



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2522

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 4/1/2021

**Title:** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge Zone on a 97.112 acre tract of land known as the Klaus Ranch located in Medina County, Texas from Jacqueline E. Klaus, Individually and as Independent Executrix of the Estate of Allen R. Klaus, deceased, at a cost of \$227,705.87 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2021 - FY 2026 Capital Improvement Program.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. DRAFT Conservation Easement for Klaus Ranch, 2. DRAFT Conservation Easement for Smith Property, 3. DRAFT Conservation Easement for Smart Ranch, 4. DRAFT Conservation Easement FOR Jagge Foley Addition, 5. Map, 6. Site Map for Smart Ranch, Klaus Ranch, and Jagge Foley Addition, 7. Contracts Disclosure Form from Flora L. Smith for Smith Property, 8. Contracts Disclosure Form from Randy F. Smart Sr. for Smart Ranch, 9. Contracts Disclosure Form from Jackie E. Klaus for Klaus Ranch, 10. Contracts Disclosure Form from Pamela A. Jagge-Foley for Jagge Foley Addition, 11. Draft Ordinance A, 12. Draft Ordinance B, 13. Draft Ordinance C, 14. Draft Ordinance D, 15. Ordinance 2021-04-01-0204

Date	Ver.	Action By	Action	Result
4/1/2021	1	City Council A Session		

**DEPARTMENT:** Parks and Recreation

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

**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 totaling 541.246 acres over the Edwards Aquifer Recharge and Contributing Zones.

- A) An ordinance authorizing payment in the amount of \$820,336.85, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2021 - FY 2026 Capital Improvement Program, to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 48.2 acre tract of land known as the Smith Property located in Bexar County, Texas.
- B) An ordinance authorizing payment in the amount of \$328,066.15, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2021 - FY 2026 Capital Improvement Program, to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on a 217.405 acre tract of land known as the Smart Ranch located in Medina County,

Texas.

- C) An ordinance authorizing payment in the amount of \$227,705.87, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2021 - FY 2026 Capital Improvement Program, to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on a 97.112 acre tract of land known as the Klaus Ranch located in Medina County, Texas.
- D) An ordinance authorizing payment in the amount of \$291,486.71, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2021 - FY 2026 Capital Improvement Program, to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on two tracts of land totaling 178.529 acres and known as the Jagge Foley Addition 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 Smith Property, Smart Ranch, Klaus Ranch and Jagge Foley Addition, are located over the Edwards Aquifer Recharge and Contributing Zones and consist of 541.246 acres in Bexar and Medina Counties. 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 Smith Property is located within the Lee Creek/Helotes Creek/Culebra Creek watershed; the Smart Ranch is located within the Live Oak-Seco Creek Watershed; the Klaus Ranch is located within the Seco Creek/Parker Creek/Hondo Creek/Frio River watershed; and the Jagge Foley Addition is located within the Hondo 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-high water quantity and high water quality benefits for the City of San Antonio.

The Smith Property is located north of the City of San Antonio's Rancho Diana Natural Area Preserve which was acquired by the Edwards Aquifer Protection Program under the Proposition 3 program. The Smart Ranch, Klaus Ranch and Jagge Foley Addition are located contiguous to existing conservation easement properties protected through Edwards Aquifer Protection Program which will result in greater aquifer protection. If approved, inclusion of these properties will increase the total protected lands under the City's aquifer protection program by 541.246 acres for a total of 164,277 acres.

## **ISSUE:**

- A) This ordinance authorizes payment in the amount of \$820,336.85 to Alamo Title as escrow agent for title on a conservation easement, due diligence and closing costs on a 48.2 acre tract of land known as the Smith Property located in Bexar County, Texas.
- B) This ordinance authorizes payment in the amount of \$328,066.15 to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on a 217.405 acre tract of land known as the Smart Ranch located in Medina County, Texas.
- C) This ordinance authorizes payment in the amount of \$227,705.87 to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on a 97.112 acre tract of land known as the Klaus Ranch located in Medina County, Texas.
- D) This ordinance authorizes payment in the amount of \$291,486.71 to Texas Heritage Services I, LTD as escrow agent for title on a conservation easement, due diligence and closing costs on a two tracts of land totaling 178.529 acres and known as the Jagge Foley Addition 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 (CAB) has reviewed and recommends each of these acquisitions.

#### **ALTERNATIVES:**

An alternative would be to defer these acquisitions 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 quantity and high quality benefits and the opportunity to protect additional acreage within the Lee Creek/Helotes Creek/Culebra Creek watershed in Bexar County and the Live Oak, Seco Creek, Parker Creek, Hondo Creek, Frio River, and Hondo Creek watersheds in Medina County.

#### **FISCAL IMPACT:**

These are one-time conservation easement acquisitions in the cumulative amount of \$1,667,595.58 for 541.246 acres located in Bexar and Medina Counties 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 \$820,336.85. 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 2021 - FY 2026 Capital Improvement Program.
- B) This acquisition is a one-time expenditure in the amount of \$328,066.15. 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 2021 - FY 2026 Capital Improvement Program.
- C) This acquisition is a one-time expenditure in the amount of \$227,705.87. 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 2021 - FY 2026 Capital Improvement Program.
- D) This acquisition is a one-time expenditure in the amount of \$291,486.71. 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 2021 - FY 2026 Capital Improvement Program.

#### **RECOMMENDATION:**

Staff recommends approval of Items A - D for acquisition of conservation easements in the cumulative amount of \$1,667,595.58 for 541.246 acres under the Proposition 1 Edwards Aquifer Protection Venue Project.

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