

CITY OF SAN ANTONIO
City Manager's Office
Interdepartmental Correspondence Sheet

TO: Mayor and City Council

FROM: Susan Spegar, ASLA, Special Project Manager

COPIES: City Manager; Budget, Finance, Parks and Recreation; File

SUBJECT: ACQUISITION OF A 710.168-ACRE TRACT FOR THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT

DATE: October 23, 2003

SUMMARY AND RECOMMENDATION

An ordinance authorizing payment to Chicago Title Company in the amount of \$3,950,450.00 as escrow agent for fee simple purchase of a 710.168-acre tract of land situated on the west side of Highway 211 across from Government Canyon State Natural Area in northwest Bexar County, Texas, under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project; authorizing payment of \$19,750.00 to The Trust for Public Land and payment of \$19,750.00 to The Nature Conservancy for services in negotiating, investigating and purchasing said property; and authorizing the execution of a real estate purchase contract to accomplish said purchase; and providing an immediate effective date upon eight affirmative votes.

This proposed ordinance is for a fee simple purchase of a 710.168-acre tract of land known as the Chris Hill tract as part of the Proposition Three Edward's Land Acquisition Program. The Chris Hill tract is near to the previously acquired Windgate Ranch property and the Government Canyon State Natural Area to the east of Highway 211 and the Mayberry and Hampton tracts to the south for a total land purchase price of \$3,950,000.00.

This parcel is presented for consideration to the City Council under the Proposition Three Edwards Land Acquisition and Park Expansion Project approved by the voters on May 6, 2000. The Conservation Advisory Board reviewed and recommended purchase on September 29, 2003, and the Planning Commission approved this purchase on October 22, 2003. The City Council was briefed on October 2, 2003 on the efforts of the City of San Antonio to purchase the property. As presented to the City Council on October 9, 2003, a conservation easement will be applied to the property at the time of closing favoring the San Antonio Water System as partial consideration of the acquisition of 1,841 acres of property (637 acres designated for the project Starbright agreement and 1,204 acres will be held by city pending subsequent transfer to the Land Heritage Institute for conservation purposes.

The site has high residential development potential with the location in close proximity to Bandera Road. There is a residential development on the east side of Highway 211 directly across from this tract that was developed by the owner. Access to the 710.168 acres is along

Highway 211. This site has many recharge features including caves, fractures and fissures although these features have not been mapped. The 710.168-acre parcel contains two tier two and one tier three parcel as identified in the Scientific Evaluation Team GIS model and is located entirely on the Edwards Aquifer Recharge Zone. This level of ranking on the model was due to hydrological and biological features and did not consider adjacency to the other Proposition Three Properties that include the Windgate, Mayberry, Schuchart and Hampton tracts.

In keeping with the direction of the Conservation Advisory Board, this helps to further the goal of consolidating acquisitions whenever possible for greater enhancement of water quality and quantity recharging into Edwards Aquifer.

Staff recommends approval of the ordinance.

POLICY ANALYSIS

The property proposed for purchase was identified in a spatial model that was created for this project to identify the most sensitive parcels for acquisition. This model, labeled the Scientific Evaluation Team GIS model, is composed of forty-three (43) different layers that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County. Each of the layers has a weighted value assigned to the layer. As each layer is overlaid over the next, the model begins to darken where the most sensitive areas of concern are located.

The model then superimposes a layer of all undeveloped tracts in the project area and a score is assigned to each tract. The score, based on 100, then ranks these tracts and assigned each tract to a tier. No parcel received a perfect score. The highest level of scores were then assigned to the top tier known as tier one. These tier one parcels have a score between 62 and 76. The tier two ranking parcels have a value between 52 and 60. Identified in the top three tiers are a potential 84,000 acres that could be acquired. This proposed acquisition contains three parcels ranked in the tier two and tier three categories that total 710.168 acres. This tract is located over the Edwards Aquifer Recharge Zone and has a high potential for recharge features.

