



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-2951

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 4/30/2020

**Title:** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge Zone on a 60.57 acre tract of land known as the Ann Graham Ranch located in Bexar County, Texas from the Ann M. Graham Living Trust, FBO Ann M. Graham/July 30, 2013, Ann M. Graham Trustee, at a cost of \$1,054,531.85 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 for Chapman Property, 2. Draft Conservation Easement for Gruendler Property, 3. Draft Conservation Easement for Graham Property, 4. Draft Conservation Easement for Pack Property, 5. Draft Special Warranty Deed for Crane Bat Cave, 6. Contracts Disclosure Form - Brenda R. Chapman, Chapman Ranch for DDC Family Limited Partnership No. 1, 7. Contracts Disclosure Form - Scott E. Gruendler, Gruendler Ranch, Conservation Easement Acquisition, 8. Contracts Disclosure Form - Ann M. Graham for Ann Graham Ranch, Conservation Easement Acquisition, 9. Contracts Disclosure Form - Lisa Muyres Pack for Pack Property for George J. Muyres and Betty C. Muyres Living Trust, 10. Contracts Disclosure Form - Tibor Ritter for Tamir Enterprises, Ltd. for Crane Bat Cave Acquisition, 11. Map, 12. Site Map - Edwards Aquifer Protection Program for Bexar County, 13. Draft Ordinance A, 14. Draft Ordinance B, 15. Draft Ordinance C, 16. Draft Ordinance D, 17. Draft Ordinance E, 18. Ordinance 2020-04-30-0294

Date	Ver.	Action By	Action	Result
4/30/2020	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Parks and Recreation

**DEPARTMENT HEAD:** Homer Garcia III

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Edwards Aquifer Protection Program Acquisitions

**SUMMARY:**

Consideration of the following ordinances associated with the acquisition of four conservation easements and purchase of one property totaling 340.651 acres in Bexar County over the Edwards Aquifer Recharge and Contributing Zones.

- A) An ordinance authorizing payment in the amount of \$746,430.29, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on an 86.072 acre tract of land known as the Chapman Ranch located in Bexar County, Texas.
- B) An ordinance authorizing payment in the amount of \$768,777.04, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on an 87.46 acre tract of land known as the Gruendler Ranch located in Bexar County, Texas.
- C) An ordinance authorizing payment in the amount of \$1,054,531.85, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 60.57 acre tract of land known as the Ann Graham Ranch located in Bexar County, Texas.
- D) An ordinance authorizing payment in the amount of \$318,516.89, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 31.269 acre tract of land known as the Pack Property located in Bexar County, Texas.
- E) An ordinance authorizing payment in the amount of \$2,060,931.69, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program, to Chicago Title as escrow agent for deed, due diligence and closing costs on a 75.28 acre tract of land known as the Crane Bat Cave Property 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 purchases of conservation easements on the Chapman Ranch, Gruendler Ranch, Ann Graham Ranch and Pack Property and fee simple acquisition of the Crane Bat Cave Property, are located over the Edwards Aquifer Recharge and Contributing Zones and consist of 340.651 acres outside City limits in Bexar 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 Chapman and Gruendler Ranches are located within the Cibolo Creek watershed; the Ann Graham Ranch is located in the Salado Creek watershed; and the Pack and Crane Bat Cave properties are located within the Helotes Creek watershed, all of which contribute to significant recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued geological assessments of the properties confirming that preservation would provide a range of moderate-to-very high water quantity and moderate-to-high water quality benefits for the City of San Antonio.

The Ann Graham Ranch is located adjacent to another conservation easement property protected through Edwards Aquifer Protection Program; the Chapman and Gruendler Ranches are contiguous which will result in greater aquifer protection. The Pack and Crane Bat Cave properties, which are located near protected park land in northwestern Bexar County, will protect over 100 acres within the Helotes Creek watershed. If approved, inclusion of these properties will increase the total protected lands by 340.651 acres for a total of 10,835 acres in Bexar County and 160,330 acres overall under the City's aquifer protection program.

## **ISSUE:**

- A) This ordinance authorizing payment in the amount of \$746,430.29 to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on an 86.072 acre tract of land known as the Chapman Ranch located in Bexar County, Texas.
- B) This ordinance authorizing payment in the amount of \$768,777.04 to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on an 87.46 acre tract of land known as the Gruendler Ranch located in Bexar County, Texas.
- C) This ordinance authorizing payment in the amount of \$1,054,531.85 to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 60.57 acre tract of land known as the Ann Graham Ranch located in Bexar County, Texas.
- D) This ordinance authorizing payment in the amount of \$318,516.89 to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 31.269 acre tract of land known as the Pack Property located in Bexar County, Texas.
- E) This ordinance authorizing payment in the amount of \$2,060,931.69 to Chicago Title as escrow agent for deed, due diligence and closing costs on a 75.28 acre tract of land known as the Crane Bat Cave Property 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 these acquisitions at the February 26, 2020 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 moderate-to-high water quality and quantity benefits and the opportunity to protect additional acreage within the Cibolo Creek, Salado Creek, and Helotes Creek watersheds in Bexar County.

## **FISCAL IMPACT:**

These are one-time conservation easement acquisitions and one-time expenditures for purchase of one property in the cumulative amount of \$4,949,187.76 for 340.651 acres located in Bexar County over the Edwards Aquifer Recharge and Contributing Zones 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 \$746,430.29. 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 \$768,777.04. 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.
- C) This acquisition is a one-time expenditure in the amount of \$1,054,531.85. 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.
- D) This acquisition is a one-time expenditure in the amount of \$318,516.89. 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.
- E) This acquisition is a one-time expenditure in the amount of \$2,060,931.69. Funds for the acquisition of this fee simple acquisition 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:**

Staff recommends approval of Items A - E for acquisition of conservation easements in the cumulative amount of \$4,949,187.76 for 340.651 acres under the Proposition 1 Edwards Aquifer Protection Venue Project.

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