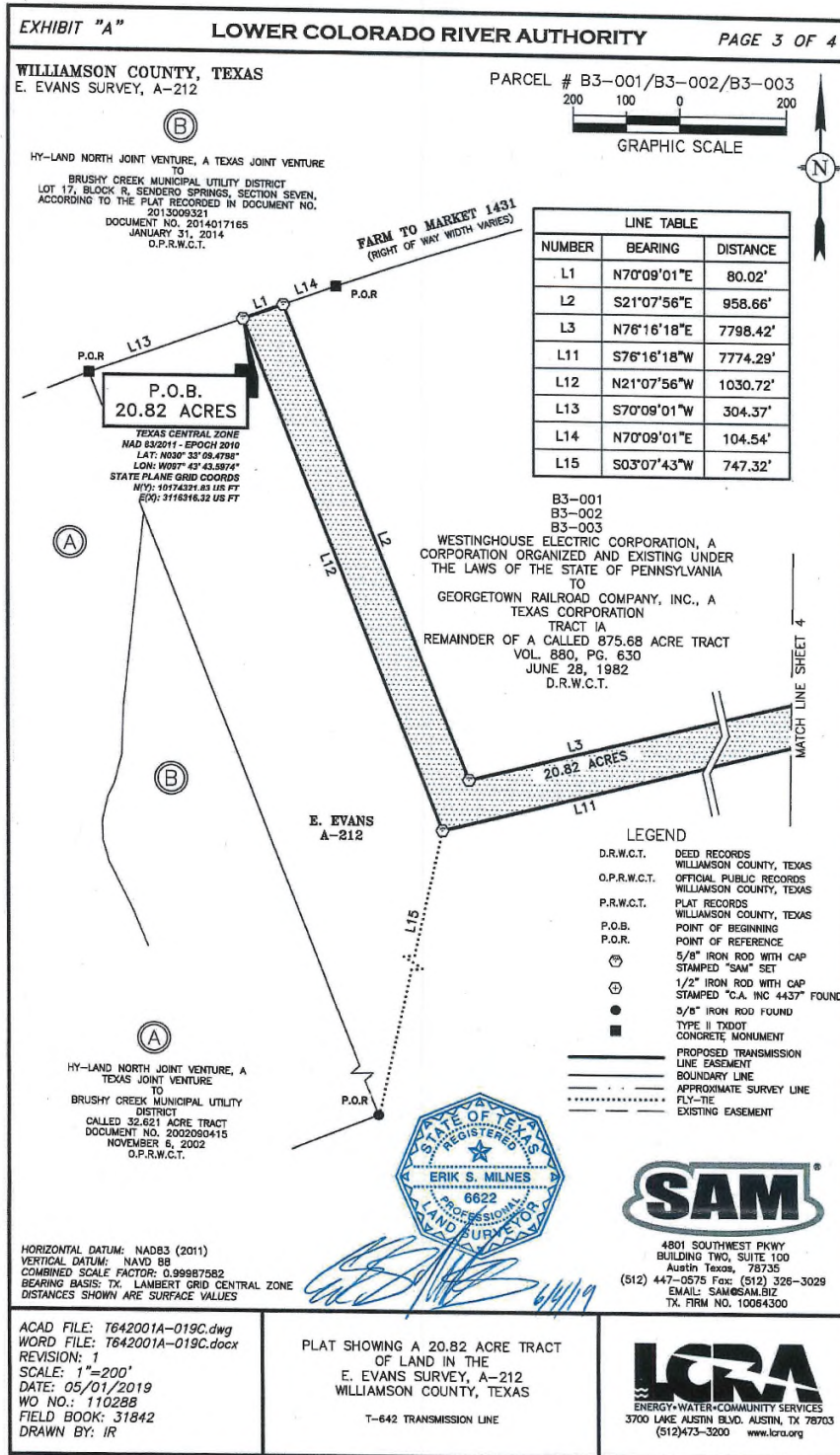
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Page 4 of 11

