



A PROGRAM OF THE TCEQ



**Settegast Preserve Conservation
Project, Galveston Island, TX**

Final Report
Contract No. 528-12-23101

*Cabeza de Vaca
Center, Inc.*



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In January of 2012 Texas Parks and Wildlife Department (TPWD) received notification that the Settegast Preserve Conservation Project was approved for the requested one million dollars in funding under the U.S. Fish and Wildlife Service's (USFWS) National Coastal Wetlands Conservation Grant Program (NCWCGP). In August 2012 a cooperative agreement between the Galveston Bay Estuary Program (GBEP) a program of the Texas Commission on Environmental Quality (TCEQ) and TPWD was executed providing an additional \$90,000 in funding to the project. Additional project funding is the contribution of \$350,000 in land value, on an existing 31.39-acre conservation easement on land referred to as Moore Island. The conservation easement is held by the Galveston Bay Foundation (GBF) and the land owned by Cabeza de Vaca Center, Inc., a nonprofit Texas corporation, whose mission is to protect, preserve, and enhance what remains of the critical and sustainable portions of wetlands and coastal prairie lands, in perpetuity, for the benefit of Galvestonians and all Texans and its wildlife.

In November, after receiving the conditional approval letter from the USFWS, project partners John Huffman (USFWS), Lindsey Lippert (GBEP), Cherie O'Brien (TPWD) and Linda Shead, the Project's professional service provider, met to discuss the parameters of the NCWCGP and GBEP grants for the project. Also in November, a contract between TPWD and Artist Boat the entity that is to receive, manage, and hold the acquisition property (approximately 58 acres of coastal barrier habitat) through the fee simple purchase with the funding provided above, was executed. In January 2013 a Professional Services Agreement between Artist Boat and Shead Conservation Solutions (the Project's professional service provider) was executed. Copies of the agreement were provided to the project partners

The development and execution of the Professional Services Agreement between Artist Boat and professional service provider allowed the professional service provider to begin the acquisition process, initiating due diligence activities which first required; the coordination with the Sellers and the Artist Boat attorney, and coordination with the Geographical Information System (GIS) Department of Texas General Land Office (GLO) developing maps for the acquisition plan, and the coordination of appraisals and survey contracts. The development of the maps for the Settegast Preserve Conservation Project required additional coordination due to a Coastal Impact Assistance Program (CIAP) funded land acquisition project directly adjacent to this project. The completion of the CIAP funded acquisition project was completed in the fall of 2013. Both tracts will become part of the Settegast Coastal Heritage Preserve.

Determination of land value of both the property to be purchased and the match property is required. These are included in the descriptions below, with "NCWCGP project property" referring to the land to be purchased and "match property" referring to land value, with the existing 31.39-acre conservation easement on Moore Island.

Appraisal

Because the land value determines the amount of acreage that can be purchased with the available grant funding, a verbal discussion with an appraiser regarding the changes in market conditions since the previous 2006 sale of the property at \$34,000/acre was initiated prior to development and submittal of the June 2011 project proposal. The appraiser conveyed that the current land value was approximately \$28,500/acre, which established that approximate 35 acres that could be purchased for the project and was proposed in the proposal.

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In August 2011 an appraisal meeting the Uniform Appraisal Standards for Federal Land Acquisitions had been performed at the request of Artist Boat (with non-project funding) on a larger portion of the property within the project area with a higher percentage of developable land. The appraisal established an approximated \$20,000 per acre cost. Utilizing this appraisal and additional discussion with an appraiser it was estimated that the cost per acre for the NCWCGP project property was approximately \$17,500 per acre and would allow the purchase of approximately 58 acres with the available project funds. The new cost per acre initiated the revised NCWCGP proposal submitted to the USFWS in July 2012.

In April 2013 a site specific appraisal was performed at the request of Artist Boat (with non-project funding) on a tract of land to be purchased with CIAP funding. This appraisal established a cost per acre of \$20,500 per acre which would allow approximately 50 acres to be purchased with the available project funds.

This appraisal established the configuration/property boundaries of the CIAP acquisition tract which in turn established the configuration/property boundaries of the NCWCGP project property. With the establishment/property boundaries of the NCWCGP project property an appraisal of the NCWCGP project property was authorized in May 2013. Prior to its completion, the appraiser indicated that NCWCGP project property value was not expected to differ from the value established from the appraisal conducted on the CIAP acquisition tract however, in October 2013, the site specific appraisal was performed on the land to be purchased for this project, the appraisal established a value of \$22,500 per acre.

Determining the appropriate method (and meeting the Uniform Appraisal Standards for Federal Land Acquisitions) for evaluating the fair market value of the of the “property” on the match property was unusual, in that a conservation easement had been placed on the property in 2007, and appraisals of conservation easement values were not known to have occurred in Texas. After consultation with several qualified appraisers and with the USFWS, an acceptable approach was determined, and an appraisal on the match property was authorized in March 2013.

Draft results were received in June 2013, and the draft conservation easement value was \$252,000 (or approximately \$9,593 per acre) considerably less than the 2007 appraisal value (*\$8,905,000 per 31.39-acre survey area) provided by the donor of the easement to the GBF. A new coastal boundary survey performed in August 2013 established the acreages of Moore Island in private ownership to be 26.27 acres (discussed below).

*As submitted in the June 2011 proposal the in-kind match of \$350,000 for approximately two (2) acres at Moore Island was based on applying an approximate 40% reduction to the difference in the 2007 before- and after-easement appraisal (\$8,905,000) of the surveyed area (31.39 acres), which had been provided by the donor of the easement. At the request of the USFWS it was later agreed to by GBF to have a federal interested placed on the entire (31.39 acres) Moore Island.

