

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

AN ORDINANCE

**AUTHORIZING THE CONVEYANCE OF A .33 ACRE
CONSERVATION EASEMENT TO MITIGATION FUTURES
CONSERVANCY RELATED TO THE WETLAND
MITIGATION AREA ASSOCIATED WITH THE BEXAR
COUNTY FLOOD CONTROL PERRIN BEITEL CHANNEL
IMPROVEMENT PROJECT LOCATED IN COUNCIL
DISTRICT 2.**

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WHEREAS, the City and Bexar County entered into the Third Amended Interlocal Agreement (ILA) for watershed projects in June of 2016;

WHEREAS, the Perrin Beitel Channel Improvement Project was developed under the ILA, with the goal of the project to provide flood relief to the Village North Subdivision and Perrin Beitel Road;

WHEREAS, as part of the design process the County worked with the U.S. Army Corps of Engineers (USACE) to ensure compliance with the Clean Water Act (CWA), and the project will result in impacts to Beitel Creek and a .06 acre wetland;

WHEREAS, the USACE determined a CWA permit would be necessary, and, as part of the permit mitigation plan, the creation of an on-site permittee responsible wetland mitigation area is required;

WHEREAS, in cooperation with the USACE, the County proposed the use of a third party, Mitigation Futures Conservancy, to fulfill the roll of maintaining the on-site permittee responsible wetland mitigation area through a conservation easement;

WHEREAS, under the terms of the ILA, the City will assume the responsibility for the project upon substantial completion and will grant the .33 acre wetland conservation easement in perpetuity to Mitigation Futures Conservancy with the one-time fee paid by the County; and

WHEREAS, the easement property is described in detail on **Attachment I**; **NOW THEREFORE:**

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

SECTION 1. The City is authorized to negotiate, execute, and deliver a conservation easement with Mitigation Futures Conservancy relating to the Perrin-Beitel Channel Improvement Project and compliance with the Clean Water Act

permit wetland mitigation plan. The City Attorney must approve the form of the conservation easement and related documents, if any, and the City Manager must determine that the substance of all documents are in the City's best interests.

SECTION 2. The City Manager and her designee, severally, are authorized and directed to execute and deliver all documents reasonably pertinent to the above-described conservation-easement transaction and otherwise to do all things necessary or convenient to effectuate the described transaction.

SECTION 3. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this ??? day of ??? 2016.

M A Y O R
Ivy R. Taylor

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

City Attorney

DRAFT