



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7980

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 11/14/2019

**Title:** Ordinance approving the fee simple acquisition of a 102.28-acre property known as the Eisenhower Tract located over the Edwards Aquifer Recharge and Contributing Zones in Bexar County, Texas from GRE RIM Holdings LLC, at a cost of \$2,824,169.94 and approving the conveyance of a conservation easement on the Eisenhower Tract to Compatible Lands Foundation. Funding is available from the 2015 Sales Tax Venue Fund included in the FY 2020 - FY 2025 Capital Improvement Program. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Homer Garcia III, Interim Director, Parks and Recreation]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Special Warranty Deed with GRE RIM HOLDINGS LLC FOR Eisenhower Tract, 2. Draft - Deed of Conservation Easement with Compatible Lands Foundation for Eisenhower, 3. Contracts Disclosure Form - Robert Gregory with Compatible Lands Foundation, Inc. for Eisenhower Tract, 4. Contracts Disclosure Form - Jonathan Kalikow with GRE Rim Holdings LLC for Eisenhower Tract, 5. Draft Ordinance, 6. Ordinance 2019-11-14-0958

Date	Ver.	Action By	Action	Result
11/14/2019	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Parks and Recreation

**DEPARTMENT HEAD:** Homer Garcia III, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

Edwards Aquifer Protection Program - Fee Simple Acquisition of Eisenhower Tract

**SUMMARY:**

Consideration of an Ordinance authorizing payment in the amount of \$2,824,169.94 to First American Title Insurance Company as escrow agent for fee simple acquisition, due diligence, closing costs and conveyance of a conservation easement on a 102.28-acre tract of land known as the Eisenhower Tract located in Bexar County, Texas. Funding for this ordinance is available from the 2015 Sales Tax Venue Fund included in the FY 2020 - FY 2025 Capital Improvement Program.

This action also authorizes the execution of necessary documents to accomplish said acquisition.

## **BACKGROUND INFORMATION:**

The purpose of the Edwards Aquifer Protection Program (EAPP) 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 purchase of the Eisenhower Tract, which is located directly adjacent to Eisenhower Park in Council District 8 as well as Joint Base San Antonio - Camp Bullis, is located over the Edwards Aquifer Recharge and Contributing Zones in Bexar County. The EAPP, which is seeking to protect the Edwards Aquifer recharge quality and quantity benefits for the City of San Antonio, will leverage funding of \$246,000.00 from the Department of Defense's Compatible Use Buffer and Readiness and Environmental Protection Integration (CUB-REPI) program and the voter-approved Proposition 2 Parks Development and Expansion Venue Project. Compatible Lands Foundation, a contracted CUB-REPI land trust, will hold a conservation easement on the Eisenhower Tract which will guarantee a perpetual protective buffer against future development and associated light intrusion for Joint Base San Antonio - Camp Bullis.

Upon acquisition of the Eisenhower Tract, the Parks and Recreation Department will manage and maintain the property in its natural state as an extension of Eisenhower Park. This acquisition project, which will also facilitate future expansion of the Howard W. Peak Greenway Trail System with a connection of the Leon Creek and Salado Creek trails, is compatible with the policy for implementation of the Proposition 1 Edwards Aquifer Protection Venue Project and Proposition 2 Parks Development and Expansion Venue Project as approved by voters.

The Eisenhower Tract was initially identified through use of the EAPP Scientific Evaluation Team's GIS Spatial Model and subsequent site visits identified favorable recharge potential on the property. The Eisenhower Tract drains to the Leon Creek watershed which contributes to recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued a geological assessment of the property confirming that preservation would provide high water quality and moderate water quantity benefits for the City of San Antonio. If approved, inclusion of this property will increase the total protected lands under the City's aquifer protection program by approximately 102.28 acres for a total of 160,005 acres.

## **ISSUE:**

This Ordinance authorizes payment in the amount of \$2,824,169.94 to First American Title Insurance Company as escrow agent for fee simple acquisition, due diligence and closing costs on a 102.28-acre tract of land known as the Eisenhower Tract located in Bexar County, Texas.

Acquisition of this property is consistent with policy for implementation of the Proposition 1 Edwards Aquifer Protection Venue Project and Proposition 2 Parks Development and Expansion Venue Project as approved by

voters. The City Council-appointed Conservation Advisory Board reviewed and recommended the fee simple acquisition of the Eisenhower Tract and conveyance of a conservation easement at the August 28, 2019 meeting. This proposed acquisition has also been coordinated through the Office of Military and Veteran Affairs.

### **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 fee simple acquisition and losing the high water quality and moderate water quantity benefits and the opportunity to protect acreage within the Leon Creek watershed as well as the opportunity to expand the Howard W. Peak Greenway Trail System and secure a desired buffer for Joint Base San Antonio - Camp Bullis.

### **FISCAL IMPACT:**

Ordinance authorizing payment in the amount of \$2,824,169.94 to First American Title Insurance Company as escrow agent for fee simple acquisition, due diligence, closing costs and conveyance of a conservation easement on a 102.28-acre tract of land known as the Eisenhower Tract located in Bexar County, Texas. Funding for this ordinance is available from the 2015 Sales Tax Venue Fund included in the FY 2020 - FY 2025 Capital Improvement Program.

### **RECOMMENDATION:**

Staff recommends approval of this fee simple acquisition of a 102.28-acre tract of land known as the Eisenhower Tract for a total of \$2,824,169.94 under the Proposition 1 Edwards Aquifer Protection Venue Project and Proposition 2 Parks Development and Expansion Venue Project.

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