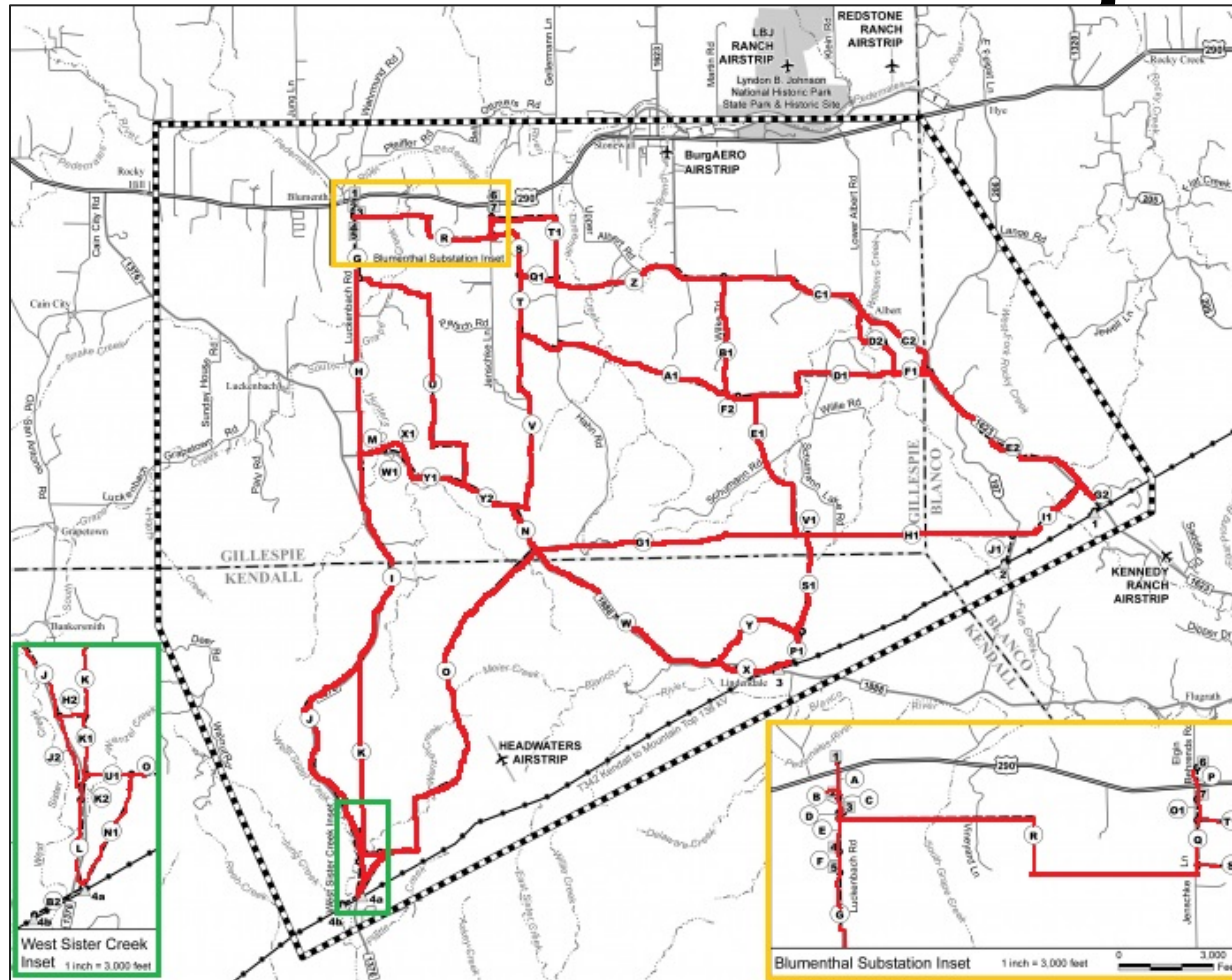

High Voltage Power Lines and Eminent Domain

Hill Country Alliance Workshop

Luke Ellis

September 6, 2014

LCRA's Blumenthal 138-kV Transmission Line Project



LCRA's 138 kV Project – Issues to Consider

- 1. Structure type / spacing / height**
 - 2. Activities within easement?**
 - 3. Activities outside easement?**
 - 4. Negative aesthetics**
 - 5. EMF (electro-magnetic fields)**
-

