

A RESOLUTION APPROVED BY MAYOR TRAVIS MITCHELL, MAYOR PRO TEM DEX ELLISON, COUNCILMEMBER TRACY SCHEEL, COUNCILMEMBER SHANE ARIBIE, COUNCILMEMBER ALEX VILLALOBOS, COUNCILMEMBER RICK KOCH AND COUNCILMEMBER DAPHNE TENORIO, ALL OF THE CITY OF KYLE, TEXAS OPPOSING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH THE CITY OF KYLE AND ITS EXTRATERRITORIAL JURISDICTION AND REQUESTING IMMEDIATE ACTION FROM THE STATE LEGISLATURE

WHEREAS, Kinder Morgan and Exxon Mobil in partnership with EagleClaw Midstream Ventures (“Private Partnership”) have begun the process of routing a 42-inch underground high pressure natural gas pipeline, known as the Permian Highway Pipeline (“PHP”) from Cayanosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, the Private Partnership asserts that the State of Texas has delegated to the Private Partnership the authority to choose the route of the PHP and to take the private land traversed by the PHP using the governmental delegated power of eminent domain; and

WHEREAS, the laws of Texas provide for little oversight of the routing of private pipelines like the PHP pipeline and the laws of Texas provide no formal opportunity for the landowners of the impacted property to participate in the routing selection process; and

WHEREAS, the PHP project will traverse the properties of multiple landowner and the Private Partnership has asserted it intends to take and clear cut of all trees and vegetation a permanent easement of fifty (50) feet, plus an additional seventy (75) feet of temporary construction easements; and

WHEREAS, the Private Partnership has not performed a formal Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Trinity and Edwards Aquifers, other groundwater sources, erosion, drainage, subsidence and other generally detrimental impacts to the surrounding community; and

WHEREAS, the citizens of the City of Kyle have expressed strong concerns and opposition to the presence of the PHP in the City of Kyle and Hays County due to its potential negative impacts to the environment, soil, air, development, water system, and land values; and

WHEREAS, the PHP project will cause developmental limitations on affected properties and will cause a diminution in value to affected properties; and

WHEREAS, the City of Kyle, by and through the above named members of the governing body, has an interest in the protection of its natural resources and an interest in how the PHP may affect its citizens;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF KYLE HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Opposition. The City of Kyle opposes the PHP on behalf of the interests of the citizens of the City of Kyle and in recognition of the potential harm the PHP poses to its natural and economic resources.

Section 3. Call to Action. The City of Kyle requests immediate action by all members of both houses of the Texas Legislature to protect landowners, landowners' property rights and communities from the negative impact of PHP and other potential oil and gas pipelines by:

1. Creating a regulatory process for oil and gas pipeline routing that enables impacted landowners and communities to have a voice and to have the right to participate in a public, open, and transparent routing process much like the process for selecting the routing of electric transmission lines before the Public Utility Commission.
2. Requiring formal and thorough Environmental and Economic Impact Studies for all intra-state oil and gas pipelines, including the participation of governmental entities and affected landowners.
3. Requiring substantial governmental oversight over the power of eminent domain delegated to private companies or rescinding the unlimited power of eminent domain delegated to private companies.

PASSED AND ADOPTED this _____ day of February 20, 2019.

ATTEST:

THE CITY OF KYLE

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

Dex Ellison, Mayor Pro Tem

Tracy Scheel, Councilmember

Shane Arabie, Councilmember

Alex Villalobos, Councilmember

Rick Koch, Councilmember

Daphne Tenorio, Councilmember