

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE 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 9.4 ACRES OF CITY PARK LAND, LOCATED WITHIN SOUTH LAKES PARK IN THE CITY OF DENTON, DENTON COUNTY, TEXAS, FROM A PARK TO A PUBLIC SCHOOL FOR THE CONSTRUCTION OF DENTON INDEPENDENT SCHOOL DISTRICT RECREATION FACILITIES AND (2) FINDING THAT ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO THE LAND AS A PARK; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Chapter 26 of the Texas Parks of Wildlife Code provides that a municipality may not approve of any program or project that requires the use or taking of any public land designated and used as a park unless the municipality determines and finds that, after notice and hearing, 1) there is no feasible and prudent alternative to the use or taking of such land for the proposed project and 2) the program or project includes all reasonable planning to minimize harm to the park resulting from such use or taking; and

**WHEREAS** The City is the owner of 184.43 acres of land situated at 556 Hobson Ln, Denton, TX 76205 the description of which is set forth on Exhibit “A” hereto attached (the “City Tract”); and

**WHEREAS**, the City Tract currently operates as South Lakes Park and Recreation Facility, which is operated as public land designated for park and recreational area uses and is protected land under Chapter 26 of the Texas Park and Wildlife Code with 9.4 acres of such park being used by Denton Independent School District as recreation facilities for McMath Middle School; and

**WHEREAS**, Denton Independent School District (“DISD”) is the owner of 3.433 acres of land and building located at 1900 Jason Dr, Denton Texas 76205, the description of which is set forth on Exhibit “B” hereto attached (the “DISD Tract”); and

**WHEREAS**, City and DISD are governmental entities with the power of eminent domain; and

**WHEREAS**, on May 6, 2023, DISD voters approved a \$1.4 billion bond referendum which provides funding for the construction of recreation facilities at McMath Middle School; and

**WHEREAS**, based on the approved funding, DISD has conducted a study of potential sites within this attendance zone, and determined, based on community needs and extensive public input, that maintaining and improving the existing running track and green space at McMath Middle School will best serve the citizens of Denton in providing a lower cost alternative for construction of the improved recreation facilities and maintain existing access for students and community; and

**WHEREAS**, based on DISD review of potential sites for recreation facilities, DISD has identified the City Tract as the best solution and location for the new facilities; and

**WHEREAS**, DISD has requested to exchange approximately 9.4 acres of the City Tract for approximately 3.433 acres of the DISD Tract to accommodate the rebuilding of recreation facilities at McMath Middle School (“DISD Project”)

**WHEREAS**, City has requested to exchange approximately 3.433 acres of the DISD Tract for approximately 9.4 acres of the City Tract to accommodate the future development of a neighborhood park (“City Project” and collectively with the DISD Project the “Project”); and

**WHEREAS**, the City of Denton City Council finds that it is in the public’s best interest to approve the exchange for the overall enhancement of recreational access of the parcels for the community and gain a future neighborhood park without materially changing the current use of South Lakes Parks and Recreation Facility; and

**WHEREAS**, Chapter 26 of the Parks and Wildlife Code requires that anytime a public park is put to a use other than public park use, the governing body must make a finding, after notice and a public hearing, that there is no feasible and prudent alternative to the proposed change in use; and

**WHEREAS**, the City hosted community input meetings on September 25, 2025, and October 9, 2025, for the proposed property exchange; and

**WHEREAS**, the City provided notice in the Denton Record-Chronicle on September 20, 2025, September 27, 2025, October 4, 2025, and October 11, 2025 of a Public Hearing to be held on October 21, 2025 at a Joint meeting of the Denton Independent School District and City Council at the Denton Development Services Center to consider the park exchange between Denton Independent School District; and

**WHEREAS**, on October 21, 2025, the Denton Independent School District and City Council received testimony at a public hearing on the issues of feasible and prudent alternatives to the exchange of the park for the Project and that the Project includes all reasonable planning to minimize harm to the park resulting from the exchange; and

**WHEREAS**, the City Council find that there are no feasible and prudent alternatives to the non-park use or taking of the park and the park land exchange includes all reasonable planning to minimize harm to the park as a result of the Project; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That the findings set forth in the recitals of this ordinance are found true and correct and are hereby adopted as the findings of the City Council.