LCRA - 138kV Transmission Lines

1. 50'-140' tower height

2. 80'-100' easement width

3. negative visual impact



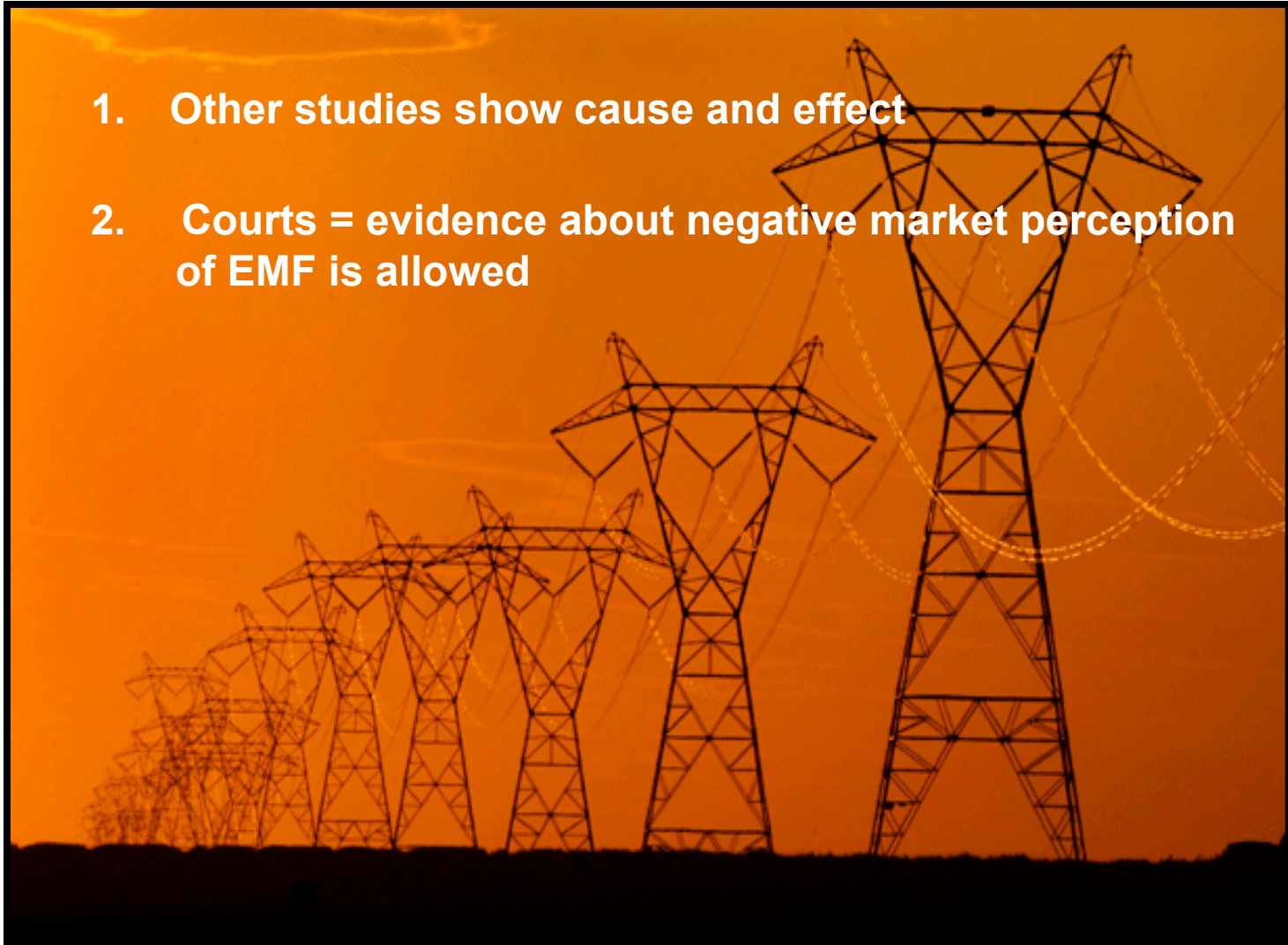
Electro-Magnetic Fields (EMF)

1. LCRA = “research has not established any direct link”
2. LCRA = “no lab studies ... show cause and effect”
3. Funding source?



