

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 1.054 ACRES OF CITY PARK LAND FOR A SANITARY SEWER EASEMENT, LOCATED WITHIN A PORTION OF SAGEBROOK PARK IN THE CITY OF DENTON, DENTON COUNTY, TEXAS, FOR THE PURPOSE OF INSTALLING AND MAINTAINING AN UNDERGROUND SANITARY SEWER LINE FOR THE DENTEX DEVELOPMENT 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 and 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 of Denton (“City”) is the owner of approximately 15.208 acres of unimproved park land, granted to the City by recorded instrument 2021-11989 in the Real Property Records, Denton County, Texas, situated along the future right-of-way of Brush Creek Road, the description of which is set forth on Exhibit “A” attached hereto (the “City Park Land”); and

WHEREAS, City Park Land is protected land under Chapter 26 of the Texas Parks and Wildlife Code and will operate as Sagebrook Park serving as natural open space with trail and other related park amenities; and

WHEREAS, Dentex Land, Cattle, and Energy LP (“Developer”) has requested an easement to use approximately 2,410 linear feet along the South boundary of the unimproved future Sagebrook Park (“Park”), due east to the Brush Creek Road right-of-way for the installation and maintenance of a gravity flow, 15-inch diameter sanitary sewer main (“Sanitary Sewer Easement”) to serve the future residents of the Dentex Development and the general public (“Project”) attached as “Exhibit “B””; and

WHEREAS, Sanitary Sewer Easement will be constructed by Developer and dedicated to the City to be maintained in perpetuity by the City of Denton Water Utilities Department; and

WHEREAS, Developer, in consultation with Kimley Horn Engineering, reviewed potential sites and options for the Project, including review and exploration of 1) a gravity flow main line through the southernmost boundary of Sagebrook Park, 2) a gravity flow main line through the northernmost boundary of Sagebrook and 3) a force main lift station to Allred Road and through future right of way of Brush Creek Road; and

WHEREAS, Developer was not able to obtain easements nor access from adjacent landowners to the north and south sides of the City Park Land; and

WHEREAS, Developer was informed by the City of Denton Water Utilities Department that a force main with lift station is not feasible and not desired due to long-term maintenance required of that type of facility; and

WHEREAS, based on Developer's and City's review there are no feasible and prudent alternatives available for the location and construction of the Project; and

WHEREAS, The City of Denton Water Utilities Department has reviewed the request of the Developer and has recommended that the route for the Sanitary Sewer Easement proceed along the southern boundary of the City Park Land in order to provide the most direct route. This alignment utilizes the least number of manholes and bends which aids in the long-term maintenance and operation of this segment of the collection system; and

WHEREAS, Developer is committed to minimizing harm to the land by placing the Project outside of areas currently occupied by existing trees; and

WHEREAS, Developer will return any disturbed areas of the City Park Land back to its original condition prior to the Project or better; and

WHEREAS, Developer will provide park improvements consisting of the construction of the trail connection between the Dentex Development and the Sagebrook subdivision to the north which supports initiatives set forth in the Parks, Recreation and Trails System Master Plan; and

WHEREAS, the City provided notice in the Denton Record-Chronicle on October 22, 2024, October 29, 2024, November 5, 2024, of a Public Hearing to be held on November 19, 2024, in the Council Chambers to consider a sanitary sewer easement for the installation and maintenance of a sanitary sewer line in City Park Land; and

WHEREAS, Developer held a public meeting with the surrounding neighborhoods on November 14, 2024 at 6:00 P.M. to communicate the scope and impact of the Project; and

WHEREAS, the City Council on November 19, 2024 received testimony at a public hearing on the issues of feasible and prudent alternatives to the change in use of City Park Land for the Project and that the Project includes all reasonable planning to minimize harm to the Park resulting from the installation and maintenance of a sanitary sewer line; and

WHEREAS, the City Council finds that the Project does not fall within the purview of Section 253.001 of the Texas Local Government Code; and

WHEREAS, the City Council finds that there are no feasible and prudent alternatives to the non-park use or taking of the Park and that the installation and maintenance of a sanitary sewer line 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 Project requires the use or taking of the 1.054 acres of the City Park Land for a sanitary sewer easement, more particularly described in Exhibit B; (ii) there is no feasible and prudent alternative to the change in use of approximately 1.054 acres of City Park Land located within the City Park Land from a public park use to sanitary sewer use; (iii) and that the sanitary sewer easement includes all reasonable planning to minimize harm to the land, as a park, resulting from the Project 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 [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, 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 _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Benjamin N. Samples, A.A.

