



KNAPP LAND & LOST DOG CONSERVATION EASEMENTS UPDATE

January 31, 2011



THERE ARE TWO CONSERVATION EASEMENTS CURRENTLY BEING COMPLETED:



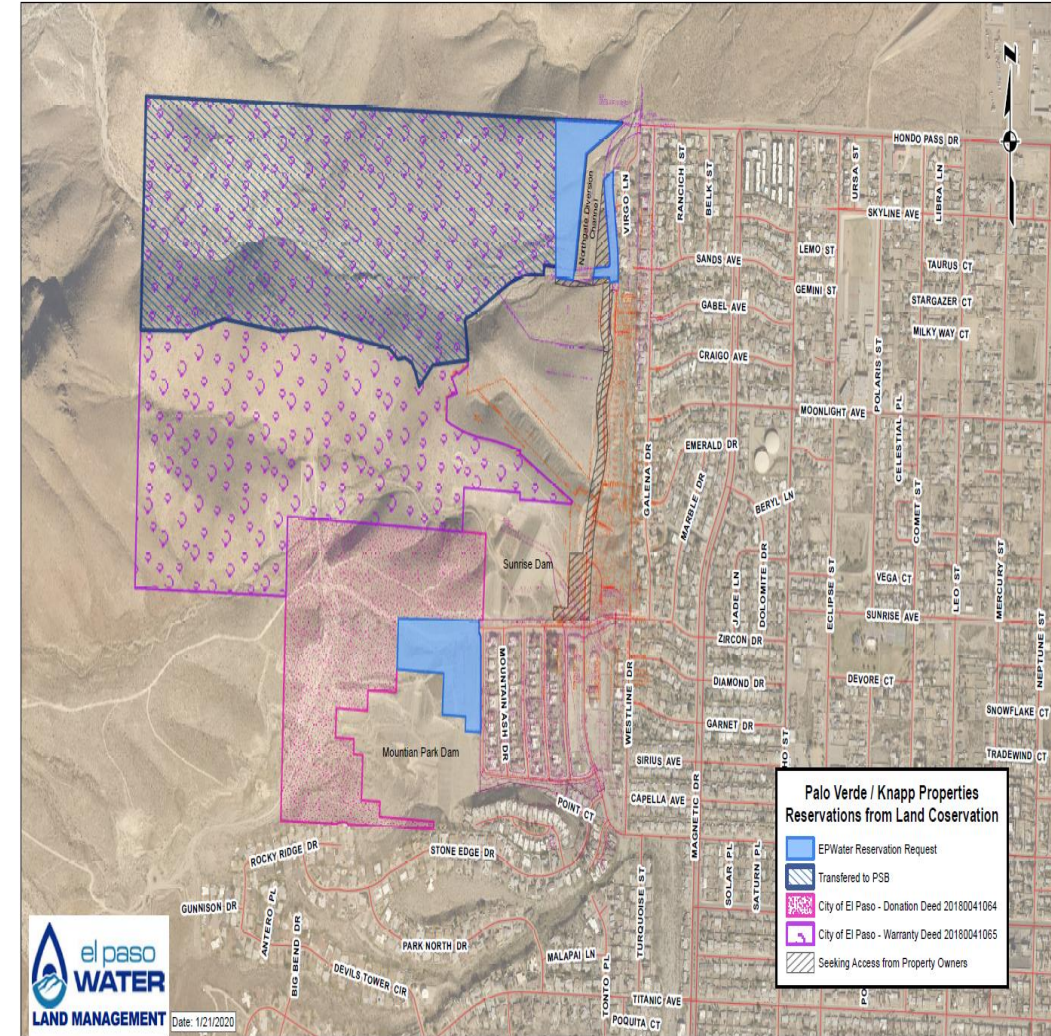
1. Knapp Land Conservation Easement

2. Lost Dog Conservation Easement

- A conservation easement is a voluntary, legal agreement that permanently limits uses of the land, and defines how the property will be managed, in order to protect its conservation values in perpetuity.
- Knapp Land and Lost Dog, separate and uniquely different properties, were prepared at the same time to increase the efficiencies in their similarities during the conservation easement processes.