Electro-Magnetic Fields (EMF)

1. Other studies show cause and effect
2. Courts = evidence about negative market perception of EMF is allowed



The “Market Value” Measure



“The objective of the judicial process in the condemnation context is to make the landowner **whole**.”

Exxon Pipeline Co. v. Zwahr, 88 S.W.3d 623,628 (Tex. 2002).

Market Value - Powerline Easements

- Total compensation = Value “Before” minus Value “After”
- Remainder damage, if any, is compensable

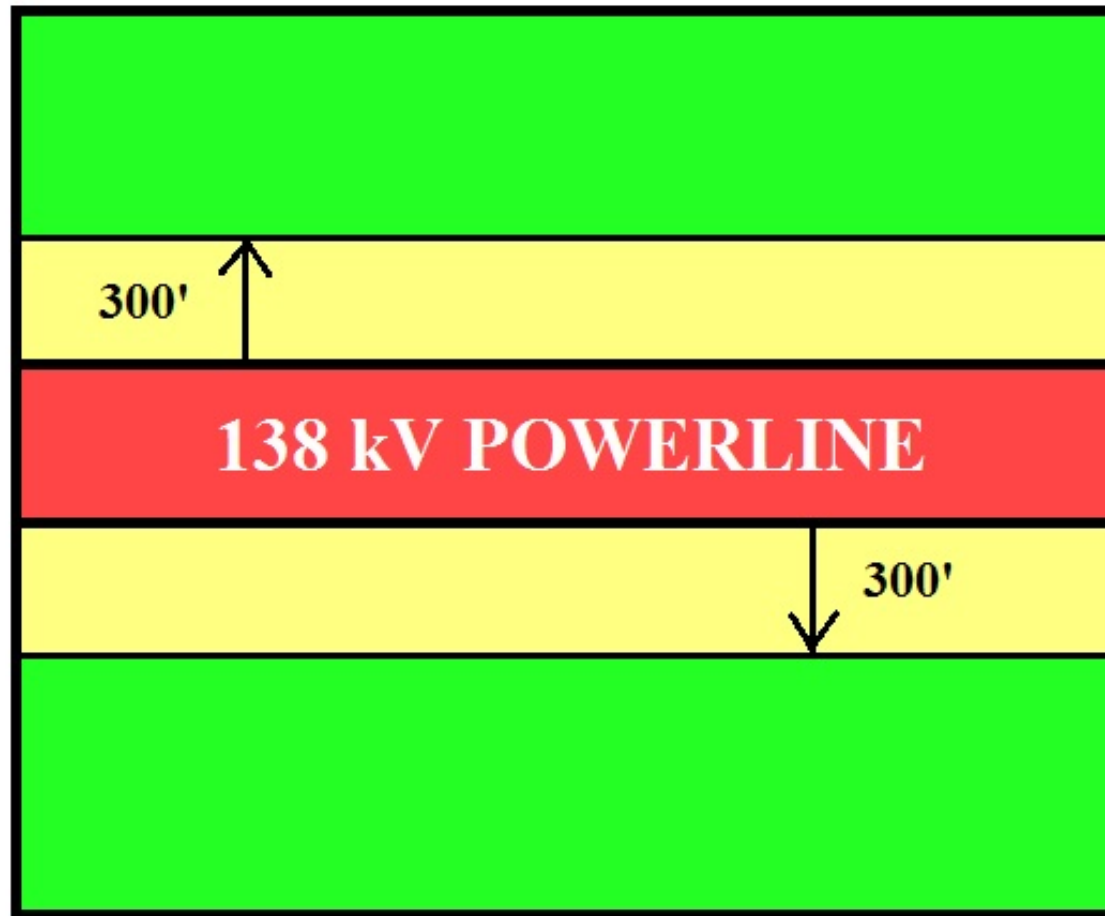


Easement Valuation

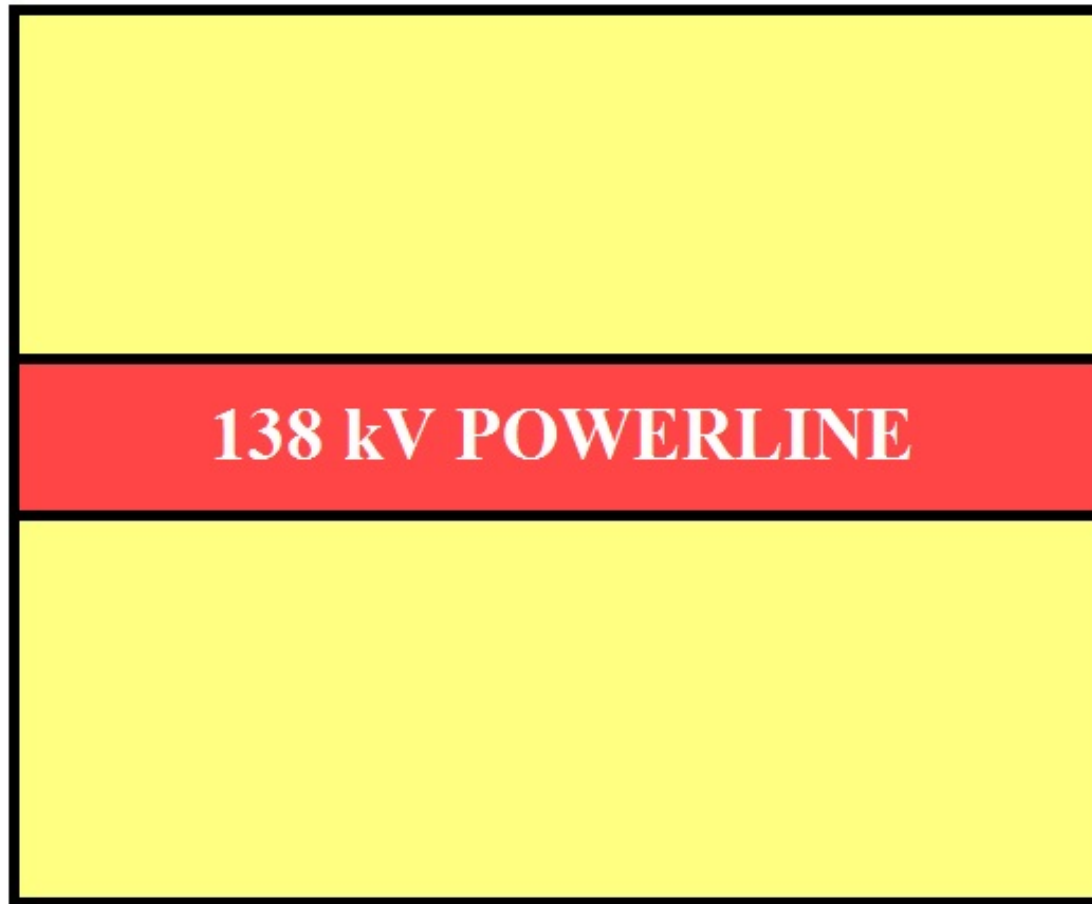
- *Issue* → remainder damage across entire property or proximity damage?