SECTION 2. In accordance with Chapter 26, Texas Parks and Wildlife Code, the City Council finds that: (i) the DISD Project requires the use or taking of the 9.4 acres of the City Tract; (ii) there is no feasible and prudent alternative to the change in use of approximately 9.4 acres of City park land located within the City Tract from a public park use to public school use; (iii) and that the proposed land exchange with DISD includes all reasonable planning to minimize harm to the land, as a park, resulting from the public school use.

SECTION 3. The rights and benefits set forth in this ordinance may not be assigned without the express written consent of the City.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

*[Signatures to appear on the following page]*

The motion to approve this ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_; the ordinance was passed and approved by the following vote [\_\_\_\_ - \_\_\_\_]:

|                                        | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|----------------------------------------|------------|------------|----------------|---------------|
| Mayor Gerard Hudspeth:                 | _____      | _____      | _____          | _____         |
| Vicki Byrd, District 1:                | _____      | _____      | _____          | _____         |
| Brian Beck, District 2:                | _____      | _____      | _____          | _____         |
| Suzi Rumohr, District 3:               | _____      | _____      | _____          | _____         |
| Joe Holland, District 4:               | _____      | _____      | _____          | _____         |
| Brandon Chase McGee, At Large Place 5: | _____      | _____      | _____          | _____         |
| Jill Jester, At Large Place 6:         | _____      | _____      | _____          | _____         |

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

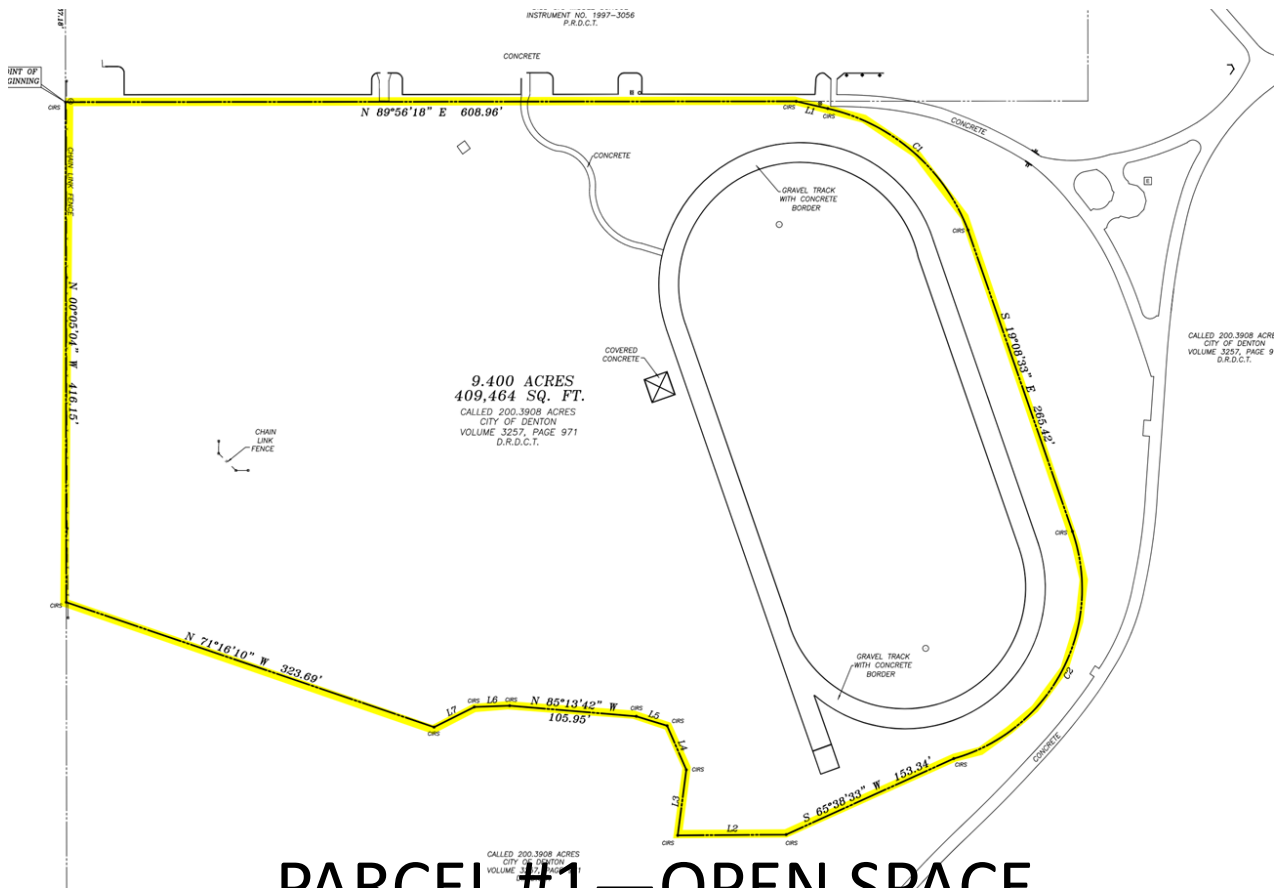
ATTEST:  
INGRID REX, INTERIM CITY SECRETARY

