

**RESOLUTION NO. 2016-06-\_\_\_\_ (R)**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, OPPOSING THE PROPOSED KITTYHAWK TRANSMISSION LINE AND SUBSTATION PROJECT BY BRAZOS ELECTRIC POWER COOPERATIVE, INC. REGARDING ITS PROPOSED ROUTES IN THE SOUTHWESTERN PART OF MCKINNEY AND ALONG SH121; MAKING FINDINGS RELATED TO THE SUBJECT; AUTHORIZING THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Brazos Electric Power Cooperative, Inc. ("BEPC") is proposing to construct approximately 1.6 to 5.6 miles of double circuit 138 kV transmission line with single-pole structures from CoServ Electric's proposed Kittyhawk Substation, located in the vicinity of Alma Road and Exchange Parkway to an undetermined interconnection site east, southeast, northwest or west of the proposed substation (the "Project"); and,

**WHEREAS**, CoServ Electric, a member of BEPC, has proposed a substation for its proposed Kittyhawk substation and has proposed transmission lines to be located in McKinney, generally near the intersection of Alma Drive and SH121, with transmission lines extending northeasterly along SH121 within the City of McKinney; and,

**WHEREAS**, BEPC held a public meeting on May 17, 2016, to announce the proposed Kittyhawk Transmission Line and Substation Project and proposed several alternate substation sites and transmission line routes; and,

**WHEREAS**, on May 23, 2016 the City Council received a presentation from CoServ Electric representatives on the components of the Project and the process for amending BEPC's Certificate of Convenience and Necessity to construct the Project; and,

**WHEREAS**, BEPC's proposed alternative routes in McKinney are along and near the SH121 corridor that the City Council has planned and zoned as a Regional Employment Center with a tremendous economic impact for the city and is currently under development; and,

**WHEREAS**, BEPC's proposed alternative routes in McKinney will have significant impacts on residential neighborhoods, commercial developments and overall community aesthetics; and,

**WHEREAS**, the City of McKinney understands the importance of providing low-cost, reliable electricity service while balancing the challenge of finding an ideal location for such facilities, but the City of McKinney believes that BEPC and CoServ Electric's proposed alternative route in McKinney does not offer the best solution to providing electric capacity to McKinney's development, and specifically the Craig Ranch development.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, THAT:**

Section 1. Based upon the foregoing premises which premises are incorporated herein by reference, the City of McKinney is strongly opposed to locating a BEPC substation or any portion of the Kittyhawk Substation and Transmission Line Project at any location within the City of McKinney.

Section 2. The City of McKinney has determined that BEPC and CoServ should not locate a substation and transmission lines in McKinney for the reasons stated in the incorporated premises and for the reason that the most recently-installed substation and related transmission lines were constructed in McKinney to satisfy existing and future customer demand.

Should any properties in McKinney be ultimately affected by the Project through a final order of the PUC or a court of competent jurisdiction, any easements to BEPC or CoServ shall contain use rights to the owner in substantial conformity to Exhibit A, attached hereto and made a part hereof for all purposes.

Section 3. The City of McKinney encourages BEPC and CoServ Electric to consider alternative options related to the future locations of substations and transmission lines, and particularly overhead transmission lines, and that such types of facilities not be sited along major highways and thoroughfares.

Section 4. A copy of this Resolution shall be sent to Brazos Electric Cooperative, Inc., c/o Richard Chambers, at 7616 Bagby Avenue, Waco, Texas 76712 and to CoServ Electric, c/o Dan Mugg, at 7701 South Stemmons, Corinth, Texas 76210-1842.

Section 5. The City Attorney is authorized to engage special legal counsel to represent the City and coordinate the preparation and filing of any necessary intervention to oppose any proceedings filed by BEPC and CoServ which are inconsistent with this Resolution.

Section 6. This Resolution shall take effect from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ON THIS THE 7<sup>th</sup> DAY OF JUNE, 2016.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

## Exhibit A

Grantee reserves unto the Grantor the non-exclusive right to use and grant others rights to use the easement property for access (ingress/egress) drives, parking, detention ponds, drainage, storm sewer crossings, water crossings, sanitary sewer crossings, and landscape buffers. Grantor shall further have the right to review and approve the design plans for installation of the proposed utility facilities to obtain Grantor's input regarding the depth of the mains to better coordinate future crossing locations. To minimize disruption, Grantee shall bore any existing driveways or permanent improvements.