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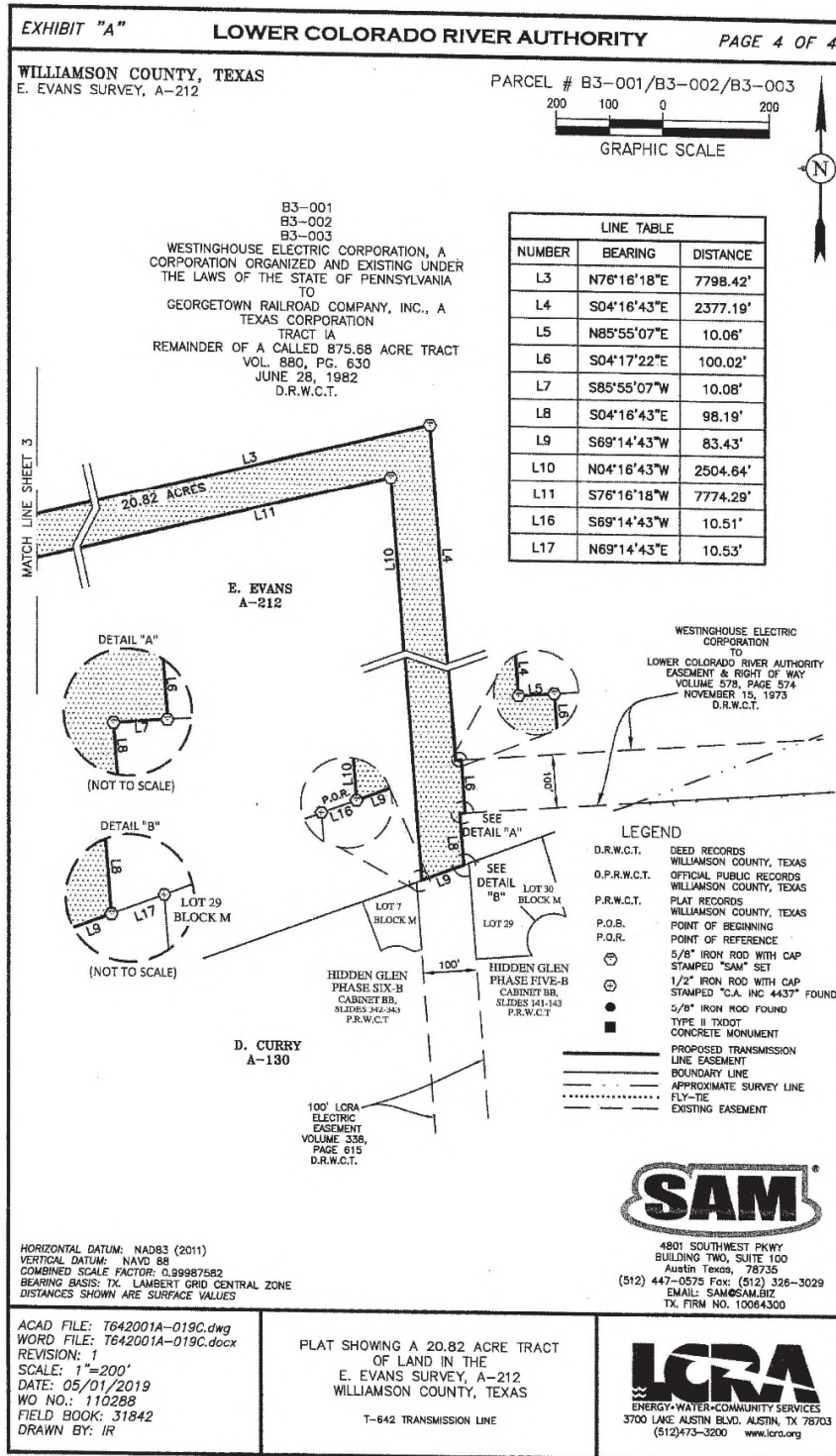
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