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Survey

Request for proposals (RFPs) for surveying the NCWCGP project property were requested in January 2013. The survey of the NCWCGP project property was authorized in June and performed in June 2013. The survey results were provided to the project partners and the coastal boundary portion of the NCWCGP project property survey (which establishes the line between privately owned land from state-owned submerged land) was reviewed and approved by the Professional Service/Surveying Division of the GLO also in June 2013 but not sealed and signed until May 2014. It was required that encumbrances not relevant to the property to be purchased be removed. This process extended over months, due to difficulties with coordination regarding resolution of the encumbrances and with scheduling among the various parties involved. A final survey was signed and sealed in May 2014.

A coastal boundary survey was also performed on the Moore Island match property to establish a line between the privately owned acreage and the state-owned submerged acreage. The coastal boundary survey of the match property was authorized in June 2013. The preliminary results of the survey and finalized in January 2014, establishes the acreage of land in private ownership (26.27 acres) is less than the amount determined in 2007 (31.39 acres).

It's not clear why the privately owned acreage of Moore Island has decreased from 31.39 acres in 2007 to 26.27 acres in 2013. Some potential reasons are conversion of land to open water (or intertidal) by erosion and/or relative sea level rise or the 2007 survey was performed incorrectly. Regardless of the reason, the result is that the privately owned land of Moore Island is 26.27 acres, 5.12 acres less than in 2007.

With the coastal boundary survey and appraisal resulting in the reduction of total acreage and value at Moore Island the available match of Moore Island has been reduced by \$98,000. To replace the \$98,000 in-kind loss, project partners sought additional cash funding from the GBEP (\$60,000) and through cash donations to Artist Boat (\$38,000). Utilizing the results (22,500/acre) of the site specific appraisal performed on the NCWCGP project property, 50.4088 acres can be purchased with the available project funds.

Late 2013 and January through May of 2014 was spent submitting the completed due diligence items described above (appraisals, appraisal reviews, and surveys of the NCWCGP project property and Moore Island property) and completing and receiving approval from the USFWS on additional items required as conditions of the NCWCGP award; an amended Conservation easement on Moore Island, an executed Notification to the Landowner of Just Compensation, an amended sub-recipient contract that includes the GBF as a sub-recipient in addition to Artist Boat, and a cost summary form that itemizes the project costs by category and percent federal funding source. And other items required to complete the project such as the title commitment and deed.

Title Commitment

A preliminary title commitment for the NCWCGP project property was obtained in November 2013. Over the ensuing six months, title issues/encumbrances were investigated and resolved with the parties involved. These included: determination that certain provisions did not apply to the specific tract in question, such as railway easements and beach litigation; execution and

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recording of a Release of Memorandum of Co-Ownership Agreement; determination that groundwater in the area is too saline for potable use or conservation value; and preparation of a waiver of certain rights by the Seller regarding the plat and Development Agreement, to be executed and recorded at closing. The updated title commitment that with the encumbrances and exceptions resolved was provided in May 2014. The final Title Commitment for the property was received June 9, 2014.

Notification to the Landowner of Just Compensation

The Notification to the Landowner of Just Compensation was executed in May 2014.

Amendment to Conservation Easement

As a condition of the award it was required that the existing conservation easement (CE) on Moore Island, held by Galveston Bay Foundation be amended. The CE was amended to acknowledge and record the federal interest and to provide third-party rights to the funding entities, to ensure that the property (in-kind match) retains its value and protection. A draft amendment was prepared by Artist Boat's attorney then modified and approved by attorneys for GBF, TPWD and USFWS. It was executed in May 2014, and will become effective concurrently with the closing of the NCWCGP project property. The amended CE was electrical recorded June 16, 2014.

Deed

In May 2014 the Special Warranty Deed was prepared by Artist Boat's attorney, then reviewed, edited, and approved by the Buyer, the Seller, and TPWD. The Special Warranty Deed was electrical recorded June 16, 2014.

Revised Grant Agreement

As a requirement of the award conditions TPWD entered into an agreement with the project's sub-recipients (Artist Boat and GBF). The trilateral agreement was initiated by TPWD, then reviewed, edited, and approved by the GBF, Artist Boat, and TPWD. The trilateral agreement was executed in May 2014.

Preparation for Closing

Preparation of closing documents is in progress and the closing is currently scheduled for June 5, 2014. However, it is anticipated that the closing date will be delayed by one week to allow time to receive the USFWS award letter and to request and receive the funds from the State of Texas Comptrollers Office for the closing. The closing was completed over a 2-day period due to two originally signed documents from the seller not available at the Closing date of June 13, 2014 however; all of the necessary signatures from the Buyer (Artist Boat) were obtained. The transaction officially closed on Monday, June 16, 2014.

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Required by the contract between Artist Boat and TPWD, below is a compilation of weekly reports tracking daily activities associated with the Settegast Preserve Conservation Project. These activities are being performed and reported by the Project's contracted professional service provider. The activities provided in this draft report end on June 27, 2014.

[Week #1 Nov. 28 - Dec. 3, 2012]

- Linda met with Cherie, Lindsey Lippert and John Huffman on the parameters of the CWPPRA and GBEP grants for the land purchase. (11/28/2012)
- Coordinated with GLO and Marquette on getting GIS information on the boundaries of the property available for sale. They've been having some difficulties with projections, so it looks like it may be several more days yet before this is resolved.
- Karla and Linda met to review the grant requirements and budgets, and to discuss the scope and budgets for contractual work on the project. (12/3/2012)
- Also, so you'll know, planning work began even before execution of the contract – a meeting with the Sellers to discuss their latest plans for the property, a meeting with an appraiser about information needed to conduct an updated yellow-book appraisal of the property to be purchased, a discussion with another appraiser about parameters for appraising the match property, and first contacts with GLO and Marquette regarding the GIS information. These were steps also necessary for the CIAP-funded purchase of an adjacent portion of the land at Settegast Rd., to be coordinated with the CWPPRA-funded purchase.

[Week #2 Dec. 3-7, 2012]

- Continued coordination with GLO and Marquette on getting GIS information on the boundaries of the property owned by the Sellers (work which began on 11/14/2012).
- As of 12/7/2012, GLO's version now matches the information from Marquette.
- As of 12/3/2012, began planning for next communications with Seller.
- Continued work on defining scopes and budgets for contractual work on the project (work which began on 12/3/2012).

