



## Legislation Details (With Text)

<b>File #:</b>	Res. 2018-57R	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>		Individual Consideration	
<b>File created:</b>	3/29/2018	<b>In control:</b>		City Council	
<b>On agenda:</b>	4/17/2018	<b>Final action:</b>			
<b>Title:</b>	Consider approval of Resolution 2018-57R, approving an Agreement of Sale with the Trust for Public Land for the City to purchase approximately 151 acres of land for the third and final acquisition out of the Wildenthal Tract at a cost neutral amount of \$2,265,368, subject to the award to the City of Federal Grant Funds from the Texas Parks and Wildlife Department for such purchase; authorizing the extension of any federal grant restrictions to the abutting approximately 52 acres acquired in phase two; authorizing the City Manager to execute said agreement and related closing documents on behalf of the City; and declaring an effective date.				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Resolution, 2. Agreement, 3. Aquisition Phases Map

Date	Ver.	Action By	Action	Result
4/17/2018	1	City Council		

### AGENDA CAPTION:

Consider approval of Resolution 2018-57R, approving an Agreement of Sale with the Trust for Public Land for the City to purchase approximately 151 acres of land for the third and final acquisition out of the Wildenthal Tract at a cost neutral amount of \$2,265,368, subject to the award to the City of Federal Grant Funds from the Texas Parks and Wildlife Department for such purchase; authorizing the extension of any federal grant restrictions to the abutting approximately 52 acres acquired in phase two; authorizing the City Manager to execute said agreement and related closing documents on behalf of the City; and declaring an effective date.

**Meeting date:** April 17, 2018

**Department:** Community Services Department

### Amount & Source of Funding

**Funds Required:** Cost Neutral

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** [Click or tap here to enter text.](#)

**Account Name:** [Click or tap here to enter text.](#)

### Fiscal Note:

### **Prior Council Action:**

On February 27, 2015, City Council passed Resolution 2015-20R approving an interlocal agreement and Memorandum of Understanding with Hays County that provides for the City to contribute \$500,000 toward the

purchase of 110 acres out of a Wildenthal tract (Wildenthal I) from the Trust of Public Land, subject to the county's conveyance of the property to the City.

On March 7, 2017, City Council passed Resolution 2017-44R approving an agreement of sale with the Trust for Public Land for the City to purchase approximately 50 acres out of the Wildenthal tract (Wildenthal II) in the amount of \$632,000. Resolution also authorized a grant application to the U.S. Fish and Wildlife Service for the purchase of the remaining 152 acres known as Wildenthal III in the amount of \$2,272,500.

**City Council Strategic Initiative:** Choose an item.

Goal #2 Beautify & Enhance the Quality of Place

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☒ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☒ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

**Master Plan:**

Parks, Recreation, & Open Space Master Plan

**Background Information:**

The City of San Marcos, in conjunction with Scott Parker of the Trust for Public Land, is attempting to purchase the remaining 151 acres out of the Wildenthal tract at the upper end of Purgatory Creek Natural Area. This acquisition would be the third and final phase of acquisitions from the Wildenthals.

The Trust for Public Land, as with previous acquisitions, has contracted directly with the current owners for the purchase of the land with the intention of immediately selling the land to the City. The total purchase price is \$2,265,368. As part of the Phase Two acquisition of approximately 52 acres in March of 2017, the City Council authorized staff to apply for federal grant funds from the U.S. Department of the Interior, Fish and

Wildlife Service, through the Texas Parks and Wildlife Department, to cover the purchase of this tract.

The federal grant restrictions will include restrictions that are intended to protect habitat for identified endangered species, including the Golden-Cheeked Warbler. Consequently, the uses of the land will be restricted to passive uses such as primitive hiking trails. Uses such as playgrounds, roads or utility infrastructure, that do not enhance the grant purposes would not be allowed.

In connection with the grant funds, the City will be required to contribute the abutting 52 acres acquired in Phase Two as an in-kind match. As a result, any grant restrictions associated with the grant will be extended to the 52 acre tract.

This is the last tract to be added to the Purgatory Creek Natural Area. If purchase is completed the total acreage for the natural area will be approximately 1,065 contiguous acres.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Approve Resolution 2018-57R