This proposed action is consistent with policy adopted by the City Council for the preservation and conservation of the Edward's Aquifer sensitive areas as presented in Proposition Three of the Better Future Sales Tax Initiative passed and approved by the voters on May 6, 2000.

FINANCIAL DATA

This project is funded by the one-eighth sales and use tax in the special revenue Parks Development and Expansion Fund.

TOTAL COSTS FOR ACQUISITION:

| | |
|----------------------------------------------------------------------------|-----------------------|
| Land Cost (appraised value is \$4,083,466 based on \$5,750/acre) | \$3,950,000.00 |
| The Trust For Public Land and The Nature Conservancy Admin Fee (1%) | \$39,500.00 |
| Due diligence costs: | |
| Environmental Assessment –Loomis-Austin | \$3,060.00 |
| Survey- Alamo Consulting Engineers | \$4,950.00 |
| First Appraisal-Dugger Canaday | \$3,500.00 |
| Closing Costs (tax certificate and recording fees) Chicago Title | \$450.00 |
| TOTAL COST for the 710.168 acres: | \$4,001,460.00 |

SUPPLEMENTARY COMMENTS

The table below outlines the acreage acquired and total land budget expensed as a result of this acquisition.

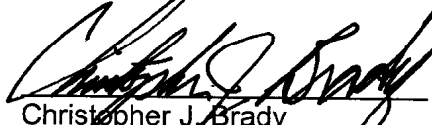
| TOTALS: | |
|-------------------------------------------|------------------------------------------------|
| Acquired to date: | Expensed to Date: |
| 5,025.809 acres | \$27,561,323.57 |
| This acquisition: | |
| 710.168 acres | \$ 3,950,000.00 |
| Total acres with this acquisition: | Total expensed with this acquisition: |
| | 86.68% land acquisition budget expensed |
| | (based on a land budget of |
| | \$36,350,000.00) |

The disclosure forms submitted by Loomis-Austin, Alamo Consulting Engineers, Dugger-Canaday, and Chicago Title are attached hereto.

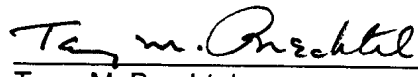
COORDINATION

This request for ordinance has been coordinated with the Parks and Recreation Department and the Finance Department for availability of funds.


Susan Spegar, ASLA
Special Project Manager


Christopher J. Brady
Assistant City Manager

APPROVED:


Terry M. Brechtel
City Manager

CITY OF SAN ANTONIO
City Manager's Office
Interdepartmental Correspondence Sheet

TO: Mayor and City Council

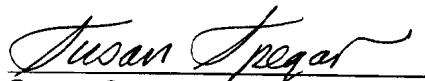
FROM: Susan Spegar, ASLA, Acting Special Project Manager

COPIES: City Manager; Budget, Finance, Parks and Recreation; File

SUBJECT: ACQUISITION OF PROPERTY FOR THE PROPOSITION THREE
EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT

DATE: October 23, 2003

An ordinance authorizing payment to Chicago Title Company in the amount of \$3,950,450.00 as escrow agent for fee simple purchase of a 710.168-acre tract of land situated on the west side of Highway 211 in northwest Bexar County, Texas, under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project; authorizing payment of \$19,750.00 to The Trust for Public Land and \$19,750.00 to the Nature Conservancy for its services in negotiating, investigating and purchasing said property; authorizing the execution of a real estate purchase contract to accomplish said purchase; and providing an immediate effective date upon eight affirmative votes.



Susan Spegar, ASLA
Special Project Manager

OCT-10-2003 07:57 FROM:

10/09/2003 14:16 FAX 210 824 5122

OCT 09 2003 09:44 PP CHICAGO TITLE SAN AN

10/07/2003 15:01 FAX 210 824 5122

OCT-06-2003 13:32 FROM:

CARL R. OLIVER P.C.