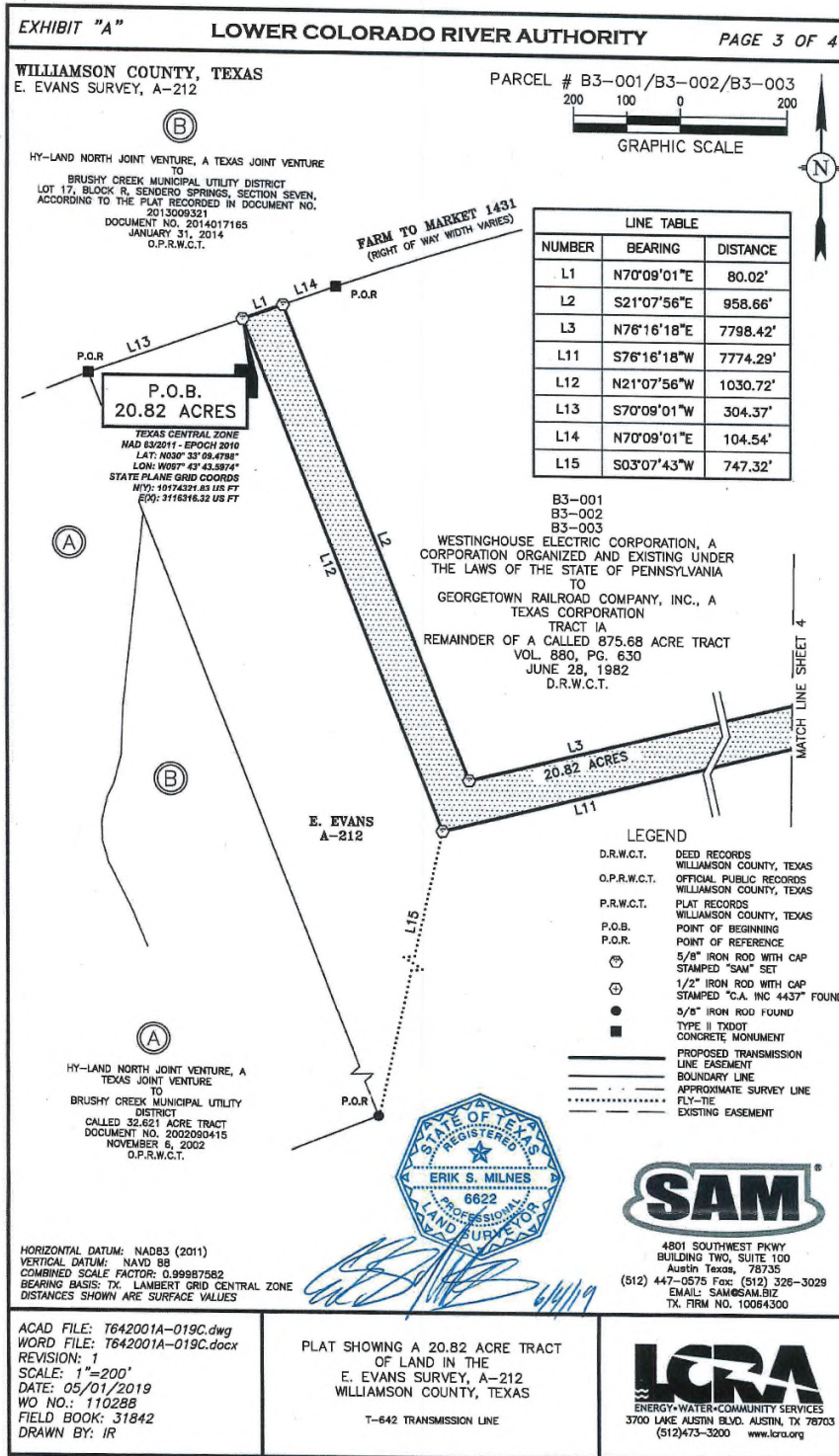
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