

RESOLUTION NO. 02-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, OPPOSING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH THE WIMBERLEY VALLEY 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 buried natural gas pipeline, known as the Permian Highway Pipeline (“PHP”) from Coynosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, 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 power of eminent domain; and

WHEREAS, the laws of Texas provide for no oversight or regulatory process to limit this delegation to the Private Partnership, or any opportunity for the landowners of the impacted property to participate in the routing process; and

WHEREAS, the PHP will traverse the watersheds and aquifer recharge zones that provide clean drinking water supply to the City of Wimberley.

WHEREAS, the Private Partnership has not performed an Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Trinity and Edwards Aquifers, and the surrounding community; and

WHEREAS, the citizens of The City of Wimberley have expressed opposition to the presence of the PHP in the Wimberley Valley due to its potential negative impacts to the environment, soil, water system, and land values; and

WHEREAS, The City of Wimberley, 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 WIMBERLEY 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 Wimberley opposes the PHP on behalf of the interests of the citizens of the City of Wimberley and in recognition of the potential harm the PHP poses to its natural and economic resources.

Section 3. Call to Action. The City of Wimberley requests immediate action by all members of both houses of the Texas Legislature to protect landowners, landowner's 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 in the approval process.
2. Requiring Environmental and Economic Impact Studies for all intra-state oil and gas pipelines.
3. Rescinding the unlimited power of eminent domain granted to private companies.

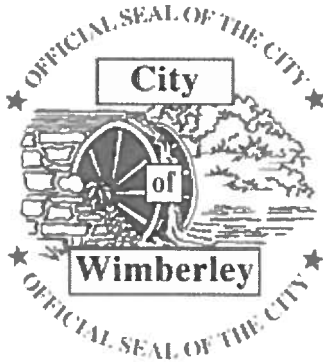
PASSED AND ADOPTED this 7th day of March, 2019.

ATTEST:

THE CITY OF WIMBERLEY

Laura J. Calcote, City Secretary

Susan Jagers, Mayor



Mike McCullough, City Council Place 1

Craig Fore, City Council Place 2

Allison Davis, City Council Place 3

Gary Barchfeld, City Council Place 4

Erik Wollam, City Council Place 5

A RESOLUTION ~~OF THE CITY OF WIMBERLEY, TEXAS~~ IN OPPOSITION TO THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH ~~THE WIMBERLEY VALLEY HAYS COUNTY~~ AND A REQUESTING FOR IMMEDIATE ACTION FROM THE STATE LEGISLATUREIVE/ADMINISTRATIVE CHANGES

~~WHEREAS, Exxon Mobil and Kinder Morgan in partnership with EagleClaw Midstream~~

~~-
("Private Partnership") have begun the process of routing a 42-inch buried 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~~

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WHEREAS, Kinder Morgan and Exxon Mobil in partnership with EagleClaw Midstream Ventures ("Private Partnership") have begun the process of routing a 42-inch buried 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 State of Texas, ~~by way of the Railroad Commission~~, 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 power of eminent domain; and

~~WHEREAS, the laws of Texas provide for no oversight or regulatory process to limit this delegation to the Private Partnership, or any opportunity for the landowners of the impacted property to participate in the routing process; and~~

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WHEREAS, the PHP will traverse the watersheds and aquifer recharge zones that provide clean drinking water supply to the City of Wimberley.~~

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WHEREAS, the Private Partnership has not performed an Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Trinity and Edwards Aquifers, and the surrounding community; and~~

WHEREAS, the citizens of ~~The City of Wimberley~~ the Wimberley Valley and Hays County have expressed strong concerns and opposition to the ~~presence of the PHP in the Wimberley Valley~~ to the proposed route of the PHP due to its potential negative impacts to the environment, soil, water system, and land values; and

WHEREAS, The City of Wimberley, 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 WIMBERLEY HEREBY ADOPTS THE FOLLOWING RESOLUTION BY THE CITY OF WIMBERLEY 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.** 1) The City of Wimberley opposes the PHP on behalf of the interests of the citizens of the ~~City of Wimberley~~ **Wimberley Valley** and in recognition of the potential harm the PHP poses to its natural and economic resources.~~

2) The City of Wimberley requests that legislative and/or administrative changes be made that:

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

1.— A) ~~Creating~~ **better** regulatory processes for oil and gas pipeline routing that enables impacted landowners and ~~communities~~ **local government entities** to have a voice in the approval process.

2.— B) ~~Requiring~~ **Environmental and Economic Impact Studies** for ~~all intra-state~~ oil and gas pipelines **whether they are intrastate or interstate.**

3.— C) ~~Rescinding the unlimited power of~~ **Enhance checks and balances against the broad delegation of eminent domain authority** ~~granted~~ to private companies.

PASSED AND ADOPTED this _____ day of ~~February~~ **March**, 2019.

ATTEST:

THE CITY OF WIMBERLEY

Laura Calcote, City Secretary

Susan Jagers, Mayor **of Wimberley**

Gary Barchfeld, Mayor Pro Tem

Mike McCullough, **City Council** ~~member,~~

Place 1

Craig Fore, City Councilmember, Place 2

Allison Davis, City Councilmember, Place 3

Gary Barchfeld, Mayor Pro Tem City

Council, Place 4

Eric Wollam, City Councilmember, Place 5

A RESOLUTION APPROVED BY MAYOR <xxx>, MAYOR PRO TEM <xxx>, COUNCILMEMBER <xxx> ALL OF THE CITY OF <xxx>, TEXAS OPPOSING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH THE CITY OF <xxx> 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 buried natural gas pipeline, known as the Permian Highway Pipeline (“PHP”) from Coynosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, 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 power of eminent domain; and

WHEREAS, the laws of Texas provide for no oversight or regulatory process to limit this delegation of powers generally reserved for governmental bodies or with oversight of governmental bodies to the Private Partnership, or any opportunity for the landowners of the impacted property to participate in the routing process; and

WHEREAS, the PHP will traverse the properties of multiple landowner properties requiring 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 an Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Trinity and Edwards <and/or> Aquifers, and the surrounding community; and

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

WHEREAS, the City of <xxx>, 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 <xxx> 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 <xxx>. opposes the PHP on behalf of the interests of the citizens of the City of <xxx> and in recognition of the potential harm the PHP poses to its natural and economic resources.

Section 3. Call to Action. The City of <xxx> requests immediate action by all members of both houses of the Texas Legislature to protect landowners, landowner’s 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 in the approval process.
2. Requiring Environmental and Economic Impact Studies for all intra-state oil and gas pipelines.
3. Rescinding the unlimited power of eminent domain granted to private companies.

PASSED AND ADOPTED this _____ day of <xxx>, 2019.

ATTEST:

THE CITY OF <xxx>

<xxx>, City Secretary

<xxx>, Mayor

<xxx>, Mayor Pro Tem

<xxx>, Councilmember

<xxx>,, Councilmember

<xxx>,, Councilmember

<xxx>,, Councilmember

<xxx>,, Councilmember