



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Parks and Recreation

ACM: Christine Taylor, Assistant City Manager

DATE: November 19, 2024

SUBJECT

Hold a public hearing and consider adoption of an ordinance City of Denton making a finding, pursuant to the requirements of Chapter 26 of the Texas Parks and Wildlife code, that (1) there are no feasible and prudent alternatives to the change in use of approximately 3.739 acres of city park land, located within Denia Park in the City of Denton, Denton County, Texas, from a park to a public school for the construction of Denton Independent School District Borman Elementary School and (2) finding that all reasonable and planning has been done to minimize harm to the land as a park; and providing an effective date. (The Parks, Recreation and Beautification Board recommends approval with a vote of 5-0).

BACKGROUND

On May 6, 2023, Denton Independent School District (DISD) approved a \$1.4 billion bond referendum that includes the renovation of Borman Elementary located at 1201 Parvin Street. Denia Park located at 1001 Parvin Street currently features a playground, trails, recreation center, softball fields, sport court, and a multi-purpose athletic grass field. In spring 2024, DISD contacted Parks and Recreation staff to discuss the possibilities of exchanging 3.739 acres of existing parkland to allow the construction of the elementary school within the open space located to the south side of the two properties, where the current multi-purpose athletic field is located. Multiple discussions took place between DISD and City of Denton staff to explore scenarios that offer a mutual benefit for both parties.

The land exchange will allow the existing elementary school to stay in operation, while the new school can be built further south. This will avoid closure of the school and the displacement of current students within the surrounding neighborhood, which is not feasible for DISD. A letter from DISD is enclosed as "Exhibit 6" and states the planning efforts performed by DISD to provide context of not having a feasible or prudent alternative method.

State law as defined in Chapter 26, Protection of Public Parks and Recreational Lands, of the Texas Parks and Wildlife Code requires that:

- (a) a municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park unless the municipality, acting through its duly authorized governing body or officer, determines that:
 - (1) there is no feasible and prudent alternative to the use or taking of such land; and
 - (2) The program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use or taking.
- (b) A finding may be made only after notice and a hearing as required by this chapter."

As part of the land exchange agreement, the old school will be demolished at the conclusion of construction of the new school, and a new soccer field will be built in its place. This will provide the City with a net gain of .99 acres of new parkland property for the new multi-purpose field. Additional terms of the agreement with the City and DISD will allow the use of the new elementary school for after-school recreation programming, and DISD will provide a temporary field to ensure sports activities continue uninterrupted throughout the duration of construction.

On October 28, 2024, a meeting was held with the Denia Neighborhood Association to garner feedback and answer questions about the project. Both City of Denton and DISD staff were in attendance.

OPTIONS

Grant the request and continue working with DISD on the land exchange or deny the request.

RECOMMENDATION

The Parks and Recreation Department has satisfied publication requirements set forth in Chapter 26 of the Texas Parks and Wildlife Code. Staff has investigated all other alternatives and determined there would be no major impact to park operations or programs as DISD has used reasonable planning to minimize impacts, and staff recommends support for the exchange of land.

PRIOR ACTION/REVIEW

On September 9, 2024, the Parks, Recreation, and Beautification Board reviewed and recommended approval by a vote of (5-0).

FISCAL INFORMATION

DISD will be responsible for all new construction fees of the multi-purpose field and these terms will be captured in an agreement if the land exchange request is granted by City Council.

EXHIBITS

Exhibit 1- Agenda Information Sheet

Exhibit 2- Ordinance

Exhibit 3- Presentation

Exhibit 4- Proposed Land Exchange

Exhibit 5- Chapter 26 Parks and Wildlife Code Statute

Exhibit 6- DISD Request Letter

Respectfully submitted:

Gary Packan, Director of Parks and Recreation

Prepared by:

Ziad Kharrat, Assistant Director, Parks and Recreation