[Week #3 Dec. 10-14, 2012]

- The activities of the third week of the contract were limited due to the timing of medical and holiday/vacation leaves. Karla will be on vacation until January 3, but work will continue in the meantime on the contractual scopes and budgets and on planning for next communications with the Sellers.

[Week #4 Dec. 17-21, 2012]

- No project activities during the fourth week of the contract for the Settegast CWPPRA acquisition.

[Week #5 Dec. 24-28, 2012]

- Continued work on defining scopes and budgets for contractual work on the project.
- As of 12/28/12, began planning a calendar for steps in the acquisition process.

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[Week #6- Dec. 31, 2012- Jan. 4, 2013]

- Karla and Linda met to review/edit scope and budget for contractual work on the project.
- Continued planning on a calendar for steps in the acquisition process.

[Week #7- Jan. 7-11, 2013]

- Followed up on meeting from week 6 [week of Dec. 31, 2012- Jan. 4, 2013] to develop second draft of scope for transaction assistance.
- 1/8/2013 – Began renewed coordination with GLO’s GIS staff on preparing map for appraisal.
- 1/11/2013 – Developed and sent email for renewed request for appraisal bid.
- 1/11/2013 – Began development of email for renewed request for survey bid.

[Week #8- Jan. 14-18, 2013]

- Artist Boat is reviewing a version of the transaction assistance agreement.
- 1/15/2013 – Received confirmation of bid for “yellow-book” appraisal update (\$4,800).
- 1/15/2013 – Received estimate from one surveyor, along with contact info for another surveyor who has done surveys on this property for many years, and thus would be less expensive.
- 1/17/2013 – GLO’s GIS staff completed an updated draft map for discussion and approval by Seller.
- 1/18/2013 – Discussed survey with other surveyor. Cost will depend on resolution of plats and rights-of-way.
- Continued planning schedule of steps for acquisition process.

[Week #9- Jan. 21-25, 2013]

- Continued coordination on transaction assistance agreement.
- 1/22/2013 – Re-submitted updated draft map to Seller for review and approval.
- 1/25/2013 – Scheduled 1/28/2013 call with Seller regarding map of available lands for sale.
- Continued coordination with appraiser and surveyor on planning schedule of steps for acquisition process.
- Reviewed earlier draft of purchase agreement (from pre-grant-award planning).

[Week #10- Jan. 28- Feb. 1, 2013]

- 1/28/2013 – Consulted with appraiser on impacts to value from plats and rights-of-way.
- 1/28/2013 – Contacted attorney regarding his availability for work on purchase agreement and to clarify issues relating to plats and rights-of-way.
- 1/28/2013 – Consulted with Seller to confirm map of land available for purchase.
- 1/29/2013 – Received confirmation from GLO of the official name for Seller, for use in purchase agreement.
- 1/29/2013 – Began reviewing earlier (pre-award) draft of purchase agreement.

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- 2/1/2013 – Artist Boat and Shead Conservation Solutions completed the transaction assistance agreement for this project. (Karla will be scanning and sending to you.)
- Continued work on planning schedule.

[Week #11- Feb. 4-10, 2013]

- 2/4/2013 – Solicited additional appraisal bid.
- 2/8/2013 – Received additional appraisal bid (\$8,000).
- 2/6/2013 – Artist Boat began work on application for funding of “line-of-credit” for acquisition expenses. (Letters from funding agencies not needed after all.)
- 2/6/2013 – Renewed communications with attorney and appraiser regarding process for appraising match.
- Continued work on editing earlier (pre-award) draft of purchase agreement
- 2/10/2013 – Submitted edits of purchase agreement to attorney for discussion.

[Week #12- Feb. 11-15, 2013]

- 2/11/2013 – Talked with surveyor about scope of surveys.
- 2/11/2013 – Began communications with GLO regarding LSLS survey and review of surveys.
- 2/12/2013 – Artist Boat completed and submitted application for funding of “line-of-credit” for acquisition expenses.
- 2/14/2013 – Set up call with attorney regarding components of purchase agreement.
- 2/15/2013 – Talked with appraiser about appraisal of Moore Island easement.

[Week #13-Feb. 18-22, 2013]

- 2/18/2013 – Artist Boat received external approval of funding of “line-of-credit” for acquisition expenses; next step will be approval of the agreement by the Artist Boat board.
- 2/20/2013 – Reviewed draft basic language of purchase agreement with attorney.
- 2/22/2013 – Received confirmation of GLO participation in LSLS survey process.
- 2/22/2013 – Requested bid on boundary survey, based on GLO participation in LSLS part.
- Continued communications with appraiser and others on match appraisal.

[Week #14- Feb. 25- Mar. 1, 2013]

- 2/25/2013 – Received bid on boundary survey, based on GLO participation on LSLS part of the survey.
- 2/26/2013 – Consulted with attorney on requirements related to plat.
- 3/1/2013 – Artist Boat board approved receipt of funding for “line-of-credit” for acquisition expenses.
- Continued coordination with appraiser and others on match appraisal.

[Week #15- Mar. 4-8, 2013]

- 3/6/2013 – connected with surveyor on timing for survey.

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- Continued coordination with appraiser on match appraisal, with request for bid, which is due Monday.
- Awaiting next version of purchase agreement from attorney.

[Week #16- Mar. 11-15, 2013]

- 3/14/2013 – authorized appraisal of Moore Island according to USFWS guidelines.
- Made appointment with attorney, for after spring break.
- Reviewed plat for implications regarding purchase area.

[Week #17- Mar. 18-22, 2013]

- 3/18/2013 – call with attorney about plat issues and next version of purchase agreement.
- 3/19/2013 – call with Seller’s rep regarding plans for addressing the plat and road rights-of-way.
- 3/20/2013 – communications with appraiser regarding his questions about the property and about coordinating CWPPRA and CIAP appraisals.