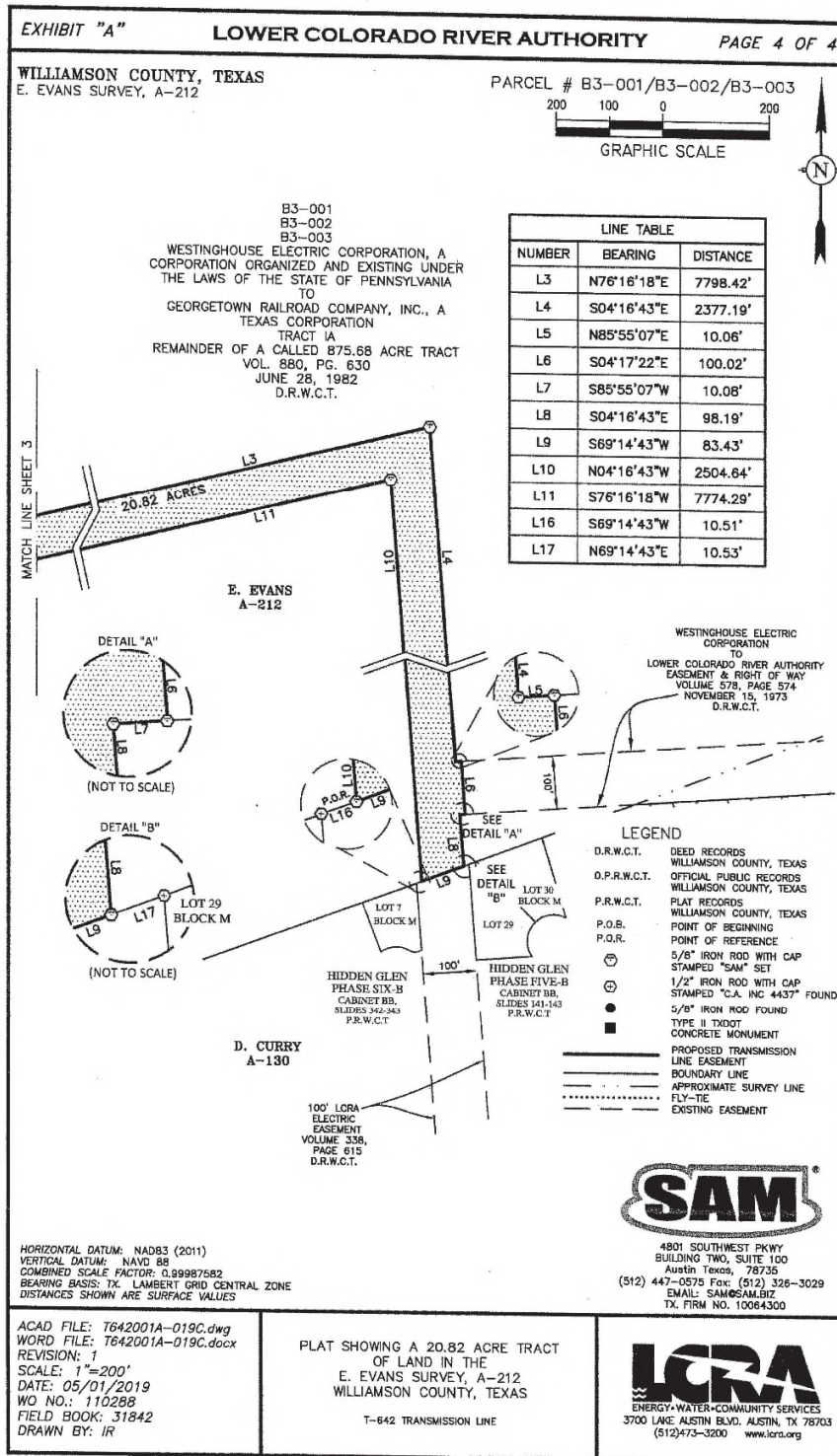
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**EXHIBIT 1**  
Page 8 of 11 (2 of 2)

