

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY CITY COUNCIL.**

ORDINANCE

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,399,478.60 FROM THE SAN ANTONIO MUNICIPAL FACILITIES CORPORATION FUND, INCLUDED IN THE FY 2024 - FY 2029 CAPITAL IMPROVEMENT PROGRAM, TO WESTERN TITLE COMPANY OF BANDERA AS ESCROW AGENT FOR TITLE ON A CONSERVATION EASEMENT, DUE DILIGENCE AND CLOSING COSTS ON A 2,538.10-ACRE TRACT OF LAND KNOWN AS THE MIDDLE VERDE RANCH PHASE III PROPERTY LOCATED IN BANDERA COUNTY, TEXAS.

* * * * *

WHEREAS, 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; and

WHEREAS, 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. In 2020, City Council approved a 10-year, \$100 million alternative funding program through the San Antonio Municipal Facilities Corporation which will issue debt for the Edwards Aquifer Protection Program to continue its mission of protecting recharge water quality and quantity over the Edwards Aquifer Recharge and Contributing Zones; and

WHEREAS, the proposed purchase of the conservation easement on the Middle Verde Ranch Phase III property is located over the Edwards Aquifer Contributing Zone and consists of 2,538.10 acres in Bandera County, Texas. The property was initially identified through use of the Scientific Evaluation Team's GIS Spatial Model and subsequent site visits identified favorable recharge features on the property. The Middle Verde Ranch Phase III acquisition will add 2,538.10 acres to the 2,830-acre Phase I acquisition in 2017 and the 3,457-acre Phase II acquisition in 2021. The Middle Verde Ranch Phase III property is located within the Rocky Creek-Seco Creek watershed which contributes to the Frio River and contributes to significant recharge of the Edwards Aquifer. The Middle Verde Ranch is located in the Middle Verde Creek/Frio River watershed which contributes to significant recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued a geological assessment of the property confirming that preservation would provide a range of high-to-very high water quantity and very high water quality benefit for the City of San Antonio;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee is authorized to acquire a conservation easement on the 2,538.10-acre Middle Verde Ranch Phase III property in the amount of \$4,399,478.60 under the San Antonio Municipal Facilities Corporation fund in a form substantially similar to that of **Attachment III**.

SECTION 2. Payment is authorized to be encumbered and made payable to Western Title Company of Bandera in an amount not to exceed \$4,399,478.60 for a conservation easement totaling 2,538.1-acres of land known as the Middle Verde Ranch Phase III located in Bandera County. Payment is in support of the Edwards Aquifer Protection Program Project using the WBS 26-00701-01-04 and GL 5201010. Funding for this project is provided by the Municipal Facilities Corporation and is in the FY2024 -FY2029 Capital Improvements Program.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years..

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 30th day of November, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

VS
11/30/2023
Item No. XX

DRAFT