CARL R. OLIVER P.C.

TO:2102077457

TO 96245122

10-210 824 5122

P.2/3

P.02/03

P.2/3

City of San Antonio Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract

(1) the identity of any individual who would be a party to the discretionary contract.

(2) the identity of any business entity that would be a party to the discretionary contract.

Chicago Title Insurance Company
700 N. St. Mary's, Suite 125
San Antonio, Texas 78205

and the name of:

(3) any individual or business entity that would be a subcontractor on the discretionary contract.

Law Offices of Carl R. Oliver, P.C.
4040 Broadway, Suite 609
San Antonio, Texas 78209

and the name of:

(4) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract.

* A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

(3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.


Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2), or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

| To Whom Made: | Amount: | Date of Contribution: |
|-----------------------------------------------------------------------------------------------|---------|-----------------------|
| Chicago Title Insurance Company Does not contribute to Political Parties or Individuals | | |

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which reasonably understood raise a question as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

| | | |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------|
| | | |
| Signature:  | Title: Senior Title Officer Company: Chicago Title Insurance Co | Date: 10/9/03 |

* For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require refusal or require careful consideration of whether or not refusal is required.

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(1) the identity of any individual who would be a party to the discretionary contract:

N/A

(2) the identity of any business entity¹ that would be a party to the discretionary contract:

ALAMO CONSULTING ENGINEERING & SURVEYING, INC.

and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract,

N/A

and the name of:

(B) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract;

KEVIN CONROY & PAUL A. SCHROEDER

¹ A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

- (3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

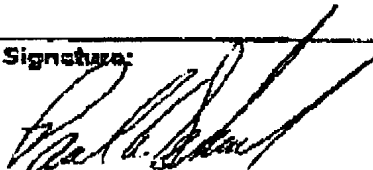
Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

| To Whom Made: | Amount: | Date of Contribution: |
|---------------|---------|-----------------------|
| N/A | | |

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

| | | |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------|
| | | |
| Signature:  | Title: PRESIDENT Company: ALAMO CONSULTING ENGINEERING & SURVEYING, INC. | Date: 10/07/03 |

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require refusal or require careful consideration of whether or not refusal is required.

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For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any individual who would be a party to the discretionary contract.

N/A

(2) the identity of any business entity that would be a party to the discretionary contract.

Loomis Austin, Inc.

and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract.

N/A

and the name of:

(B) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract.

N/A

* A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

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N/A


Political Contributions

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| To Whom Made: | Amount: | Date of Contribution: |
|---------------|---------|-----------------------|
| N/A | | |

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| | | |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------|
| | | |
| Signature:  | Title: Accounting Admin. Company: Loomis Austin, Inc. | Date: 10/6/03 |

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Oct-06-03 02:44pm From-DUGGER CANADAY GRAFE

2102270520

T-766 P-02/03 F-627

City of San Antonio Discretionary Contracts Disclosure*

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Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

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For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any individual who would be a party to the discretionary contract:

R. DON CANADAY

(2) the identity of any business entity that would be a party to the discretionary contract:

DUGGER CANADAY GRAFE, INC.

and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract:

N/A

and the name of:

(B) any individual or business entity that is known to be a partner, or a partner of subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract:

N/A

* A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

(5) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

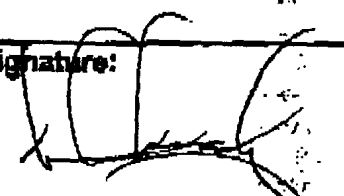
Political Contributions

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| To Whom Made: | Amount: | Date of Contribution: |
|---------------|---------|-----------------------|
| NONE | NONE | |

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which reasonably understood, raise a question as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

| | | |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------|
| NONE | | |
| Signature:  | Title: PRESIDENT Company: DUGGER CANADAY, GRAFE INC. | Date: 10/2/03 |