[Week #18- Mar. 25-29, 2013]

- 3/28/2013 – discussed with CAP partners the availability of CAP funding to help with due diligence costs for this project.
- Continued communications with appraiser regarding his questions about the property and a preliminary land value.

[Week #19- Apr. 1-5, 2013]

- Multiple conversations/emails with appraiser regarding questions about acreages and relative land values among the various tracts.

[Week #20- Apr. 8-12, 2013]

- 4/11/2013 – Received draft appraisal report for CIAP acquisition and began reviewing it for its implications for CWPPRA appraisal, acreage, and configuration.

[Week #21- Apr. 15-19, 2013]

- 4/16/2013 – Checked in with Moore Island appraiser. (We were aiming for 4/15/2013 for a draft.) He’s running behind schedule, and we should learn more this week.
- Continued review of draft CIAP appraisal for its implications for CWPPRA appraisal, acreage, and configuration. It looks like available funding will likely allow for purchase of 50.5 acres instead of the previously projected 58 acres. (This will need to be confirmed with CWPPRA appraisal.)
- Continued communications with appraiser about values and implications of configurations.
- 4/19/2013 – Began communications with GLO’s GIS staff regarding adjustments to configuration.

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[Week #22- Apr. 22-26, 2013]

- Continued communications with appraiser regarding implications of new CIAP appraisal for the upcoming CWPPRA appraisal.
- 4/23/2013 – Received bid for coastal boundary survey of Moore Island
- 4/26/2013 – Connected with GLO's GIS staff to work with them regarding adjustments to configuration, based on new appraisal values and existing plat.
- 4/26/2013 – Moore Island appraiser had boat trip to the island, thanks to John Huffman and the USFWS boat.

[Week #23- Apr. 29-May 3, 2013]

- Awaiting new GIS map from GLO staff (turns out Scot was out sick).
- Also awaiting response from Sellers to new CIAP appraisal, before authorizing CWPPRA appraisal.

[Week #24- May. 6-May 10, 2013]

- 5/8/13 – Sellers reported being okay with the CIAP appraisal, pending some minor changes.
- 5/9/13 – Discussed the changes with the appraiser.
- 5/10/13 – Discussed with the appraiser the resulting approach to CWPPRA appraisal.
- 5/10/13 – Received word of funding from GBF, through the CAP, for additional due diligence costs for CWPPRA.
- As of 5/10/13, GLO staff still working on new GIS map configuration.

[Week #25- May13-May 17, 2013]

- As of 5/17/13, provided GLO staff with additional plat information, and they continue working on new GIS map configuration, for appraisals and surveys.

[Week #26- May. 20-May 24, 2013]

- 5/22/13 – GLO staff sent a revised map configuration for the acquisitions
- 5/22/13 – Responded to Moore Island appraiser's question about wetlands acreage on island.
- 5/23/13 – Responded to Moore Island appraiser's additional questions about wetlands acreage, and also about potential bridge access to the island.
- 5/23/13 – Contacted Cabeza de Vaca about Appraisal District's tax records for Moore Island (per appraiser's questions)
- 5/24/13 – After review and update of revised map and the wetlands acreage calculations, requested consultation with GLO's GIS staff for corrections/modifications to the map.
- 5/24/13 – Followed up with Moore Island appraiser about property tax records.

[Week #27- May. 27-May 31, 2013]

- 5/28-31/2013 – coordination with GLO staff on map configurations for acquisitions
- 5/29/13 – coordination with appraiser on process for CWPPRA appraisal
- 5/30/13 – investigations on road right-of-way considerations for survey
- 5/31/13 – coordination with appraisers (Moore Island and Settegast purchase)

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[Week #28- June 3 –June 7, 2013]

- 6/3-7/2013 – GLO completed revisions to map configuration (see attached map). The lines are drawn to avoid splitting lots or cutting off road access to any lots on the current plat, to reflect available funding and land values per the CIAP appraisal, and to maintain or exceed required wetlands percentages on the tract to be purchased with CWPPRA funds. Naturally, these lines will not be finalized until surveys are completed, along with the CWPPRA-specific appraisal.
- 6/3-7/2013 – Continued coordination with appraiser on Moore Island and received phone confirmation of the easement value, at \$9,000/acre.
- 6/6/2013 – Artist Boat had meeting with Houston Endowment, and discussed, among other projects, the possibility of providing gap funding for the match needed for CWPPRA.
- Began contacts with surveyors and appraiser regarding those items for the CWPPRA tract to be purchased.

[Week #29- June 10 –June 14, 2013]

- 6/11/2013 – Informed GBF of per-acre appraisal value for Moore Island.
- 6/12/2013 – Received hard copy of Moore Island appraisal (in process of reviewing).
- 6/12/2013 – Communicated with David Pyle at GLO regarding existing pieces of shoreline surveys of Moore Island.
- 6/12/2013 – Communicated with proposed surveyor for Moore Island regarding coordination with GLO on existing surveys and about proposed survey price.
- 6/12/2013 – Although not required for CWPPRA and not covered by the grant, authorized Phase I environmental assessment for property to be purchased, as part of Artist Boat's due diligence in acquisition of the property.
- 6/12/2013 – Authorized survey of property to be purchased with CIAP funds, which will establish western boundary of CWPPRA tract.

[Week #30- June 17 –June 21, 2013]

- 6/18/2013 – GBF approved use of all of Moore Island easement value for CWPPRA match, if needed.
- 6/20/2013 – Authorized shoreline survey of Moore Island.
- 6/20/2013 – Authorized survey of tract to be purchased with CWPPRA funding.
- 6/20/2013 – Coordinated with appraiser on appraisal for tract to be purchased with CWPPRA funding.
- 6/20/2013 – Consulted with attorney regarding drafting purchase agreement.
- 6/20/2013 – Completed and submitted User Questionnaire for Phase I assessment of tracts to be purchased with CIAP and CWPPRA funding.
- 6/21/2013 – Coordinated with surveyor for Moore island.
- 6/21/2013 – Received draft of Phase I assessment for tracts to be purchased with CIAP and CWPPRA funding.