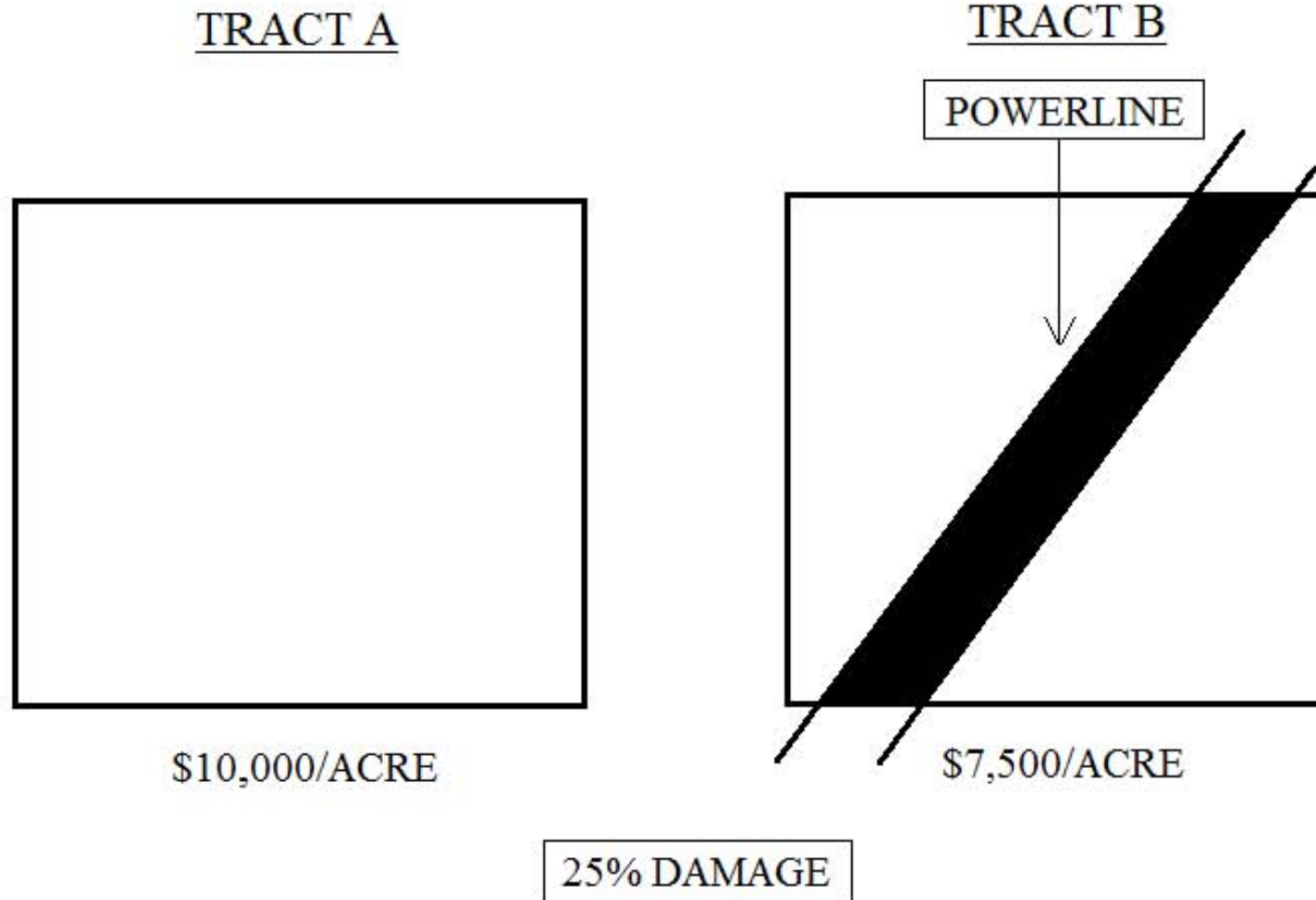
Powerline – LCRA Remainder Damages



Powerline – Remainder Damages



Valuation – Paired Sales



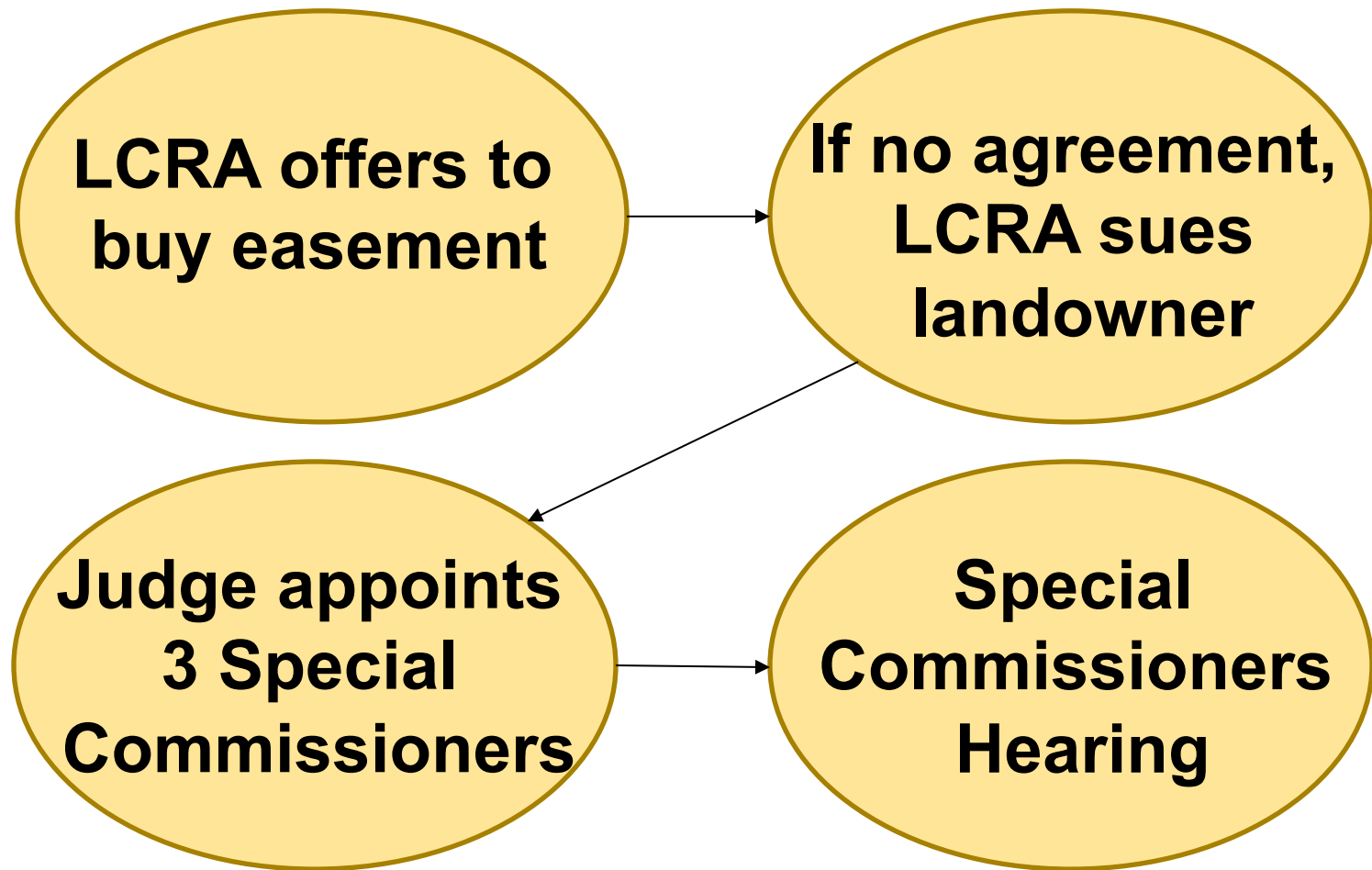
Powerlines - Damages

Paired Sales – Erath and Comanche County		
Encumbered	Sales Price to Orig. List Price	Days on Market
Average	67%	527
Unencumbered	Sales Price to Orig. List Price	Days on Market
Average	84%	161