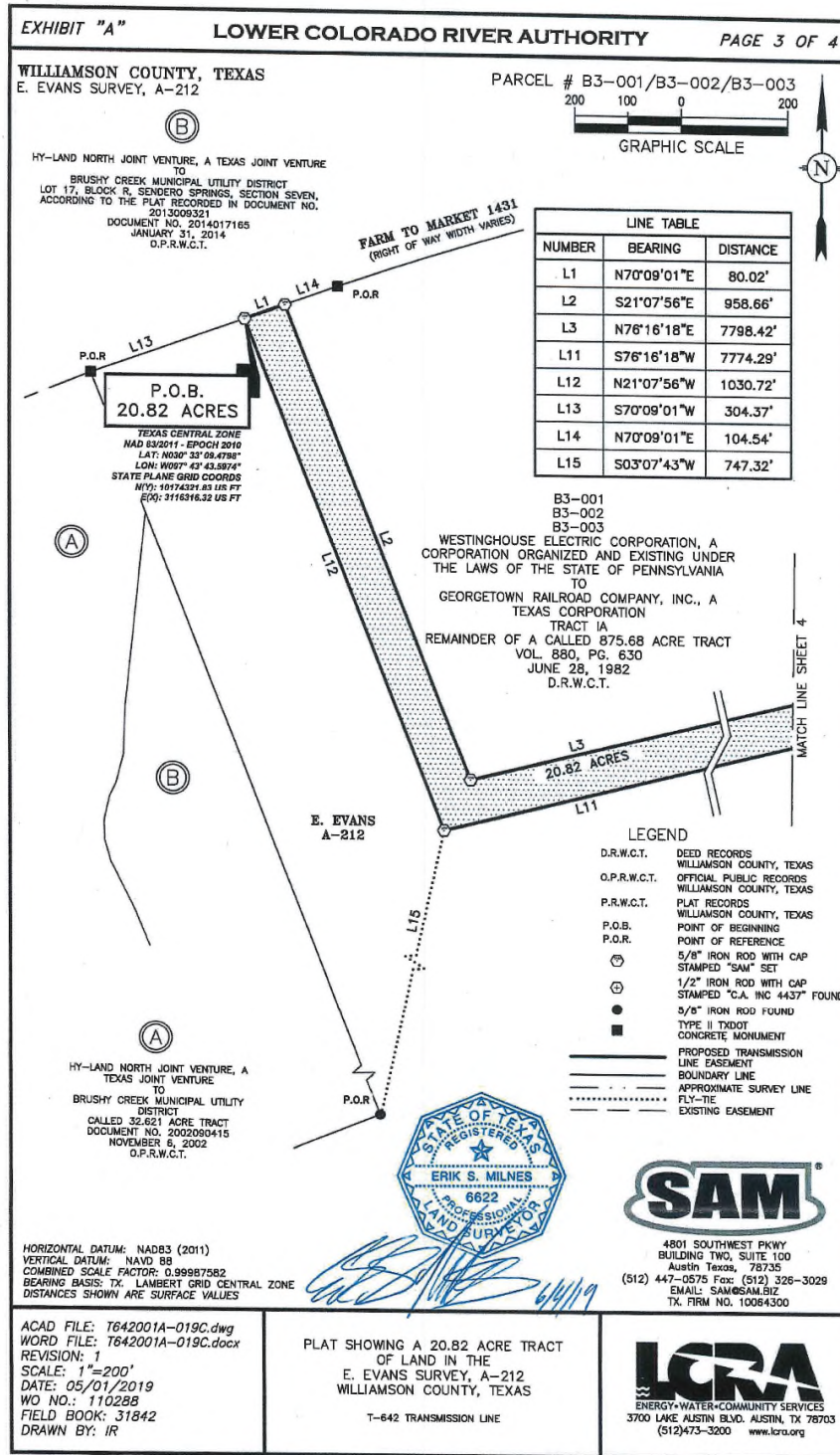
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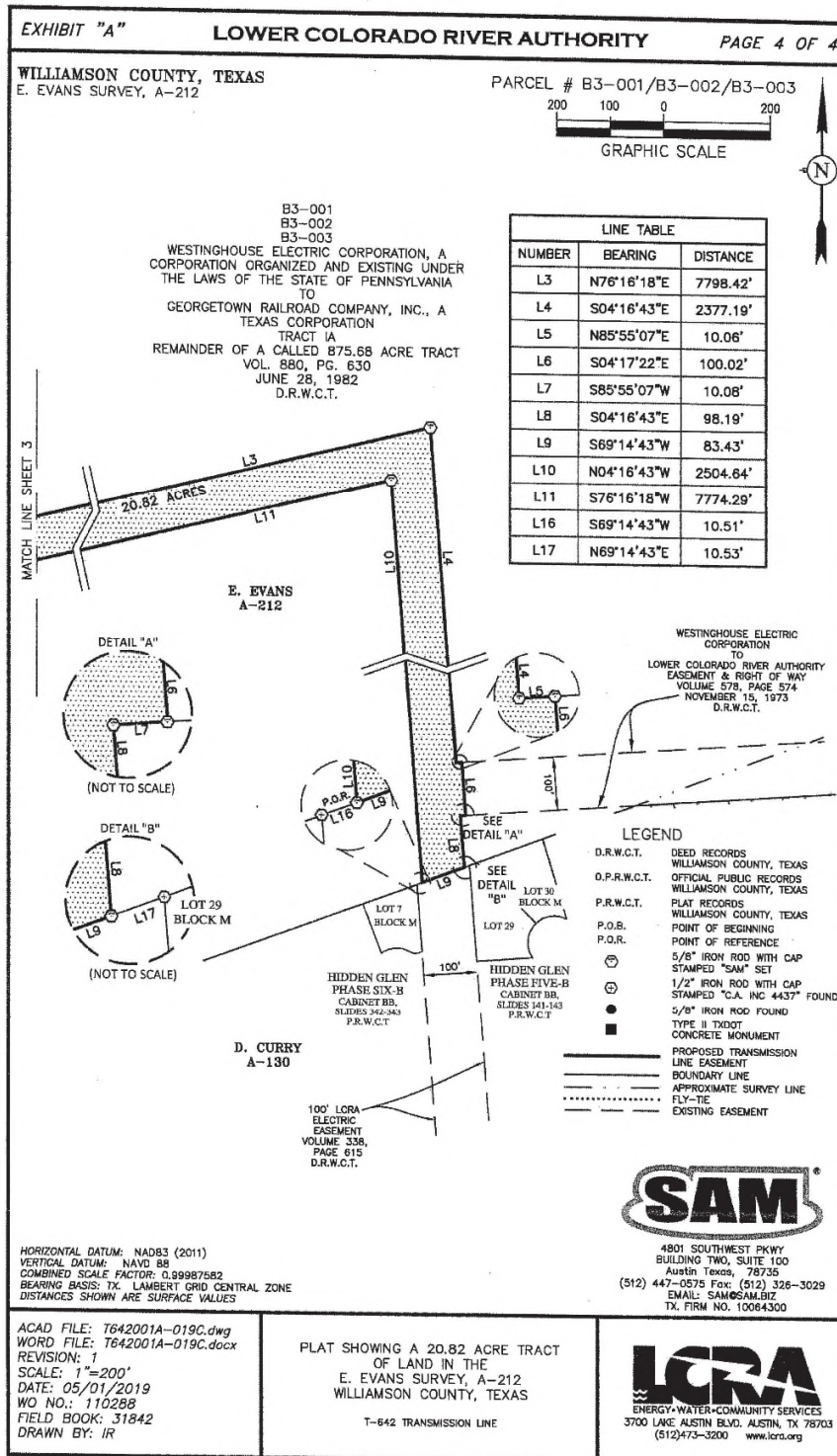
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**EXHIBIT 1**

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