

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING THE ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER AN APPROXIMATELY 1,521 ACRE TRACT OF LAND LOCATED IN COMAL COUNTY AND COMMONLY KNOWN AS “CRESCENT HILLS” FOR A CONTRIBUTION OF \$5,000,000.00 OF PROPOSITION 1 FUNDS THROUGH A FUNDING AGREEMENT AMONG THE CITY, THE NATURE CONSERVANCY, BAT CONSERVATION INTERNATIONAL AND FORESTAR (USA) REAL ESTATE GROUP L.L.C.**

\* \* \* \* \*

**WHEREAS**, City staff, in consortium with The Nature Conservancy (“TNC”), Bat Conservation International (“BCI”) and Forestar (USA) Real Estate Group L.L.C. (“Forestar”) have agreed upon the terms and conditions of a Funding Agreement (the “Agreement”) that provides a combined \$20.5 million in funding to TNC for the purchase and acquisition of an aquifer-protection conservation easement on a 1,521 acre tract of land located in Comal County and commonly known as “Crescent Hills”; and

**WHEREAS**, by the terms of the Agreement, the City would receive an aquifer-protection conservation easement across the entirety of Crescent Hills for a \$5 million contribution; and

**WHEREAS**, City staff has identified the Proposition 1 Edwards Aquifer Protection Program as a funding source for the \$5 million contribution since the property is environmentally sensitive due to its water features; and

**WHEREAS**, on August 27<sup>th</sup>, the City’s Conservation Advisory Board recommended the \$5 million expenditure in Proposition 1 funds to acquire Crescent Hills and encumber it with an aquifer-protection conservation easement on behalf of the City; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The terms and conditions of a Funding Agreement (the “Agreement”) among the City, The Nature Conservancy, Bat Conservation International and Forestar (USA) Real Estate Group L.L.C. are hereby approved.

**SECTION 2.** The City Manager or her designee is authorized to execute the Agreement in accordance with this Ordinance. A copy of the Agreement, in substantially final form, is set out in **Attachment I**. The final Agreement shall be filed with this Ordinance upon execution.

**SECTION 3.** The City Manager or her designee is authorized to accept on behalf of the City the aquifer-protection conservation easement described below:

A conservation easement substantially in the form set out in Attachment II on Crescent Hills, the affected real estate being more particularly described in Attachment III.

**SECTION 4.** The City Manager or her designee are authorized and directed to consummate the transaction contemplated in the described easement and to take all other actions necessary or convenient to effectuate the transaction, including agreeing to the form of and executing all necessary or convenient instruments and agreements.

**SECTION 5.** Payment in the amount of the \$5,000,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 40-00271, Edward's Aquifer Land Acquisitions, is authorized to be encumbered and made payable to Independence Title Company, for land, due diligence and closing costs on a 1,521-acre tract of land known as the Crescent Hills located in Comal County, Texas. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 7.** This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

**M A Y O R**  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek  
City Clerk

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Robert F. Greenblum  
City Attorney