



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1194

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 1/30/2014

**Title:** An Ordinance authorizing payment in the amount of \$2,651,921.50 for the acquisition of a conservation easement on the 3,141-acre W.O. Rothe Ranch in Medina County, Texas, for the Edwards Aquifer Protection Program. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, EastPoint and Real Estate]

**Sponsors:**

**Indexes:** CIMS Real Estate

**Code sections:**

**Attachments:** 1. W.O. Rothe Ranch legal description, 2. WO Rothe Conservation Easement - 11.7.2013 Clean, 3. W O Rothe Ranch map, 4. Draft Ordinance, 5. Ordinance 2014-01-30-0050

Date	Ver.	Action By	Action	Result
1/30/2014	2	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Office of EastPoint and Real Estate

**DEPARTMENT HEAD:** Mike Etienne

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Edwards Aquifer Protection Program - Conservation Easement Acquisition

**SUMMARY:**

Consideration of the following ordinance associated with a conservation easement totaling 3,141 acres over the Edwards Aquifer Recharge Zone. An ordinance authorizing payment in the amount of \$2,651,921.50 to Texas Heritage Title Company, as escrow agent for title on a conservation easement, for land, due diligence and closing costs on a 3,141-acre tract of land known as the W.O. Rothe Ranch located in Medina County, Texas. This ordinance, necessary under the Proposition One Edwards Aquifer Protection Venue Project, authorizes the execution of documents to accomplish said acquisition.

**BACKGROUND INFORMATION:**

In May of 2000, voters approved the first program, 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. That program, referred to as “Proposition Three,” ran from 2000 through 2005, was limited to Bexar County and acquired more than 6,500 acres as Natural Areas for the City of San Antonio.

The current program is an extension of that initial endeavor, although the scope was narrowed to watershed protection and due to a change in the legislation, funds could be expended outside of Bexar County. 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. This Program, referred to as “Proposition One,” also is funded with the 1/8-cent sales tax up to the amount of \$90 million.

The purchase of a conservation easement on the W.O. Rothe Ranch is presented for consideration to the City Council under the Proposition One Edwards Aquifer Protection Venue Project, which was approved by the voters in November 2010. The City’s Council-approved Conservation Advisory Board has reviewed and recommended this acquisition. This property is located over the Recharge Zone in Medina County. Much of the land is located outside of the flood plain and suitable for rural residential development.

This property was targeted through use of the Scientific Evaluation Team’s GIS-Spatial Model (SET Model). Subsequent site visits identified previously undocumented faults, sinkholes and other recharge features on the property. Approximately 1.6 miles of the Seco Creek transects the property. Most of the W.O. Rothe Ranch is located within the Seco Creek watershed, which is an important recharge contributor in the area. The property 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 property confirming that preservation of the W.O. Rothe Ranch would provide a high water quality benefit and moderate water quantity benefit to the City of San Antonio. This ranch is adjacent to other properties also protected by conservation easements held by the City and would result in the protection of over 20,000 acres of contiguous land within the Seco Creek watershed under conservation easements with the City of San Antonio.

The proposed W.O. Rothe Ranch tract would constitute the 50<sup>th</sup> conservation easement acquisition under the current program. Inclusion of the 3,141-acre W.O. Rothe Ranch would bring the total of protected lands under the City’s aquifer protection program to 119,826 acres.

#### **ISSUE:**

An ordinance authorizing payment in the amount of \$2,651,921.50 to Texas Heritage Title Company, as escrow agent for title on a conservation easement, for land, due diligence and closing costs on a 3,141-acre tract of land known as the W.O. Rothe Ranch located in Medina County, Texas.

The acquisition of this property is necessary to accomplish the Proposition One Edwards Aquifer Protection Venue Project.

#### **ALTERNATIVES:**

An alternative would be to defer acquisition until a later date. By not acquiring this conservation easement at this time, they may not be available at a later date or for the same purchase price.

Another option would be not to acquire the conservation easement; however, this would be counter to the goals of the Proposition One Edwards Aquifer Protection Venue Project.

#### **FISCAL IMPACT:**

This is a one-time expenditure in the amount of \$2,651,921.50 for this acquisition. It will be funded by the 1/8-cent sales and use tax in the Edwards Aquifer Protection (Proposition One) Sales Tax funds included in the Fiscal Year 2014-2019 Capital Budget.

**RECOMMENDATION:**

Staff recommends approval authorizing placement of a conservation easement on the 3,141-acre W.O. Rothe Ranch for a total of \$2,651,921.50, in connection with the Proposition One Edwards Aquifer Protection Venue Project, in order to protect the quality and quantity of water entering the Edwards Aquifer.