

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

ORDINANCE

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,113,190.62 FROM THE SAN ANTONIO MUNICIPAL FACILITIES CORPORATION FUND, INCLUDED IN THE FY 2024 - FY 2029 CAPITAL IMPROVEMENT PROGRAM, TO FIRST AMERICAN TITLE INSURANCE COMPANY AS ESCROW AGENT FOR FEE SIMPLE ACQUISITION, DUE DILIGENCE AND CLOSING COSTS ON A 155.7-ACRE TRACT OF LAND KNOWN AS THE SCENIC LOOP PROPERTY LOCATED IN BEXAR COUNTY, TEXAS AND AUTHORIZING THE CONVEYANCE OF A CONSERVATION EASEMENT ON THE SCENIC LOOP PROPERTY TO COMPATIBLE LANDS FOUNDATION.

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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 fee simple purchase of the Scenic Loop Property, which is located directly adjacent to the 453-acre Scenic Canyon Natural Area, is located over the Edwards Aquifer Contributing Zone and consists of 155.7 acres in Bexar County, Texas. Upon acquisition of the Scenic Loop Property, the Parks and Recreation Department will manage and maintain the property in its natural state as an extension of Scenic Canyon Natural Area. The EAPP, which is seeking to protect the Edwards Aquifer recharge quality and quantity benefits for the City of San Antonio, will leverage funding for this acquisition project through a partnership with the Department of Defense's Readiness and Environmental Protection Integration (REPI) Challenge program. Compatible Lands Foundation, a contracted REPI land trust, will hold a conservation easement on the Scenic Loop Property in consideration of a 50% funding match for this acquisition which will guarantee a perpetual protective buffer against future development and associated light intrusion for Joint Base San Antonio – Camp Bullis;

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WHEREAS, the Scenic Canyon Property was initially identified through use of the Scientific Evaluation Team's GIS Spatial Model and subsequent site visits identified favorable recharge potential on the property. The property drains to the confluence of Chiminea Creek and Helotes Creek and is located within the lower Culebra Creek watershed which contributes to the Medina River and San Antonio leading to significant recharge of the Edwards Aquifer. The Edwards Aquifer Authority issued a geological assessment of the property confirming that preservation would provide high water quantity and 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 in fee simple a 155.7-acre tract of land known as the Scenic Loop Property located in Bexar County, Texas in the amount of \$3,113,190.62 from the San Antonio Municipal Facilities Corporation fund, included in the FY 2024 - FY 2029 Capital Improvement Program. Payment is authorized to First American Title Insurance Company as escrow agent for fee simple acquisition, due diligence and closing costs. The City Manager or designee is further authorized to convey a conservation easement on the Scenic Loop Property to Compatible Lands Foundation in a form substantially similar to that of **Attachment III**.

SECTION 2. Payment is authorized to be encumbered and made payable to First American Title Insurance Company in an amount not to exceed \$3,113,190.62 for a conservation easement totaling 155.7-acres of land known as the Scenic Loop Property located in Bexar 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.

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M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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