* For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

CITY OF SAN ANTONIO
City Manager's Office
Interdepartmental Correspondence Sheet

TO: Planning Commission

FROM: Susan Spegar, ASLA, Special Projects Manager

COPIES: Christopher J. Brady, Assistant City Manager; Parks and Recreation; File

SUBJECT: ACQUISITION OF PROPERTY FOR THE PROPOSITION THREE
EDWARDS LAND ACQUISITION

DATE: October 3, 2003

| | | |
|--------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| PETITIONER: | Susan Spegar, ASLA Special Project Manager City of San Antonio 506 Dolorosa San Antonio, Texas 78283 | Amy W. Morris Project Manager The Trust for Public Land 312 El Paso San Antonio, Texas 78267 |
| | Paul Barwick Project Manager The Nature Conservancy 711 Navarro Suite 410 San Antonio, Texas | |

SUMMARY AND RECOMMENDATION

This proposed action is for approval for fee simple purchase of one parcel in Bexar County, Texas.

The Hill tract is a total of 710.168 acres located along Highway 211 and is west of Government Canyon State Natural Area and the previously purchased Wingate, Schuchart, and Kallison tracts. It is also on the same side of Highway 211 from the Mayberry and Hampton tracts. Access to the site is from Highway 211 and serves to continue the process of preservation of the aquifer recharge zone. The 710.168 acres is ranked tier two and three on the Scientific Evaluation Team GIS model. The acquisition of this tract will prevent further residential development and protect another 710.168 acres of Edwards Aquifer recharge zone land. Upon approval and acquisition, The City of San Antonio will grant the San Antonio Water System a conservation easement over the property in exchange for property along the Medina River.

This acquisition was previously approved by the Conservation Advisory Board for a fee simple purchase of a 710.168-acre tract of land situated in Bexar County, Texas under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project.

After Planning Commission review, approval for purchase will then be forwarded to the City Council to approve the execution of a real estate contract for this acquisition.

This is the eighth presentation of parcels for consideration by Planning Commission under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project approved by the voters on May 6, 2000. The Conservation Advisory Board reviewed and recommended purchase on September 29, 2003. The City Council review for approval for purchase of this tract is scheduled for October 23, 2003.

Staff recommends approval for purchase of 710.168 acres.

SUMMARY

| | | Per acre cost | Total Cost |
|---------------------------------------|----------------|-------------------|-----------------------|
| Total Acreage (previous acquisitions) | 5,025.809 | \$5,483.84 | \$27,561,323.57 |
| Total Acreage (this acquisition) | <u>710.168</u> | <u>\$5,563.00</u> | <u>\$3,950,000.00</u> |
| Total Acreage | 5,735.977 | \$5,493.63 | \$31,511,323.57 |

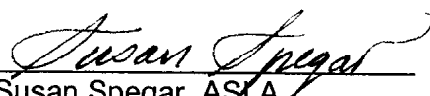
COORDINATION

In compliance with City procedures, the following City departments, utility agencies, and Advisory Boards have reviewed Applicant's request:

1. Conservation Advisory Board
2. Planning Commission
3. Parks and Recreation
4. Public Works

CONCLUSION AND RECOMMENDATION

Staff recommends approval of this request and further requests that the Planning Commission notifies City Council of the action taken in this matter.


Susan Spegar, ASLA
Special Projects Manager

CONSERVATION ADVISORY BOARD

**SUBJECT: ACQUISITION OF PROPERTY FOR THE PROPOSITION THREE
EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT**

STAFF RECOMMENDATION:

The site has high residential development potential with the location in close proximity to Bandera Road. There is a residential development on the east side of Highway 211 directly across from this tract that was developed by the owner. Access to the 710.168 acres is along Highway 211. This site has many recharge features including caves, fractures and fissures although these features have not been mapped. The 710.168-acre parcel contains two tier two and one tier three parcel as identified in the Scientific Evaluation Team GIS model and is located entirely on the Edwards Aquifer Recharge Zone. This level of ranking on the model was due to hydrological and biological features and did not consider adjacency to the other Proposition Three Properties that include the Windgate, Mayberry, Schuchart and Hampton tracts.

