



City of San Antonio

Legislation Details (With Text)

File #: 19-6893

Type: Real Property Acquisition

In control: City Council A Session

On agenda: 9/19/2019

Title: Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Contributing Zone on a 1,544.4-acre tract of land known as the Providence Springs Ranch located in Medina County, Texas from Patterson Energy of Texas, LLC, at a cost of \$3,228,484.10, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Conservation Easement - City of San Antonio - Patterson Energy of Texas LLC, 2. Draft Conservation Easement - City of San Antonio - Lazy K Ranch, 3. Contracts Disclosure Form - Robert E. Patterson with Patterson Energy of Texas, LLC, 4. Contracts Disclosure Form - Randall T. Johnson with Eddoran Partnership Ltd The Lois C. Johnson Family GST Exemption Trust, 5. Draft Ordinance A, 6. Draft Ordinance B, 7. Ordinance 2019-09-19-0740

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

DEPARTMENT HEAD: Homer Garcia, III, Interim Director

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Edwards Aquifer Protection Program - Conservation Easement Acquisitions

SUMMARY:

Consideration of the following ordinances associated with two conservation easements totaling 2,362.01 acres over the Edwards Aquifer Contributing Zone.

- A) An ordinance authorizing payment in the amount of \$3,228,484.10, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Texas Heritage Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 1,544.4-acre tract of land known as the Providence Springs Ranch located in Medina County, Texas.

- B) An ordinance authorizing payment in the amount of \$3,528,804.00, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Texas Heritage Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 817.61-acre tract of land known as the Lazy K Ranch located in Medina 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 purchases of conservation easements on the Providence Springs Ranch and Lazy K Ranch tracts are located over the Edwards Aquifer Contributing Zone in Medina County. The properties were initially identified through use of the Scientific Evaluation Team's GIS Spatial Model and subsequent site visits identified favorable recharge features on the properties. The Providence Springs Ranch is located within the Hondo Creek and Seco Creek watersheds; The Lazy K Ranch is located within the San Geronimo Creek watershed which combined with faults, caves, springs, and fractures contribute to significant recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued a geological assessment of the properties confirming that preservation would provide moderate-to-high water quantity and high-to-very 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 2,362.01 acres for a total of 159,903 acres.

ISSUE:

- A) This ordinance authorizes payment in the amount of \$3,228,484.10 to Texas Heritage Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 1,544.4-acre tract of land known as the Providence Springs Ranch located in Medina County, Texas.
- B) This ordinance authorizes payment in the amount of \$3,528,804.00 to Texas Heritage Title as escrow agent for title on a conservation easement, due diligence and closing costs on an 817.61-acre tract of land known as the Lazy K Ranch located in Medina 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 June 26, 2019, meeting.

ALTERNATIVES:

An alternative would be to defer acquisition until a later date subject to the property owners' 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 high water quality and quantity benefits and the opportunity to protect additional acreage within the Hondo Creek, Seco Creek and San Geronimo watersheds.

FISCAL IMPACT:

This is a one-time conservation easement acquisition in the amount of \$6,757,288.10 funded through the voter approved 2015 Sales Tax Proposition 1 Edwards Aquifer Protection Program.

- A) This acquisition is a one-time expenditure in the amount of \$3,228,484.10. 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 2020 - FY 2025 Capital Improvement Program.
- B) This acquisition is a one-time expenditure in the amount of \$3,528,804.00. 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 2020 - FY 2025 Capital Improvement Program.

RECOMMENDATION:

- A) Staff recommends approval of the acquisition of a conservation easement on the 1,544.4-acre tract of land known as the Providence Springs Ranch for a total of \$3,228,484.10 under the Proposition 1 Edwards Aquifer Protection Venue Project.
- B) Staff recommends approval of the acquisition of a conservation easement on the 817.61- acre tract of land known as the Lazy K Ranch for a total of \$3,528,804.00 under the Proposition 1 Edwards Aquifer Protection Venue Project.

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