



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 15

**Agenda Date:** February 27, 2025

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Amendment to the Cibolo Canyon Conservation Easement between the TF Cibolo Canyons, L.P., and the Nature Conservancy to remove 30 acres from, and add 144 acres to, the existing conservation easement located north of the City of San Antonio in the extraterritorial jurisdiction (ETJ).

**SUMMARY:**

An amendment to the Cibolo Canyon Conservation Easement between the TF Cibolo Canyons, L.P. (Property Owner) and the Nature Conservancy to remove 30 acres from, and add 144 acres to, the existing conservation easement north of the City of San Antonio (City) in the extraterritorial jurisdiction (ETJ).

**BACKGROUND INFORMATION:**

In October 2002, the City approved a non-annexation agreement with Lumbermen's Investment Corporation for the development of a golf resort community which involved certain requirements to include a conversation easement totaling 700 acres over the Edwards Aquifer. In 2013, the conservation easement held by the former property owner, Forestar (USA) Real Estate Group, was terminated and replaced with a conservation easement between the current property owner, TF Cibolo Canyons, L.P., and the Nature Conservancy. The City is not a party to the conservation

easement. The conservation easement may be amended with written consent by the property owner and the Nature Conservancy along with approval by the City and the US Fish and Wildlife Service. The City's approval must be evidenced by a duly adopted ordinance.

In August 2023, property owner TF Cibolo Canyons, L.P. proposed an amendment to the conservation easement by swapping of 144 acres of their land for 30 acres under the conservation easement. The amended easement would allow for development on the 30 acres and will increase the amount of land included in the conservation easement. The conservation easement is in the City's extraterritorial jurisdiction (ETJ) bordering the JW Marriott Hill Country Resort to the north with the 30 acres on the northwest end and the 144 acres on the southeast end. The US Fish and Wildlife Service approved the property owner's proposal with an amendment to the habitat conservation plan on July 5, 2024. The Nature Conservancy is in support of the amendment.

**ISSUE:**

Property owner TF Cibolo Canyons, L.P. is seeking an amendment to the 768-acre conservation easement by swapping 144 acres of their land for 30 acres under the conservation easement. If the amendment is approved, the conservation easement would increase to 882 acres and would allow for development on the 30 acres. Per the conservation easement document, the conservation easement may be amended with written consent by the property owner and the Nature Conservancy along with approval by the City and the US Fish and Wildlife. The City's approval must be evidenced by a duly adopted ordinance. The US Fish and Wildlife Service approved the property owner's proposal with an amendment to the habitat conservation plan on July 5, 2024. The Nature Conservancy is in support of the amendment. The property owner has reaffirmed that the terms of the 2005 non-annexation agreement continue in full force, that the City has the authority to annex the property at the end of the term of the agreement, and such annexation would be considered voluntary.

**ALTERNATIVES:**

City Council could choose not to approve this request and the conservation easement would remain as is in opposition to the US Fish and Wildlife Service's approval and the Nature Conservancy's support.

**FISCAL IMPACT:**

There is no fiscal impact to the City with the proposed amendment.

**RECOMMENDATION:**

Staff recommends approval.