



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3283

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 6/9/2016

**Title:** 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 funded from the Proposition 1 Edwards Aquifer Protection Sales Tax Fund. [María Villagómez, Assistant City Manager; Janet A. Martin, Interim Director, Parks and Recreation]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ESS Conservation Easement Agreement 6-9-2016, 2. ESS Ranch - Legal Description 6-9-2016, 3. ESS Ranch Property Map Close-up 6-9-2016, 4. ESS Ranch Property Location Map 6-9-2016, 5. Contracts Disclosure Form - Sammy W. Nooner - ESS Real Estate LLC, 6. Contracts Disclosure Form - Sean T. Nooner - ESS Real Estate LLC, 7. Contracts Disclosure Form - Eric Larson - ESS Real Estate LLC, 8. HB1295 Form - ESS Real Estate LLC, 9. Draft Ordinance, 10. Ordinance 2016-06-09-0438

Date	Ver.	Action By	Action	Result
6/9/2016	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Parks and Recreation

**DEPARTMENT HEAD:** Janet A. Martin, Interim Director

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Edwards Aquifer Protection Program - Conservation Easement Acquisition

**SUMMARY:**

This ordinance authorizes payment in the amount of \$4,770,008.95 to Mission Title, LP as escrow agent for title on a conservation easement, due diligence and closing costs on an approximate 4,168-acre tract of land known as the ESS Ranch located in Medina County, Texas for the Edwards Aquifer Protection Program, a Proposition 1 Edwards Aquifer Protection Venue funded Project. This ordinance also authorizes the execution of necessary documents to accomplish said acquisition under the Proposition 1 Edwards Aquifer Protection Venue Project as approved by voters in November 2010.

## **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 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. Due to a change in the state legislation the scope was narrowed to watershed protection and activities expanded outside of Bexar County.

The proposed purchase of a conservation easement on the ESS Ranch is located over the Recharge Zone in Medina County. 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. 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. 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. 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.

## **ISSUE:**

This ordinance authorizes payment in the amount of \$4,770,008.95 to Mission Title, LP as escrow agent for title on a conservation easement including due diligence and closing costs on a 4,168-acre tract of land known as the ESS Ranch located in Medina County, Texas. The Edwards Aquifer Authority through a geological assessment confirmed that preservation of the ESS Ranch would provide both high water quality and quantity benefits for the City of San Antonio. The Conservation Advisory Board has reviewed and recommended the acquisition of this conservation easement. Acquisition of this property is consistent with policy for implementation of the Proposition 1 Edwards Aquifer Protection Venue Project. Inclusion of the ESS Ranch would bring the total of protected lands under the City's aquifer protection program to 140,172 acres.

## **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 this conservation easement and losing the opportunity to add to the contiguous acreage of land already under protection in the watershed.

## **FISCAL IMPACT:**

This acquisition is a one-time expenditure in the amount of \$4,770,008.95. Funds for the acquisition of this

conservation easement have been appropriated through Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2016-2021 Adopted Annual Capital Budget.

**RECOMMENDATION:**

Staff recommends approval of the acquisition of a conservation easement on this 4,168-acre tract of land known as the ESS Ranch for a total of \$4,770,008.95 under the Proposition 1 Edwards Aquifer Protection Venue Project.

The Contracts Disclosure Form required by the Ethics ordinance is attached.