

Dear Colleagues, Clients and Friends of the Firm,

Welcome to another issue of **Eminent Domain Plus+**.

Our mission is to deliver information that you find relevant, interesting and helpful.

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### **Today's Post: Paramount Importance Doctrine**

Just this past week in *DCP Sand Hills Pipeline, LLC v. San Miguel Elec. Coop., Inc.*, the Fourth Court of Appeals (San Antonio) issued a decision examining the Paramount Importance Doctrine, sometimes referred to as the Paramount Public Importance Doctrine.

At issue was whether a lignite strip mining lease that serves as the sole source of fuel for the San Miguel Power Plant, which in turn furnishes electricity to South Texas Electric Cooperative, Inc. (which then distributes power to 39 South Texas Counties) could prevent DCP Sand Hills Pipeline from condemning land subject to that lease.

Here, the Fourth Court of Appeals reversed the granting of San Miguel's motion for summary judgment, holding San Miguel failed to conclusively establish that the Paramount Importance Doctrine prohibited DCP from condemning a portion of the property for a different public use.

The case also examined use of the Trespass to Try Title statute versus the Uniform Declaratory Judgment Act, mootness, and attorney's fees under the UDJA. Read the entire opinion [here](#).

### **Introducing "Project Watch"**

With "Project Watch" we hope to inform our clients and colleagues of public projects that may impact their property or the property of their family, friends and/or clients.

This week's Project Watch focuses on LCRA Transmission Services, Inc.'s pending Mountain Home Transmission Project targeted to hit **Gillespie, Kimble and Kerr counties**. The proposed project includes construction of a new 138-kilovolt load-serving Mountain Home Substation and a new 138-kV transmission line connecting the Mountain Home Substation to existing substations located in Harper and either Ingram or Hunt.

While the Public Utility Commission has ordered use of "Route Hunt 37A" and "Substation Site 3," this decision has been appealed. Follow us on [Facebook](#) for updates.

Our firm has represented countless property owners against LCRA, and it will continue this tradition when the route is chosen. **Next steps for affected property owners?** Encourage them to [contact our firm](#) for a no-cost consultation.

### **Congratulations to our very own Jim Spivey !**

Jim was one of only two lawyers once again honored by *S.A. Scene Magazine's* "Best S.A. Lawyers 2020" in the category of Eminent Domain (15+ Years). Way to go, Jim!

### **Closing Thoughts:**

Best wishes and positive thoughts to those of you with family going back to school this week! Everyone please stay strong, and stay well!

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This document is intended to provide general information about legal matters of current interest. This document is not intended as legal advice applicable to specific facts and circumstances, nor does it create any attorney-client relationship between any reader and SPIVEY VALENCIANO, PLLC. Readers should not act upon the information contained in this document without professional counsel.

### **Previous Issues**

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#### **About SPIVEY VALENCIANO, PLLC**

SPIVEY VALENCIANO, PLLC is a litigation boutique that represents property owners across the the State of Texas in complex eminent domain matters. The firm also represents property owners with significant holdings or affiliated property owners in contested PUC electric transmission line routing cases (CCN Applications). The firm also represents clients in select litigation matters and is frequently engaged to serve as trial co-counsel in pending jury trials. The firm provides complimentary case reviews for prospective eminent domain clients, which may be scheduled by contacting Jim or Soledad via email.

For more information, visit [SPIVEY VALENCIANO, PLLC](#).

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#### **Contact our Attorneys**



**Jim Spivey**  
Partner  
San Antonio Office  
(210) 416-3115  
[Email](#)



**Soledad Valenciano**  
Partner  
Dominion Office  
(210) 315-1657  
[Email](#)