BY: \_\_\_\_\_

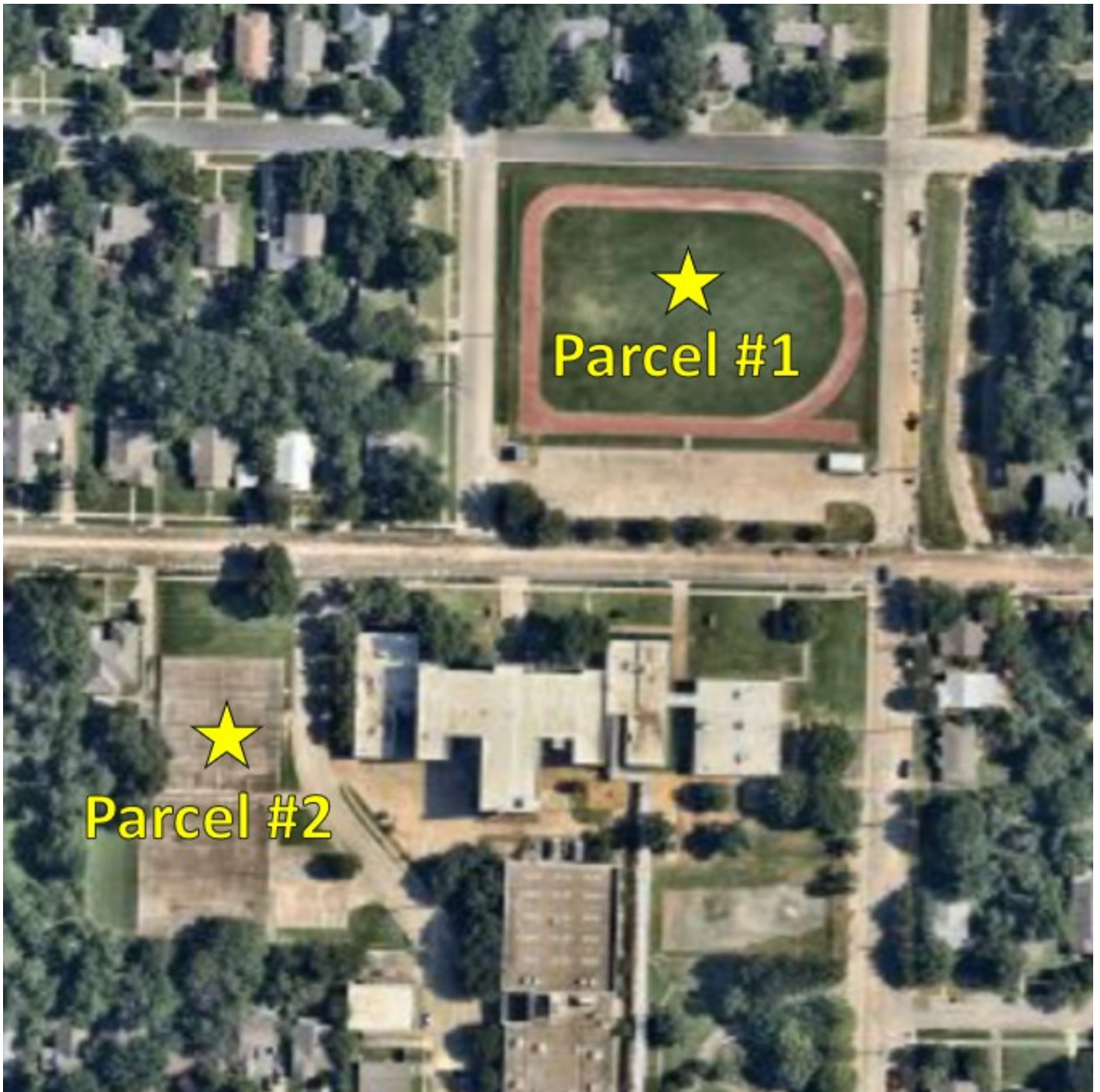
APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn

PARCEL #1—OPEN SPACE

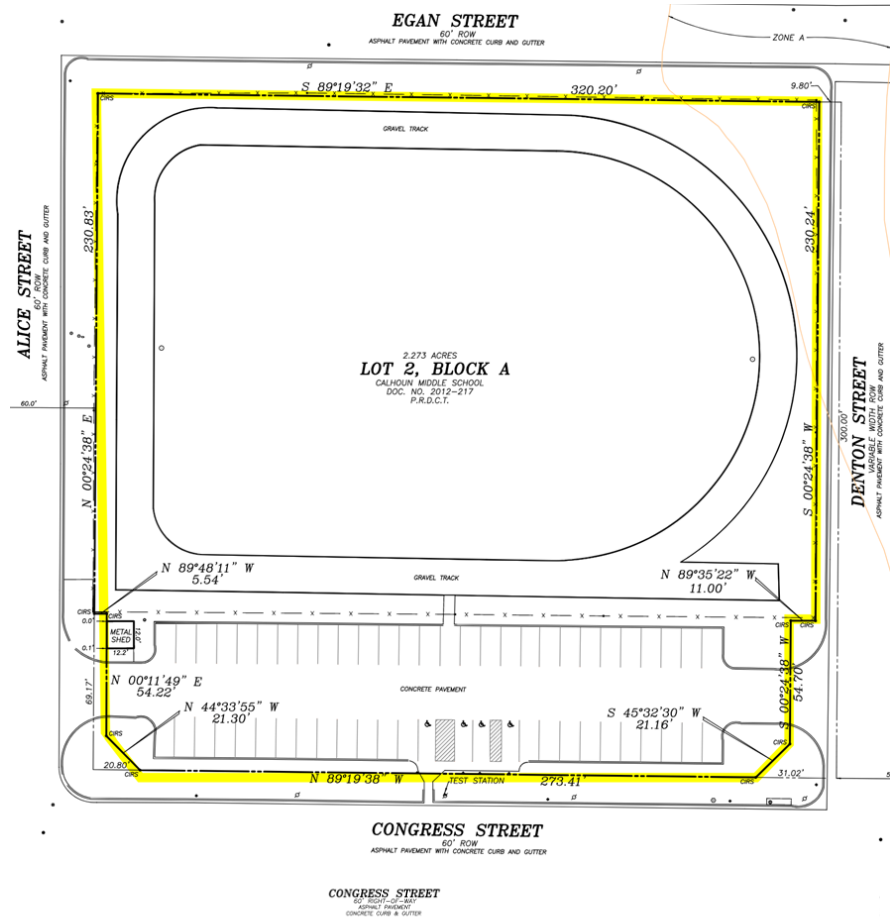


## EXHIBIT B—DISD TRACTS



# EXHIBIT B—DISD TRACTS

## PARCEL #1 OPEN SPACE



## PARCEL #2 COURTS