EXHIBIT A
(City Park Land Depiction)



GRAPHIC SCALE IN FEET
 1" = 200' @ 24x36"

NOTES:
 1. THIS IS AN ISOMETRIC PLAN. ALL DIMENSIONS AND AREAS HAVE BEEN PROVIDED TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
 2. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.

Exhibit 4 - Park Land Easement

Dentex
 Denton, Texas

Kimley-Horn

November 2024

EXHIBIT B
(1.054 Acre Sanitary Sewer Easement Survey)



Dentex Tract

Exhibit 5 – Permanent Easement Legal Survey

BEING a 20' wide tract of land situated in the B. B. B. & C. RR. Co. Survey, Abstract No. 159 and Abstract No. 160, City of Denton, Denton County, Texas, and being situated in Lot 1, Block X of Sagebrook Phase 1, an addition to the City of Denton, as recorded in Document No. 2021-429 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 6-inch metal fence corner post found for the southwest corner of said Lot 1, Block X, same being on the northerly line of a called 13.64-acre tract of land, described in a deed to Angela Dominguez and husband, Michael Barber, recorded in Instrument No. 2003-208519 of the Official Records of Denton County, Texas, same also being on the easterly line of a called 92.382-acre tract of land, described in a deed to Dentex Land, Cattle and Energy, LP, as recorded in Instrument No. 2005-49231 of the Official Records of Denton County, Texas;

THENCE North 00°14'21" West, along the westerly line of said Lot 1, Block X and the easterly line of said 92.382-acre tract, a distance of 20.00 feet to a point for corner;

THENCE North 88°46'23" East, departing the westerly line of said Lot 1, Block X and the easterly line of said 92.382-acre tract, crossing said Lot 1 and along a line that is 20 feet north of and parallel with the southerly line of said Lot 1, a distance of 2,234.95 feet to a point for corner on the northerly line of said Lot 1 and the southerly right of way line of Brush Creek Road, a 120' wide right of way as dedicated in said Sagebrook Phase 1, and being the beginning of a non-tangent curve to the left with a radius of 860.00 feet, a central angle of 11°41'34", and a chord bearing and distance of South 84°40'19" East, 175.20 feet;

THENCE in an easterly direction, along the northerly line of said Lot 1, Block X and the southerly right of way line of said Brush Creek Road, with said non-tangent curve to the left, an arc distance of 175.51 feet to the southeast corner of said Lot 1, same being on the northerly line of a called 93.95-acre tract of land, described in a deed to Angela Dominguez and husband, Michael Barber, recorded in Instrument No. 2004-11388 of the Official Records of Denton County, Texas;

THENCE South 88°46'23" West, departing the southerly right of way line of said Brush Creek Road, along the southerly line of said Lot 1, Block X and the northerly line of said 93.95-acre tract, passing at a distance of 1,582.59 feet, a 1/2-inch iron rod found for the northwest corner of said 93.95-acre tract and the northeast corner of aforesaid 13.64-acre tract, continuing along the northerly line of said 13.64-acre tract, a total distance of 2,409.35 feet to the **POINT OF BEGINNING** and containing 1.054 acres (45,920 square feet) of land, more or less.

1.054 ACRES (45,920 SQ. FT.)

B. B. B. & C. RR. CO. SURVEY,
 ABSTRACT NO. 159 &
 ABSTRACT NO. 160
 CITY OF DENTON,
 DENTON COUNTY, TEXAS

Michael Marx 11/14/24

MICHAEL MARX
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5181
 6160 WARREN PKWY., SUITE 210
 FRISCO, TEXAS 75034
 PH. 972-335-3580
 michael.marx@kimley-horn.com



Kimley»Horn

6160 Warren Parkway, Suite 210
 Frisco, Texas 75034 FIRM # 10193822

Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	Nov. 2024	069264946	1 OF 4



MATCH LINE A

CALLLED 15.208 ACRES
CITY OF DENTON
INST. NO. 2021-211989, O.R.D.C.T.
ALSO CONVEYED TO SAGEBROOK HOA,
INC., INST. NO. 2023-25663, O.R.D.C.T.