[Week #31- June 24 –June 28, 2013]

- 6/24/2013 – Coordinated with attorney.

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- 6/26/2013 – Discussed School Land Board process with GLO.
- 6/27/2013 – Coordinated with appraiser of land to be purchased.
- 6/27/2013 – Received preliminary info and question regarding survey of land to be purchased.
- 6/28/2013 – Coordinated with TPWD re: Moore Island survey.
- 6/28/2013 – Began coordination for site access for surveyor (for land to be purchased).

[Week #32- July 1 –July 5, 2013]

- 7/1-2/2013 – Coordinated with attorney on Earnest Money Contract.
- 7/1-5/2013 – Collected and reviewed previous title info.

[Week #33- July 8 –July 12, 2013]

- Week of 7/8-7/12/2013 – coordinated with attorney and surveyor regarding title information
- Week of 7/8-7/12/2013 – waiting for GLO to provide certification of shoreline part of survey for land to be purchased (David Pyle has been out of town)
- Week of 7/8-7/12/2013 – waiting for survey results of Moore Island
- 7/9/2013 – coordination regarding a potential private foundation request for additional match funding
- 7/12/2013 – learned of potential for additional match funding from GBEP; will need to await Moore Island survey results to determine what might be needed

[Week #34- July 15 –July 19, 2013]

- Week of 7/15-7/19/2013 – continued coordination with attorney and title company regarding title information
- Week of 7/15-7/19/2013 – generally coordinating and awaiting results of surveys and appraisals

[Week #35- July 22 –July 26, 2013]

- Week of 7/22-7/26/2013 – continued coordination with attorney and title company regarding title information
- Week of 7/22-7/26/2013 – generally coordinating and awaiting results of surveys and appraisals

[Week #36- July 29 –August 2, 2013]

- Week of 7/29/2013 – Continued coordination with attorney and title company.
- 7/31/2013 – Discussed value of property to be purchased with the appraiser. He has coordinated with the GLO appraisers, and it appears that the designated tract for CWPPRA purchase will not vary from the appraised value of the area to be purchased with CIAP funds – that is, \$20,500 per acre.

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- 8/1/2013 – Received report from Moore Island surveyor that the acreage of the Moore Island match tract is 26.264 acres, which is less than the 31.39 acres that had been planned. (Survey is being finalized.)
- 8/2/2013 – Contacted Moore Island appraiser about finalizing that appraisal with the new acreage.

[Week #37- August 5–August 9, 2013]

- 8/5/2013 – Provided comments to appraiser of Moore Island match regarding finalizing the appraisal report.
- 8/6/2013 – Received electronic copy of final survey of Moore Island; hard copies to follow.
- 8/5-7/2013 – Coordinated with attorneys regarding restrictions on property to be purchased.
- 8/6-8/2013 – Coordinated with funding entities regarding CWPPRA meeting.
- 8/8/2013 – Continued coordination with appraiser of Moore Island for finalizing the report.
- 8/5-9/2013 – Continued exploring options regarding additional match.

[Week #38- August 12–August 16, 2013]

- **Note:** 8/6/2013 Correction - It was the electronic copy of survey of the land to be purchased that was received on 8/6, rather than the one for Moore Island.
- 8/12/2013 – Moore Island survey is still awaiting approval from GLO, but surveyor reported that the total acreage would not change with GLO review.
- 8/12/2013 – Received hard copies of survey of land to be purchased.
- 8/13/2013 – Received new version of Moore Island appraisal with revised acreage, and it is being reviewed prior to sending on.
- 8/12-19/2013 – Attorney is reviewing title exceptions.
- 8/12-19/2013 – Continued coordination with attorneys regarding process for eventual changes to the land plat, to eliminate the platted roads and lots once the land is purchased.
- 8/12-19/2013 – Continued coordination with attorneys regarding language for Earnest Money Contract.

[Week #39- August 19–August 23, 2013]

- 8/19/2013 – Meeting with project partners to discuss status of match.
- 8/19/2013 – Contacted one appraiser regarding review appraisals.
- 8/20/2013 – Received bids from appraiser on review appraisals.
- 8/20/2013 – Provided some follow-up from partners meeting.
- 8/20/2013 – Coordinated with attorney regarding title exceptions.
- 8/21/2013 – Coordinated with TPWD regarding information on updated appraisal values.
- 8/22/2013 – Completed review/comment for finalizing Moore appraisal.
- 8/22/2013 – Coordinated with attorney regarding re-plat.
- 8/23/2013 – Contacted GLO regarding updated map to reflect surveyed acreage.

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- 8/25/2013 – Continued planning for Houston Endowment application for match funding.

[Week #40- August 26–August 30, 2013]

- 8/26/2013 – More coordination with surveyor and attorney on title exceptions.
- 8/26/2013 – Coordinated on funding application for additional match dollars.
- 8/27/2013 – Calls with Seller regarding timing of completion..
- 8/28/2013 – Discussion with appraiser regarding timing and approach of appraisal.
- 8/30/2013 – Completed and sent initial update of due diligence costs.

[Week #41- September 2– September 6, 2013]

- 9/1/2013 – Prepared draft pre-application to Houston Endowment for additional match funding.
- 9/1/2013 – Prepared draft application City of Galveston Industrial Development Corp (4B tax), a portion of which would apply to additional match funding (with the rest of the application to purchase additional land there).
- 9/3/2013 – Submitted pre-application to Houston Endowment.
- 9/4/2013 – Submitted funding application to City of Galveston Industrial Development Corp.
- 9/6/2013 – Received updated map of CWPPRA acquisition, per surveyed acres. (I'm asking Scot Friedman to send you the shape files for that one.) This does not yet include any additional match acreage.
- 9/6/2013 – Received status report from appraiser of land to be purchased (so far, still at \$20,500/acre).

