

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 ACQUISITION OF A CONSERVATION EASEMENT OVER THE EDWARDS AQUIFER RECHARGE ZONE ON AN APPROXIMATE 4,168 ACRE TRACT OF LAND KNOWN AS THE ESS RANCH LOCATED IN MEDINA COUNTY, TEXAS FROM ESS REAL ESTATE, LLC. AT A COST OF \$4,770,008.95.

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WHEREAS, the purpose of the Edwards Aquifer Protection Program is to obtain property rights by fee-simple purchase, conservation easements or donations of land over the sensitive zones of the Edwards Aquifer; and

WHEREAS, this program was initiated in May 2000 when voters approved Proposition 3, a 1/8-cent sales tax venue up to \$45 million for the acquisition of lands over the Edwards Aquifer for parks and watershed protection; and

WHEREAS, Proposition 3 ran from 2000 through 2005 and was limited to Bexar County; and

WHEREAS, the Proposition 1 program is an extension of the initial voter-approved Edwards Aquifer protection endeavor and was extended by voters in 2010 and renewed again in 2015; and

WHEREAS, due to a change in the state legislation the scope was narrowed to watershed protection and activities expanded outside of Bexar County; and

WHEREAS, the proposed purchase of a conservation easement on the ESS Ranch is located over the Recharge Zone in Medina County; and

WHEREAS, this property initially was identified through use of the Scientific Evaluation Team's GIS-Spatial Model and subsequent site visits identified previously undocumented sinkholes and other favorable recharge features on the property; and

WHEREAS, the ESS Ranch largely exists outside of the flood plain and is located within the Seco Creek drainage basin which is an important recharge contributor in the area; and

WHEREAS, the property significantly contributes to surface water runoff quality due to the current undeveloped state of the property, and the Edwards Aquifer Authority issued a geological assessment of the site confirming that preservation of the ESS Ranch would provide both high water quality and quantity benefits for the City of San Antonio; and

WHEREAS, this ranch is adjacent to several other protected properties and would result in the protection of over 30,500 acres of contiguous land within the Seco Creek and Sabinal River watersheds under conservation easements with the City of San Antonio; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is authorized to execute a conservation easement over the Edwards Aquifer recharge zone on an approximate 4,168 acre tract of land known as the ESS Ranch located in Medina County, Texas from ESS Real Estate, LLC. at a cost of \$4,770,008.95. A copy of the Conservation Easement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Payment in the amount of \$4,770,008.95 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 Mission Title, LP, for title on a conservation easement, due diligence and closing costs on approximately 4,168-acre tract of land known as the ESS Ranch property located in Medina County, Texas.

SECTION 3. 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 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney