



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 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. (Parks, Recreation and Beautification Board recommended approval with a vote of 5-0.)

BACKGROUND

In June 2021, City Council approved Ordinance 21-1514 that dedicated 15.258 of parkland through a Developers Agreement, known as Sagebrook Park. This park is currently undeveloped, and current plans include a future trail within this property. The property owner to the west of this park, Dentex Land, Cattle, and Energy, LP, has requested a dedication of a portion of land within Sagebrook Park to serve as a permanent easement for sanitary sewer utilities, which requires a temporary construction easement. (See table below for details).

Type of Request	Acres Impacted
20' Public Sanitary Sewer Permanent Easement	1.05418
25' Temporary Construction Easement (TCE)	1.50021

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.

If the proposed easement is allowed, the developer will provide payment for both Sanitary Sewer & TCE easement requests. In addition, any trees impacted by the construction of the sewer line will be relocated, replaced, or mitigated. Park land disturbed during this activity will be returned to its original condition or better.

On November 14, 2024, a public meeting was held to get feedback from the community and garner any concern.

OPTIONS

Grant 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. After reviewing all alternatives, staff recommends support of granting of easements. There will be no major impact on current park operations or programs. The Parks and Recreation Department confirms that the City of Denton has investigated all other alternatives and has used reasonable planning to minimize harm to the land.

PRIOR ACTION/REVIEW

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

ESTIMATED SCHEDULE OF PROJECT

Pending approval of this request, Dentex Land, Cattle, and Energy, LP envisions starting construction within Quarter 4 of 2024 and anticipates taking 2 months to complete the work.

FISCAL INFORMATION

Dentex Land, Cattle, and Energy, LP to pay \$7,206.00 for the sanitary sewer easement and temporary construction easement as shown in the table below. Trees impacted by the construction of the sewer line will be relocated, replaced, or mitigated at the sole expense of Dentex.

Type of Request	Acres	Payment
20' Public Sanitary Sewer Easement	1.05418	\$4,592.00
25' Temporary Construction Easement (TCE)	1.50021	\$2,614.00

EXHIBITS

- Exhibit 1- Agenda Information Sheet
- Exhibit 2- Ordinance
- Exhibit 3- Presentation
- Exhibit 4- Park Land Easement Exhibit
- Exhibit 5- Permanent Easement Legal Survey
- Exhibit 6- Temporary Easement Legal Survey
- Exhibit 7- Dentex Sewer Hardship Letter
- Exhibit 8- Park Dedication Plat
- Exhibit 9- City of Denton Water Utilities Support Letter
- Exhibit 10- Park Development Agreement (reference Exhibit "C" Special Warranty Deed)

Respectfully submitted:
Gary Packan, Director of Parks and Recreation

Prepared by:
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