[Week #42- September 9– September 13, 2013]

- 9/9/2013 – Obtained shape files for proposed CWPPRA purchase (from GLO) for TPWD.
- 9/9-13/2013 – Continued exploring additional funding sources for match, including coordination with the City of Galveston's Industrial Development Corporation.

[Week #43- September 16– September 20, 2013]

- 9/16/2013 – Received notification and invitation from Houston Endowment to submit a full application for funding for the additional match. Work on the application has begun.
- 9/16/2013 – Karla presented to City staff regarding the IDC application, also for additional match funding.
- 9/16/2013 – Received hard copy of Moore Island appraisal (Cherie, I had thought I'd be able to head your way with this before now, but will deliver sometime this week).
- 9/16-20/2013 – Appraiser is awaiting USFWS comments on the revised appraisal for the CIAP purchase, for its implications for the CWPPRA appraisal.
- 9/16-22/2013 – Investigating contacts for appraisal reviews. (Cherie, do you have any list of reviewers who are specifically approved for this?)

[Week #44- September 23– September 27, 2013]

- 9/25/2013 – Received and distributed electronic copy of Moore Island appraisal.

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- 9/26/2013 – Followed up with GBEP regarding available match funding.
- 9/23-9/29/2013 – Continued work on other sources for match funding.
- 9/23-27/2013 – Coordinated with agency on appraisal review requirements, with review appraisers on bids for appraisal reviews, and with appraiser on next steps for completing the appraisal on the land to be purchased.

[Week #45- September 30– October 4, 2013]

- 9/30-10/5/2013 – Made solicitations for additional match funding from individuals.
- 9/30/2013 – Delivered hard copy of Moore Island appraisal to TPWD.
- 10/1-4/2013 – Continued contacts regarding appraisal reviews.
- 10/1/2013 – Made contact with City regarding future plat amendments.
- 10/3-4/2013 – Coordinated with GBEP regarding potential for partial match funding.

[Week #46- October 7– October 11, 2013]

- 10/6-10/13/2013 – Continued solicitations and coordination for additional match funding from individuals and other entities.
- 10/8/2013 – Checked TPWD reference of review appraiser.
- 10/8/2013 – Engaged Wendell Wood, of Kokel-Oberrender-Wood Appraisal, Ltd. in Georgetown, to conduct the appraisal review for Moore Island.
- 10/9/2013 – Discussed with appraiser (for purchased land) the process for adding acreage to the appraisal and for coordinating on a review of the appraisal for purchased land.
- 10/10/2013 – Received confirmation that GBEP will have \$60,000 to help meet the required additional match.
- 10/10/2013 – Confirmed with TPWD that appraisal of purchased land would include all purchased land, and not separate appraisals for grant-funded and match-funded land.

[Week #47- October 14– October 18, 2013]

- 10/14-10/19/2013 – Continued coordination with appraiser, and secured services of review appraiser.

[Week #48- October 21– October 25, 2013]

No new project activities during the forty-eighth week of the contract for the Settegast CWPPRA acquisition.

[Week #49- October 28– November 1, 2013]

- The review appraiser is near completion of the review of the Moore Island conservation easement appraisal – report expected by 11/7/2013.
- The appraiser is near completion of the appraisal for the 50.41 acres. We are expecting final results the week of 11/4/2013.

(As we are approaching the final stages for completion of the project, we need to try to set a Closing Date. It would be very helpful if we could know the typical timing for notification of release of funds, once all the due diligence items have been submitted for agency review/acceptance. Also, could you tell us what are the exact steps for requesting that the funds be wire transferred to the Title Company? For example, do we need to make a request to the State Comptroller? And what sort of timing might be needed, etc.)

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[Week #50- November 4– November 8, 2013]

- 11/4/2013 – Communication with appraiser regarding expected value of the 50.41 acres to be purchased.
- 11/6/2013 – Received the updated appraisal and the appraisal review report for Moore Island match (sending with separate email).
- 11/6/2013 – Met with sellers regarding timing for this and future purchases for the Coastal Heritage Preserve.

[Week #51- November 11– November 15, 2013]

- 11/11/2013 – Distributed Moore Island appraisal update and appraisal review report.
- 11/14/2013 – Received copy of “final” appraisal of property to be purchased.
- 11/15/2013 – Set up meeting with partners for update on status of project and grant contracts.
- 11/15/2013 – Confirmed appraisal review timing and budget.
- 11/15/2013 – Received update from title company on timing for title commitment.

[Week #52- November 18– November 22, 2013]

- 11/19-21/2013 – Reviewed “final” appraisal on property to be purchased and made plans with appraiser to discuss questions when he’s back next week.
- 11/20/2013 – Confirmed changes in Moore Island appraisal.
- 11/20/2013 – Received title commitment for property to be purchased (copy was also sent to attorney for review).
- 11/22/2013 – Met with funding partners regarding status of contract and funding.

[Week #53- November 25– November 29, 2013]

- 11/26/2013 – Discussed with the appraiser a few questions regarding the appraisal of the property to be purchased.
- 11/29/2013 – Received for review a copy of the appraisal review report for the property to be purchased.

[Week #54- December 2– December 6, 2013]

- 12/2/2013 – Received appraisal review report of property to be purchased with other entities added, which are to rely on the report.
- 12/6/2013 – Awaiting final edits of appraisal of property to be purchased.

[Week #55- December 9– December 13, 2013]

- 12/9/2013 – Received final appraisal of property to be purchased.
- 12/12/2013 – Following internal review, distributed appraisal and appraisal review reports to partners.

[Week #56- December 16– December 20, 2013]

- 12/16-20/2013 – Followed up with TPWD and USFWS on information needed related to modification of acreage in grant application.

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- 12/19/2013 – Confirmed with appraiser regarding date of his certification. It was effective as of the date of the appraisal report, and is renewed every two years, with the next renewal due by January 31, 2014.