KNAPP LAND BACKGROUND:

- In 2018, the City of El Paso purchased 280.90 acres using a combination of Open Space Quality of Life bond funds from 2012 and El Paso Water Utilities storm water funds.
- Another 72.41 acres was donated to the City of El Paso by the previous landowners, the Knapp Family. The property is commonly referred to as the “Knapp Property”.
- The Property sits over part of the Hueco Bolson water recharge area and is used for outdoor education and passive recreation. The Property is adjacent, and has trails that connect, to the Franklin Mountains State Park. The Property adds additional buffer to the State Park, which expands the region’s wildlife habitat.
- The Property is located on the east side of the Franklin Mountains. It is surrounded on its northern side by open space called Castner Range, which belongs to Fort Bliss.
- The southern and eastern sides of the Property are bounded by existing housing developments.
- The west and northwest sides of the Property are bounded by the State Park. Urban development continues in the area.
- In Summer 2019, the City Council approved placing a conservation easement on the Knapp Property with The Frontera Land Alliance.



LOST DOG BACKGROUND:



The City has owned the property for many years. For several years, the Property was held in the El Paso Water's land inventory as part of El Paso Water's water and sewer facilities system. On July 23, 2019, the El Paso City Council approved using the Municipal Drainage Utility System "10% Fund" to compensate the System for the fair market value of the property and directed that the property remain in El Paso Water's land inventory to serve a dual purpose as both a natural storm water management system and for preservation of open space. The property is included in the City's open space inventory and is locally referred to as the "Lost Dog Property." The Property is presently used for passive recreation.

2019 MAY 13 4:28
ORDINANCE NO. 018934

AN ORDINANCE OF THE ELECTORATE OF THE CITY OF EL PASO ADOPTED BY OPERATION OF LAW PURSUANT TO THE INITIATIVE AUTHORITY OF SECTION 3.11 OF THE EL PASO CITY CHARTER, PRESERVING IN ITS NATURAL STATE, FOR ALL TIME, THE APPROXIMATELY 1,106.93 ACRES OWNED BY THE CITY OF EL PASO AND REFERRED TO AS "TAX INCREMENT REINVESTMENT ZONE NUMBER TWELVE," WHICH INCLUDES THE "LOST DOG TRAIL," AND PROHIBITING, FOR ALL TIME, ANY PRIVATE DEVELOPMENT AND ANY MAJOR PUBLIC ROADWAYS ON SAID ACRES.

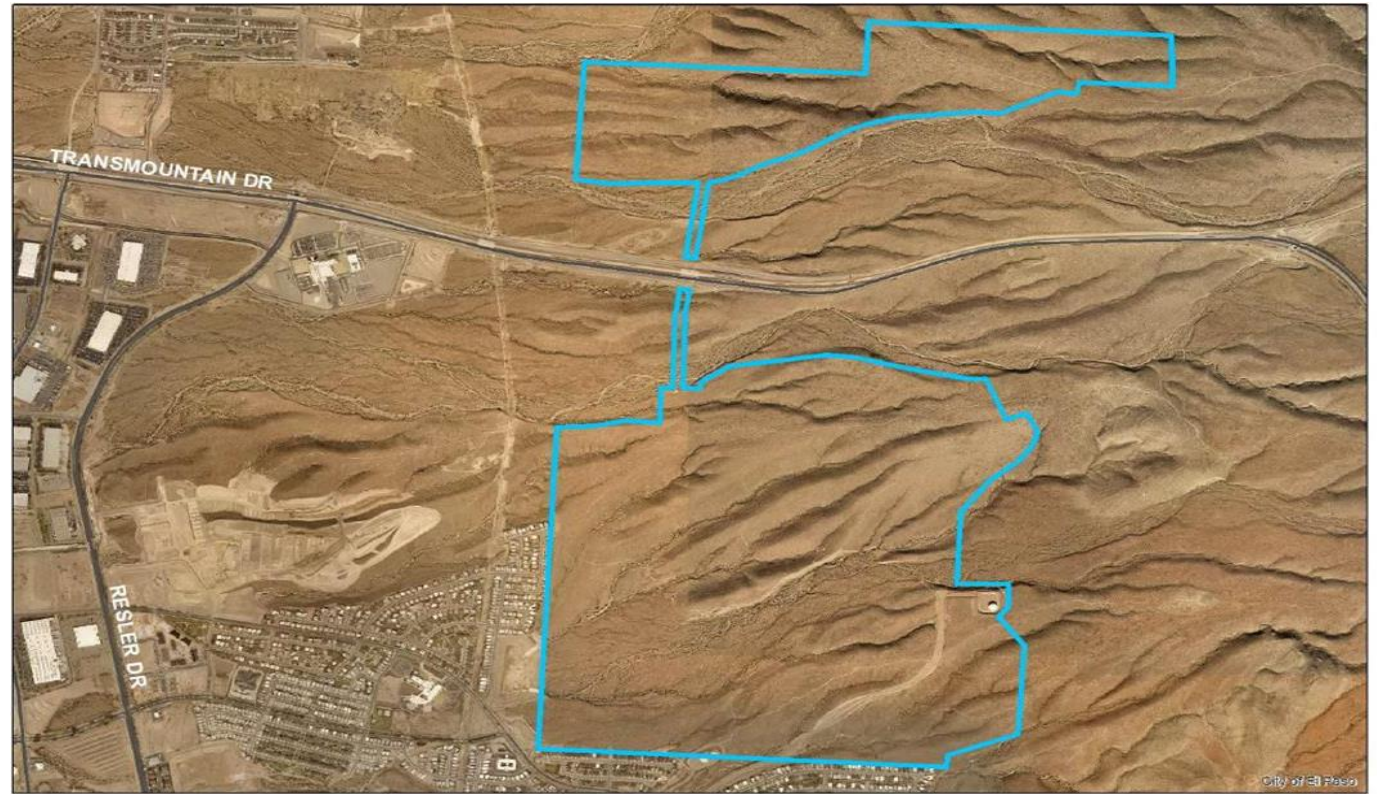
BE IT ORDAINED BY THE ELECTORATE OF THE CITY OF EL PASO:

The City of El Paso shall preserve, in its natural state and in perpetuity, all of the City owned real property (approximately 1,106.9316 acres) referred to as "Reinvestment Zone Number Twelve, City of El Paso" described below (the "Land"). The City shall take all steps necessary and appropriate to preserve the Land and to prevent it from being developed with either private development or major public roadways. The Land is comprised of the following parcels in the City of El Paso, El Paso County, Texas, and is more particularly described as set out in Exhibit A: Parcel 1 - Nellie D. Mundy Survey 246 (approximately 73.6664 acres); Parcel 2 - S.J. Larkin Survey 267 (approximately 632.735 acres); Parcel 3 - S.J. Larkin Survey 269, Abstract 10070, Tract 1-A (approximately 8.175 acres); Parcel 4 - S.J. Larkin Survey 268, Abstract 10069 (approximately 15.8712 acres); Parcel 5 - S.J. Larkin Survey 268, Abstract 10069, Tract 1 (approximately 45.664 acres); Parcel 6 - Laura E. Mundy Survey 234, Abstract 1007, Tract 2 (approximately 255.39 acres); and Parcel 7 - Laura E. Mundy Survey 234, Abstract 1007, Tract 2 (approximately 105.43 acres).

ADOPTED this 14 day of May, 2019.

THE CITY OF EL PASO


Dee Margo, Mayor



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to show accurate conclusions. Enlargements of this map to a larger scale than its original can induce errors and may lead to misinterpretation of the data. The Engineer is not responsible for any such misinterpretation.



TIRZ #12

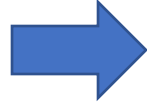
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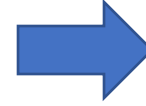
KNAPP LAND PROGRESSION:



ACQUIRED WITH:
2012 QUALITY OF
LIFE (QOL) BOND
AND STORM
WATER FEES



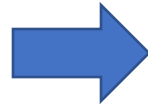
DETERMINED RESTRICTIONS ON
USAGE
BASED ON FUNDS



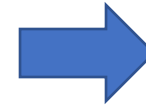
COUNCIL DIRECTS CITY STAFF TO
USE FRONTERA LAND ALLIANCE
FOR CONSERVATION EASEMENT

LOST DOG PROGRESSION:

ACQUIRED WITH:
OPEN SPACE DOLLARS FROM
STORM WATER FEES



DETERMINED
RESTRICTIONS ON USAGE
BASED ON FUNDS



COUNCIL DIRECTS TO CITY STAFF
TO PLACE LOST DOG INTO A
CONSERVATION EASEMENT

THE FRONTERA LAND ALLIANCE:



- City Council directed that The Frontera Land Alliance would be used as Land Trust for Knapp Land on June 11, 2019. Frontera was also chosen as the land trust for Lost Dog
- The City worked directly with The Frontera Land Alliance to create a conservation easement showing what the property may be used for as well as those uses that will be restricted. Each conservation easement is tailored to fit the unique character of the land.
- Frontera is responsible for:
 - Enforcing the restrictions that the easement's legal document spells out.
 - Monitors the property once a year to determine that the property remains in the state captured in the Baseline Report.
 - Managed according to the Land Management Plan.
 - Maintains written records of these monitoring visits and provides these to the City.
- Frontera will receive an amount to be determined as it is negotiated for its monitoring of Knapp Land and for the Lost Dog property. The City will pay these service agreements in 5 year installments.