LOT 1, BLOCK X
SAGEBROOK PHASE 1
DOC. NO. 2021-429
P.R.D.C.T.

B.B.B. & C.R.R.CO. SURVEY
ABSTRACT NO. 159

CALLLED 92.382 ACRES
DENTEX LAND, CATTLE AND ENERGY, LP
INST. NO. 2005-49231
O.R.D.C.T.

1.054 ACRES
45,920 SQ. FT.

N0°14'21"W
20.00'

N88°46'23"E 2234.95'

S88°46'23"W 2409.35'

P.O.B.
6" METAL FENCE
COR. POST FND.

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

CALLLED 13.64 ACRES
ANGELA DOMINGUEZ AND HUSBAND,
MICHAEL BARBER
INST. NO. 2003-208519
O.R.D.C.T.

LEGEND

- A = CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IPF = IRON PIPE FOUND
- O.R.D.C.T. = OFFICIAL RECORDS OF DENTON COUNTY, TEXAS
- P.R.D.C.T. = PLAT RECORDS, DENTON COUNTY, TEXAS

1.054 ACRES (45,920 SQ. FT.)

B. B. B. & C. RR. CO. SURVEY,
ABSTRACT NO. 159 &
ABSTRACT NO. 160
CITY OF DENTON,
DENTON COUNTY, TEXAS

MICHAEL MARX
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Frisco, Texas 75034
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale 1" = 100'	Drawn by MBM	Checked by KHA	Date 11/14/2024	Project No. 069264946	Sheet No. 2 OF 4
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TRACT ONE (CALLED 143.133 ACRES)
SAGEBROOK DENTON LP
INST. NO. 2020-155418
O.R.D.C.T.

CALLED 15.208 ACRES
CITY OF DENTON
INST. NO. 2021-211989, O.R.D.C.T.
ALSO CONVEYED TO SAGEBROOK HOA,
INC., INST. NO. 2023-25663, O.R.D.C.T.

LOT 1, BLOCK X
SAGEBROOK PHASE 1
DOC. NO. 2021-429
P.R.D.C.T.

B.B.B. & C.R.R.CO. SURVEY
ABSTRACT NO. 160

1.054 ACRES
45,920 SQ. FT.

N88°46'23"E 2234.95'

1582.59' S88°46'23"W 2409.35'

1/2" IRF

CALLLED 13.64 ACRES
ANGELA DOMINGUEZ AND HUSBAND,
MICHAEL BARBER
INST. NO. 2003-208519
O.R.D.C.T.

HENRY HAYGOOD SURVEY
ABSTRACT NO. 517
CALLED 93.95 ACRES
ANGELA DOMINGUEZ AND HUSBAND,
MICHAEL BARBER
INST. NO. 2004-11388
O.R.D.C.T.

1.054 ACRES (45,920 SQ. FT.)

B. B. B. & C. RR. CO. SURVEY,
ABSTRACT NO. 159 &
ABSTRACT NO. 160
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DENTON COUNTY, TEXAS

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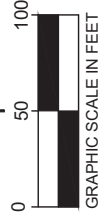
NOTES

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MBM	KHA	11/14/2024	069264946	3 OF 4



LOT 14, BLOCK J
SAGEBROOK PHASE 1
DOC. NO. 2021-429
P.R.D.C.T.

B.B.B. & C.R.R.CO. SURVEY
ABSTRACT NO. 160

BRUSH CREEK ROAD

$\Delta=11^{\circ}41'34''$
R=860.00'
L=175.51'
CB=S84°40'19"E
C=175.20'

1.054 ACRES
45,920 SQ. FT.

LOT 1, BLOCK X
SAGEBROOK PHASE 1
DOC. NO. 2021-429
P.R.D.C.T.

N88°46'23"E 2234.95'

S88°46'23"W 2409.35' 1582.59'

LEGEND

- A = CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
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NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

CALLED 93.95 ACRES
ANGELA DOMINGUEZ AND HUSBAND,
MICHAEL BARBER
INST. NO. 2004-11388
O.R.D.C.T.

HENRY HAYGOOD SURVEY
ABSTRACT NO. 517



1.054 ACRES (45,920 SQ. FT.)
B. B. B. & C. RR. CO. SURVEY,
ABSTRACT NO. 159 &
ABSTRACT NO. 160
CITY OF DENTON,
DENTON COUNTY, TEXAS

Impulse & wife 11/14/24

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