[Week #57- December 23– December 27, 2013]

No project activities during the fifty-seventh week (12/23-12/29) of the contract for the Settegast CWPPRA acquisition.

[Week #58- December 30– January 3, 2014]

- 1/3/2014 – received final electronic copy of Moore Island survey
- 1/3/2014 – considered elements for draft of purchase contract

[Week #59- January 6– January 10, 2014]

- 1/7/2014 – confirmed GLO approval of Moore Island survey.
- 1/7/2014 – Distributed electronic copy of final Moore Island survey to partners. (Have paper copies for next contact/meeting – or will mail, if preferred.)
- 1/8/2014 – Met with Seller regarding status of grant and timing for Closing.
- 1/10/2014 – Completed work with attorney on draft Earnest Money Contract.

[Week #60- January 13– January 17, 2014]

- 1/13/2014 – Submitted draft of Earnest Money Contract to Sellers for review.
- 1/14/2014 – Received comments from Seller's attorney.

[Week #61- January 20– January 24, 2014]

- 1/21/2014 – surveyor provided survey with Table of Exceptions
- 1/22-1/24/2014 – attorney reviewing title exceptions

[Week #62- January 27– January 31, 2014]

- 1/30/2014 – Received language from USFWS for incorporation in the deed and easement (and have now sent on to the attorney).

[Week #63- February 3– February 9, 2014]

- 2/3-2/9/2014 – Worked with attorney on deed language and language for amendment to conservation easement (and including clarifications from USFWS).

[Week #64- February 10– February 14, 2014]

- 2/12/2014 – Sent draft Deed to Sellers for review.
- 2/12/2014 – Sent draft Amendment to Conservation Easement to GBF for review.

[Week #65- February 17– February 21, 2014]

- Attorney continued work on resolving title exceptions for deed and survey.

[Week #66- February 24– February 28, 2014]

- 2/25/2014 – Responded to TPWD request for a conference call on the appraisal, which has now been set for 3/4/2014.

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- 2/25/2014 – Attorney contacted title company regarding revising title exceptions.
- 2/25/2014 – Sent completed Draft Deed to Sellers for review/comment.
- 2/26/2014 – Sent attorney's revised exceptions to the surveyor.
- 2/26/2014 – Reviewed key points in the appraisal with the appraiser.
- 2/26/2014 – GBF confirmed that Cabeza de Vaca agreed to sign the Amendment to the Conservation Easement. (GBF is still reviewing the Amendment.)

[Week #67- March 3– March 7, 2014]

- 3/3/2014 – Reviewed appraisal items with appraiser.
- 3/4/2014 – Participated in conference call regarding USFWS appraisal issues.
- 3/5/2014 – Received comments from GBF on draft amendment of conservation easement.
- 3/7/2014 – Sent revised draft amendment of conservation easement to GBF.
- 3/3 – 2/7/2014 – Working through title exceptions.

[Week #68- March 10– March 14, 2014]

- 3/10/2014 – Received GBF approval of Conservation Easement Amendment language.
- 3/11/2014 – Submitted draft E Amendment for agency review.
- 3/11/2014 – Coordinated with surveyor regarding final survey items.
- 3/10-3/15/2014 – Continued work on title exceptions.

[Week #69- March 17– March 21, 2014]

- 3/18/2013 – Received confirmation on Cabeza de Vaca Center, Inc. status regarding Amendment to Conservation Easement.
- 3/19/2014 – Participated in conference call on USFWS appraisal issues.
- 3/21/2014 – Attorney requested corrections/updates on title commitment.

[Week #70- March 24– March 28, 2014]

- 3/26/2014 – Received updated title commitment, and still correcting items.
- 3/27/2014 – Received USFWS comments on Amendment to Conservation Easement, and attorney reviewed.

[Week #71- March 31– April 4, 2014]

- 4/2/2014 – Worked with attorney regarding final needs for title and deed.
- 4/4/2014 – Talked with Artist Boat's review appraiser regarding status of appraisal.

[Week #72- April 7– April 11 2014]

- 4/10/2014 – Finalized and submitted Draft Deed for review.
- 4/10/2014 – GBF approved changes in Amendment to Conservation Easement.
- 4/10/2014 – Received copy of executed release of Co-Ownership (for title commitment).

[Week #73- April 14– April 18 2014]

- 4/14/2014 – Discussed deed items with Bob Sweeney of TPWD.
- 4/16/2014 – Responded to TPWD question regarding next step on appraisal.
- 4/17/2014 – Received updated Title Commitment.
- 4/18/2014 – Submitted updated Title Commitment to TPWD for review.

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[Week #74- April 21– April 25 2014]

- 4/22-23/2014 – Communicated with Seller partners regarding FWS approved value and considerations for next steps.
- 4/23/2014 – Communicated with appraiser regarding additional appraisal language.
- 4/24/2014 – Received signed survey with updated encumbrances.
- 4/24-25/2014 – Received TPWD comments on Title Commitment and began resolution of certain encumbrances.

[Week #75- April 28– May 2 2014]

- 4/28/2014 – Initiated final coordination for signatures on the survey.
- 4/28-5/2/2014 – Coordinated with attorneys on requests from TPWD attorney regarding Title Exceptions.
- 4/30-5/1/2014 – Received notification of approved per-acre value, and made adjustments to Earnest Money Contract, pending approved compensation.
- 4/30-5/2/2014 – Coordinated with TPWD on just-compensation letter.
- 4/30-5/1/2014 – Investigated Subsidence District rules on groundwater withdrawals on Galveston Island.
- 4/30-5/1/2014 – Received notification of approved per-acre value, and made adjustments to Earnest Money Contract, pending approved compensation.
- 5/1/2014 – Initiated coordination with title company on Closing documents.