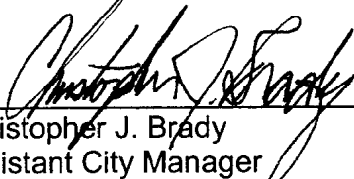
Acquisition of this property will remove it from imminent future residential development. The appraised value is \$5,570 per acre with a discounted purchase price of \$5,562.06 *per acre.*

Staff recommends approval of this acquisition.



Susan Spegar, ASLA
Special Project Manager

Approved:



Christopher J. Brady
Assistant City Manager

CONSERVATION ADVISORY BOARD

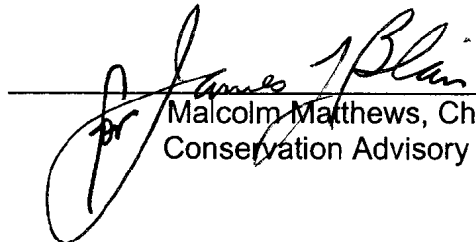
**SUBJECT: ACQUISITION OF PROPERTY FOR THE PROPOSITION THREE
EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT**

SUMMARY AND RECOMMENDATION BY THE CONSERVATION ADVISORY BOARD

This recommendation by the Conservation Advisory Board is approval for a fee simple purchase of a 710.168-acre tract of land situated in Bexar County, Texas under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project.

This tract of land is located along Highway 211 west of the Government Canyon State Natural Area. This site is ranked as tier two and tier three by the Scientific Evaluation Team GIS model and is located entirely in the Edwards Aquifer Recharge Zone. Access to the site is from Highway 211. This tract is one of the last large tracts in Bexar Country undisturbed and undeveloped. This tract has caves with great recharge potential.

This recommendation for purchase is approved this 29th day of September 2003.


Malcolm Matthews, Chairman
Conservation Advisory Board

VOTE ON RECOMMENDATION:

| | | In Favor | Opposed |
|--------------------------------------|------------------|-------------------------------------|--------------------------|
| Texas Parks and Wildlife Department | Deirdre Hisler | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Edwards Aquifer Authority | Geary Schindel | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| San Antonio Water System | Scott Halty | <i>absent</i> | <input type="checkbox"/> |
| COSA Parks and Recreation Department | Malcolm Matthews | <i>absent</i> | <input type="checkbox"/> |
| COSA Public Works Department | Doug Yerkes | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| San Antonio River Authority | Jim Blair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Open Space Advisory Board | Jody Sherrill | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Parks and Recreation Advisory Board | Frederick McGee | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Business Representative | | <input type="checkbox"/> | <input type="checkbox"/> |

TOTAL COSTS FOR ACQUISITION:

Land Cost (appraised value is \$4,083,466 based on \$5,750/acre) **\$3,950,000.00**

The Trust For Public Land and The Nature Conservancy Admin Fee (1%) **\$39,500.00**

Due diligence costs:

- | | | |
|----|----------------------------------------------------|-------------------|
| 1. | Environmental Assessment –Loomis Austin | \$3,060.00 |
| 2. | Survey-Alamo Consulting Engineers | \$4,950.00 |
| 3. | First Appraisal-Dugger Canaday | \$3,500.00 |
| 4. | Appraisal-Blair Stouffer (paid by owner) | \$0.00 |
| 5. | Title Policy –Chicago Title (paid by owner) | \$0.00 |
| 6. | Closing Costs (tax certificate and recording fees) | \$450.00 |

| | |
|--------------------|-----------------------|
| TOTAL COST: | \$4,001,460.00 |
|--------------------|-----------------------|

TOTALS:

710.168 acres

10.87% land acquisition budget expended