



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2997  
**Type:** Real Property Acquisition  
**In control:** City Council A Session

**On agenda:** 4/4/2019

**Title:** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge Zone on a 96.63 acre tract of land known as Cibolo Vista Tract 3 located in Bexar County, Texas from Morgan’s Wonderland Camp at a cost of \$3,000,000.00.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft - Special Warranty Deed - Cibolo Vista Tracts 1 and 2, 2. Draft - Conservation Easement - Cibolo Vista Tract 3, 4-4-2019, 3. CDF - Gordon V. Hartman with Morgan’s Wonderland Camp for Cibolo Vista Properties 4-4- 2019, 4. Powerpoint for Edwards Aquifer Protection Program - Cibolo Vista Fee Simple and CE Acquisitions 4-4-2019, 5. Draft Ordinance A, 6. Draft Ordinance B, 7. Ordinance 2019-04-04-0273

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Parks and Recreation

**DEPARTMENT HEAD:** Xavier D. Urrutia, Director

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Edwards Aquifer Protection Program - Fee Simple and Conservation Easement Acquisitions

**SUMMARY:**

Consideration of the following ordinances associated with the fee simple and conservation easement acquisitions in the amount of \$8,500,000.00 for approximately 248.318 acres located over the Edwards Aquifer Recharge Zone in Bexar County, Texas from Morgan’s Wonderland Camp, through the voter approved 2015 Sales Tax Proposition 1 Edwards Aquifer Protection Program.

- A) An ordinance authorizing payment in the amount of \$5,500,000.00 to Presidio Title Company as escrow agent for fee simple acquisition, due diligence and closing costs on 151.688 acres of land known as Cibolo Vista Tracts 1 and 2 located in Bexar County, Texas.
- B) An ordinance authorizing payment in the amount of \$3,000,000.00 to Presidio Title Company as escrow

agent for title on a conservation easement, due diligence and closing costs on a 96.63 acre tract of land known as Cibolo Vista Tract 3 located in Bexar County, Texas.

These actions also authorize the execution of necessary documents to accomplish said acquisitions.

## **BACKGROUND INFORMATION:**

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 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. Proposition 3 ran from 2000 through 2005 and was limited to Bexar County.

The 2005 Proposition 1 program was an extension of the initial voter-approved Edwards Aquifer protection endeavor and was extended by voters in 2010 and renewed again in 2015. Changes in state legislation allowed watershed protection activities to expand outside of Bexar County.

The proposed fee simple acquisition of Cibolo Vista Tracts 1 and 2 and purchase of a conservation easement on Cibolo Vista Tract 3, collectively referred to as the Cibolo Vista properties, are located over the Edwards Aquifer Recharge Zone and located adjacent to a rapidly expanding single family residential development as well as The Nature Conservancy's (TNC) 2,765-acre Cibolo Bluffs Preserve established for protection of Golden-Cheeked Warbler habitat. This transaction will protect approximately 248 acres from residential development pressure through acquisition of a conservation easement on 96.63 acres and a fee simple acquisition of approximately 151.688-acres both from the non-profit Morgan's Wonderland Camp. The conservation easement will protect aquifer recharge quality and quantity while still allowing for limited future development of the property as a camp site for special needs children. The fee simple acquisition will allow the City of San Antonio to expand its conservation efforts and complements the adjacent TNC preserve.

These properties were initially identified through use of the Scientific Evaluation Team's GIS Spatial Model, which ranked the properties in the top 10 percent of the model along with subsequent site visits which identified favorable recharge potential on the properties. The properties are located within the Cibolo Creek watershed, which combined with a cave and fractures, contributes to significant recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued geological assessments confirming that preservation of these properties would provide high to very high water quantity and high water quality benefits for the City of San Antonio.

If approved, inclusion of these properties will increase the total protected lands under the City's aquifer protection program by approximately 248.318 acres for a total of 157,543 acres.

## **ISSUE:**

- A) This ordinance authorizes payment in the amount of \$5,500,000.00 to Presidio Title Company as escrow agent for fee simple acquisition, due diligence and closing costs on 151.688 acres of land known as Cibolo Vista Tracts 1 and 2 located in Bexar County, Texas.
- B) This ordinance authorizes payment in the amount of \$3,000,000.00 to Presidio Title Company as escrow agent for title on a conservation easement, due diligence and closing costs on a 96.63 acre tract of land known as Cibolo Vista Tract 3 located in Bexar County, Texas.

Acquisition of these properties is consistent with policy for implementation of the Proposition 1 Edwards Aquifer Protection Venue Project as approved by voters. The City Council-appointed Conservation Advisory Board reviewed and recommended the acquisition of these conservation easements at the March 27, 2019, meeting.

**ALTERNATIVES:**

An alternative would be to defer acquisition until a later date subject to the property owner's willingness to sell real estate interests and future market conditions. Additionally, other properties could be targeted for acquisition foregoing these purchases and losing the high water quality and quantity benefits and the opportunity to protect acreage within the Cibolo Creek watershed within Bexar County.

**FISCAL IMPACT:**

This is a one-time fee simple purchase and a one-time conservation easement acquisition in the amount of \$8,500,000.00 funded through the voter approved 2015 Sales Tax Proposition 1 Edwards Aquifer Protection Program.

- A) An ordinance authorizing payment in the amount of \$5,500,000.00 to Presidio Title Company as escrow agent for fee simple acquisition, due diligence and closing costs on 151.688 acres of land known as Cibolo Vista Tracts 1 and 2 located in Bexar County, Texas.
- B) An ordinance authorizing payment in the amount of \$3,000,000.00 to Presidio Title Company as escrow agent for title on a conservation easement, due diligence and closing costs on a 96.63 acre tract of land known as Cibolo Vista Tract 3 located in Bexar County, Texas.

**RECOMMENDATION:**

Staff recommends approval of Items A and B for fee simple and conservation easement acquisitions in the amount of \$8,500,000.00 for approximately 248.318 acres under the Proposition 1 Edwards Aquifer Protection Venue Project.

The Contracts Disclosure Forms required by the Ethics ordinance are attached.