[Week #76- May 5– May 9 2014]

- 5/7/2014 – Reviewed TPWD changes to CE Amendment, coordinated with TPWD attorney, and forwarded to GBF for review.
- 5/7/2014 – Coordinated with TPWD attorney regarding plat and development agreement
- 5/8/2014 – Attorney prepared draft of groundwater agreement.
- 5/8/2014 – Received FWS okay price/acre.
- 5/9/2014 – Sent draft of groundwater agreement to GLO.
- 5/9/2014 – Artist Boat and Seller signed Earnest Money Contract.
- 5/9/2014 – Coordinated with GBF on CE Amendment.

[Week #77- May 12– May 16 2014]

- 5/12-5/16/2014 – Worked with attorneys on resolution of encumbrances regarding groundwater and development agreement/plat.
- 5/12/-2014 – Received notice that GLO surveyor ready to sign survey, but having trouble printing from electronic file. Ellis Surveying mailed paper copy.
- 5/12/2014 – Received and submitted documentation regarding no mortgage on Moore Island.
- 5/12/2014 – Cleared language on Moore Island CE Amendment with all parties.
- 5/12/2014 – Began working with attorney on Closing Checklist.
- 5/14/2014 – Received signed Coastal addenda from Seller.
- 5/14/2014 – Submitted executed Contract to Title Company.

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- 5/14/2014 – Received Moore Island CE Amendment signed by GBF, and routed same to Cabeza de Vaca for signature.
- 5/16/2014 – Received Notice of Just Compensation signed by Seller and submitted same to TPWD.
- 5/16/2014 – Resolved groundwater encumbrance issue with TPWD.
- 5/16/2014 – Re-submitted Draft Deed for TPWD review, and received TPWD approval of form of deed.
- 5/16/2014 – Received receipt from Title Company for Contract and Earnest Money.
- 5/16/2014 – Reiterated request for Settlement Statement from Title Company.

[Week #78- May 19– May 23 2014]

- 5/19/2014 – Received updated Title Commitment.
- 5/20/2014 – Received TPWD okay of Waiver of plat rights.
- 5/21/2014 – Received Preliminary Settlement Statement.
- 5/21/2014 – Received copy of fully executed Amendment to Conservation Easement for Moore Island.
- 5/21-22/2014 – Consulted with attorney on closing items.
- 5/21-23/2014 – Coordinated with Artist Boat attorney and GBF regarding MOA with TPWD.
- 5/22/2014 – Received revised Preliminary Settlement Statement, based on Buyer’s comments; awaiting results from Seller.
- 5/22/2014 – Received notice that Survey has been signed by GLO.
- 5/23/2014 – Delivered to Title Company the final signature pages for the Amendment to Conservation Easement for Moore Island.
- 5/23/2014 – Confirmed Seller has signed Waiver of plat and Development Agreement rights.

[Week #79- May 26- May 30 2014]

- 5/27/2014 – Received final signed survey from GLO, and submitted same to TPWD.
- 5/28/2014 – Received another revised Settlement Statement and submitted same to TPWD.
- 5/28/2014 – Submitted requested edits for the new TPWD MOA.
- 5/28/2014 – Confirmed/updated status of Closing checklist items.
- 5/29/2014 – Received updated Title Commitment.
- 5/30/2014 – Received fully executed copy of new MOA between TPWD, Artist Boat, and GBF.
- 5/30/2014 – Coordinated with TPWD and Artist Boat attorney regarding possible need for res-scheduling Closing date.
- 5/31/2014 – Received drafts of Seller’s Closing documents.

[Week #80- June 2– June 6 2014]

- 6/2/2014 – Coordinated with attorney on Closing docs, including Grazing Lease Assignment.
- 6/2/2014 – Requested Certificates of Insurance to meet TPWD MOA requirements.

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- 6/3/2014 – Coordinated with attorney on Closing docs.
- 6/3/2014 – Completed Direct Deposit Authorization, per TPWD request/requirements.
- 6/3/2014 – Received revised Settlement Statement with June 9 Closing date, and submitted same to TPWD.
- 6/4/2014 – Received copy of signed Grazing Lease Assignment from Seller.
- 6/4/2014 – Attorney sent Closing Instruction Letter to Title Company.
- 6/4/2014 – Coordinated on Invoice for Advance, which was submitted to TPWD, based on June 9 Closing.
- 6/5/2014 – Continued coordination with TPWD on requirements for Closing, including an amendment to the recently executed MOA.
- 6/5/2014 – Title Company accepted Closing Instruction Letter.
- 6/5/2014 – Received revised Title Commitment.
- 6/5/2014 – Confirmed with attorney that legal documents are in shape for Closing.
- 6/5/2014 – Received copy of USFWS letter authorizing proceeding with the acquisition.
- 6/5/2014 – Requested and received revised Settlement Statement with June 13 Closing date.
- 6/5/2014 – TPWD accepted insurance documentation.
- 6/6/2014 – Reviewed revised Title Commitment with attorney.
- 6/6/2014 – Received copy of Consent Agreement signed by GLO, and transmitted same to Title Company.
- 6/6/2014 – Received MOA Amendment and reviewed with attorney; obtained GBF and Artist Boat signatures on same.
- 6/6/2014 – Submitted revised Invoice for Advance, based on new Closing date of June 13.

[Week #81 June 9 - June 13 2014]

- 6/9/2013 – Confirmed that request for funds was submitted to Comptroller.
- 6/11/2013 – Confirmed Artist Boat receipt of funds.
- 6/11/2013 – Set Closing time, and sent Closing announcement.
- 6/13/2013 – Closed, except for two documents with Seller original signatures; all other documents and funds were placed in Escrow until anticipated FedEx delivery on Monday.

[Week #82- June 16 - June 20 2014]

- 6/16/2014 – Received confirmation from title company that final documents were received from the Seller, and the project Closed.
- 6/17/2014 – Received electronic copy of recorded Amendment to Conservation Easement, and forwarded same to TPWD.
- 6/18/2014 – Received electronic copy of recorded Deed, and forwarded same to TPWD.

[Week #83- June 23 - June 27 2014]