COMPONENTS OF THE CONSERVATION EASEMENT:



1. Deed
2. Title
3. Environmental Phase 1
4. Mineral Waiver
5. Mineral remoteness letter
6. The Frontera Land Alliance Board approval to work on project
7. Survey/legal description
8. El Paso Water Land Reservation maps
9. Baseline Report
10. Land Use Plan
11. Conservation Easement



CONSERVATION EASEMENT LEGAL DOCUMENT PROVISIONS OVERVIEW:



- Property will be retained predominately in its present condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values.
- Conserving the Property will result in a public benefit because the Property contains open space for recreation, scenic qualities, and a variety of wildlife, subsurface water and plant life, all of which are important to the citizens of the City and the region.
- The present condition of property is described in the Base Line Documentation. The Property will be operated and managed in accordance with a Land Management Plan which shall be updated every ten (10) years.
- Recreational uses allow the public to engage in passive recreational uses such as (but not exclusively) hiking, biking, photography, and birding on the Property that require no surface alteration or development of the land and that does not damage or impair the Conservation Values of the Property and provided they are consistent with the Purpose.
- Frontera has the right to prevent and correct or require correction of violations of the Easement. Frontera monitors the property once a year to determine that the property remains in the condition prescribed by the easement document. The Frontera Land Alliance maintains written records of these monitoring visits.

THE LAND MANAGEMENT PLANS:

Purpose:

Reference & guiding conservation plan for parties (the City as Grantor, and Frontera as Grantee) to meet its obligations under the Easement. This Plan is intended to be supplemental to the Easement and, to the extent a conflict exists between the Easement and this Plan, the Easement shall govern.

Periodic Review:

This Plan shall be reviewed and updated, if necessary, no less than once every ten years. This Plan may be reviewed more frequently if a Party makes such request and the non-requesting Parties agree. Frontera and the City's Parks Department are responsible for the periodic review of this Plan.

SAMPLE LAND MANAGEMENT PLAN OBLIGATIONS FOR THE GRANTOR (CITY):



- Allow the public to engage in passive recreational uses (hiking, biking, photography, and birding), provided only existing trails and roads are used for such activity.
- Restore any damage to Property from its activities on the Property, including, but not limited to, replanting like vegetation and replacing removed soil, subject to appropriation of the budget.
- Bear all costs and responsibilities related to operation, upkeep and maintenance of the Property in its present state in accordance with the Easement and this Plan, subject to appropriation of the budget.
- Enforce the rules and ordinances of the City, including, but not limited to, the prohibition of: alcohol consumption, campfires, geocaching, and dumping.

SAMPLE LAND MANAGEMENT PLAN OBLIGATIONS FOR THE GRANTEE (FRONTERA):



- Preserve and protect the Conservation Values of Property.
- May place signs on the Property to identify the land as a City park protected by the Easement.
- Inspect Property for compliance with the Easement. Prevent and correct or require correction of violations to the Easement.
- May work with the Grantor to secure funding to restore any area harmed by a violation to the Easement existing prior to the violation.
- Monitor the condition of the plant and animal populations, geological and archaeological resources and watershed characteristics of the Property during annual inspections.
- Monitor and record the trail condition during its annual site visits and inform the City of any concerns or issues noted.
- May enter into agreements for maintenance and repairs to be done by third parties at no cost to the City.

BASELINE REPORT DOCUMENTATION:

- Baseline documentation is a process for recording the condition of a property by identifying existing physical conditions both natural and man-made. The baseline report provides a “baseline” for measuring future changes in the property's conservation resources and other man-made or natural features.
- The baseline documentation includes, but not limited to:
 - Historical information such as Deeds, Surveys, & Maps.
 - Existing Rights on the Property, such as mineral rights which Chevron and the State of Texas hold on Lost Dog, and just Chevron on Knapp Land.
 - Phase 1 Environmental Report considerations based on findings.
 - Ecological features that are notable with species list appendix as appropriate.
 - Water source, Water Demands, & Geology.
 - Notable scenic features including photographic documentation.

KNAPP LAND



LOST DOG



Fossil found on north Lost Dog



barrel cactus

NEXT STEPS FOR THE CONSERVATION EASEMENTS COMPLETION:

1. Post Ordinances for Council to read/review.
2. Then post the following Council for approval of easement.

MISSION



Deliver exceptional services to support a high quality of life and place for our community

VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople