

RESOLUTION NO. 2021-230R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AUTHORIZING PEDERNALES ELECTRIC COOPERATIVE (“PEC”) TO USE A PORTION OF THE PURGATORY CREEK NATURAL AREA TO INSTALL AN ACCESS PATH BEGINNING AT WONDER WORLD DRIVE AND CONTINUING FOR A DISTANCE OF APPROXIMATELY 1,155 FEET WITHIN THE NORTHERN PORTION OF THE NATURAL AREA FOR PEC’S VEHICLES, EQUIPMENT AND CREWS TO ACCESS EXISTING PEC ELECTRIC DISTRIBUTION FACILITIES WITHIN AN EXISTING PEC EASEMENT, ALSO LOCATED IN THE NATURAL AREA, SUCH ACCESS PATH ENABLING SHARED USE BY THE CITY FOR PARK RELATED PURPOSES; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO APPROVE FINAL PLANS FOR SUCH INSTALLATION CONSISTENT WITH THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. Pedernales Electric Cooperative (“PEC”) proposes to install an access path secured by a gate in the Purgatory Creek Natural Area for PEC’s vehicles, equipment and crews to access existing electric distribution facilities within an existing easement belonging to PEC also located within the Purgatory Creek Natural Area.

2. Under the proposal, the City would have shared use of the access path to enable such things as park maintenance and alternative access for park rangers and first responders.

3. Notices of a public hearing to be conducted on November 16, 2021, regarding the proposed use of the Purgatory Creek Natural Area for the PEC access path were published as required by Section 26.002 of the Texas Parks and Wildlife Code on October 17, October 24, and November 2, 2021, in the Austin American Statesman, a newspaper having general circulation in Hays County Texas that is published at least six days per week.

4. On November 16, 2021, the San Marcos City Council conducted a public hearing on the proposed use of a portion of the Purgatory Creek Natural Area for the PEC access path.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The City Council hereby finds that the proposed use of a portion of the Purgatory Creek Natural Area for the PEC access path with shared use by the City for park purposes, as depicted in Exhibit A, attached hereto and made a part hereof, includes all reasonable planning to minimize any potential harm to Purgatory Creek Natural Area as a park, recreation area, and natural area.

PART 2. The City Council hereby finds that there is no feasible and prudent alternative to the proposed use of a portion of the Purgatory Creek Natural Area due to its topography and limited availability of other viable access points.

PART 3. The City Council hereby approves the use of a portion of the Purgatory Creek Natural Area for the PEC access path, with shared use by the City for park purposes, as depicted in Exhibit A. The city manager is authorized to approve final plans for the access path substantially consistent with the depiction in Exhibit A.

PART 4. This resolution shall become effective immediately upon its adoption.

ADOPTED on November 16, 2021.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

EXHIBIT A