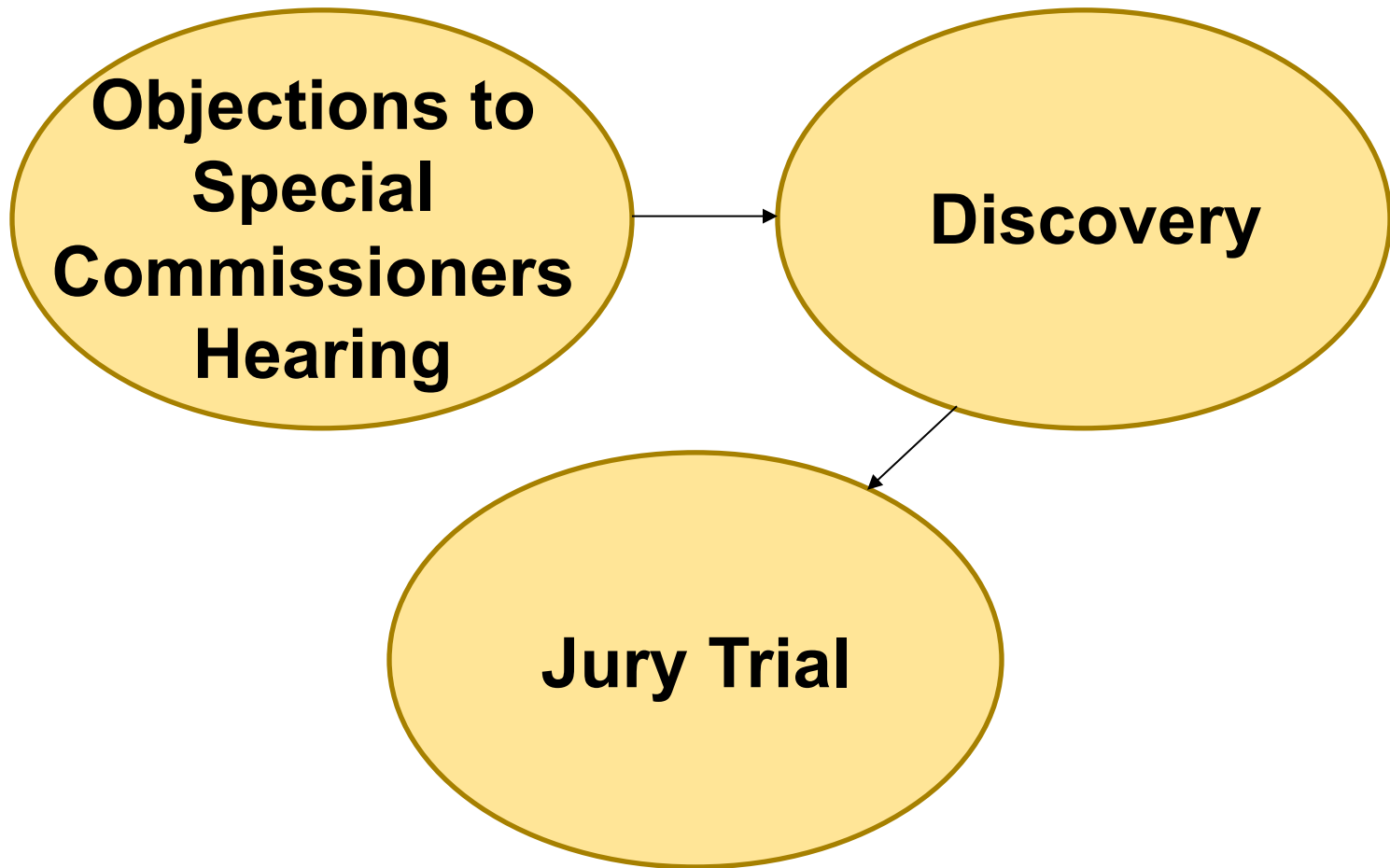
Powerlines - Damages

Paired Sales – Wise County		
Encumbered	Sales Price to Orig. List Price	Days on Market
Average	75%	458
Unencumbered	Sales Price to Orig. List Price	Days on Market
Average	86%	133

Condemnation Process – Administrative Phase



Condemnation Process – Trial Phase



The Condemnation Process

Chapter 21 of the Texas Property Code

Testimony may be from:

- Property Owner
- Appraisers
- Realtors
- Developers
- Land Planners
- Engineers
- or any other person who is qualified to offer testimony concerning the damages to the property.

See generally Pipeline Co. v. Zwahr, 88 S.W. 3d 623, 628-631 (Tex. 2002).

Eminent Domain Hiring an Attorney

- 1. Hourly fee arrangement**
 - 2. Contingent Fee Arrangement**
 - 3. Hire Counsel with Eminent Domain Experience**
-

Questions/Comments: Contact

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