

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 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.

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 23.044 acres of land situated at 1001 Parvin Street, Denton, Texas 76205, the description of which is set forth on Exhibit “A” hereto attached (the “City Tract”); and

WHEREAS, the City Tract currently operates as a Denia 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; and

WHEREAS, Denton Independent School District (“DISD”) is the owner of 10.004 acres of land and building adjacent to the City Tract and located at 1201 Parvin Street, Denton Texas 76205, the description of which is set forth on Exhibit “A” hereto attached (the “DISD Tract”); and

WHEREAS, DISD Tract operates public land as Frank Borman Elementary School (“Borman”), which is as a public elementary school in Texas that provides formal instruction for students in grades Kindergarten through 5th grade; 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 a replacement campus for Borman Elementary School within the attendance zone; 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 the synergy with the City Tract and DISD Tract will best serve the citizens of Denton in providing a lower cost alternative for construction of the new school, improved vehicular access and mobility to the site with no disruption to regular educational instruction; and

WHEREAS, based on DISD review of potential sites for new campus, DISD has identified the City Tract as the best solution and location for the new Borman Elementary School; and

WHEREAS, DISD has requested to exchange approximately 3.739 acres of the City Tract for approximately 4.729 acres of the DISD Tract to accommodate the rebuilding of Borman Elementary School (“DISD Project”), attached hereto as Exhibit B; and

WHEREAS, the DISD Project will occur on the 3.739-acre portion of the City Tract; and

WHEREAS, DISD has also requested, as part of DISD Project, permission to allow for Borman to remain operational until the construction of the new school has been completed (“Phase I”); and

WHEREAS, the DISD Project provides a mutual benefit to the City of Denton and DISD; and

WHEREAS, DISD Project will include new infrastructure within the City Tract that provides improved site drainage, vehicular and pedestrian circulation, and increases vehicular safety on the City Tract; and

WHEREAS, to accommodate future access to the DISD Project and the City Tract, a new road will be constructed on the adjacent parcel south of the City Tract; and

WHEREAS, the DISD Project will provide for the redesign and construction for ingress and egress to the existing City Tract parking lot, removing an unsafe intersection at Roselawn Drive near Bernard Street; and

WHEREAS, Phase I of the DISD Borman Elementary School will be reopened for educational purposes in August 2026; and

WHEREAS, DISD will provide the City of Denton with an alternative location at another DISD property to accommodate programming that is currently offered at the existing soccer field while the soccer field is out of commission throughout the DISD Project; and

WHEREAS, upon completion of the Phase I of DISD Project, DISD shall demolish the building located on the DISD Tract by December 2026 and convert that space into park land for the City of Denton (“Phase II” or “Park Land Improvements”); and

WHEREAS, the Park Land Improvements include construction of a new soccer field and associated infrastructure and improved amenities such as, but not limited to, irrigation, electrical conduits, safety fencing, and walking trails; and

WHEREAS, Phase II of the DISD Project will be completed and open to the public by August 2027; and

WHEREAS, the City of Denton City Council finds that it is the public best interest to approve the exchange maintaining the synergy of the existing use of the parcels, gain additional acreage, and improve facility amenities; 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 hearing, that there is no feasible and prudent alternative to the proposed change in use; and

WHEREAS, the City provided notice in the Denton Record-Chronicle on September 24, 2024, October 1, 2024, and October 8, 2024 of a Public Hearing to be held on October 22, 2024 in the Council Chambers to consider the park exchange with Denton Independent School District for the construction of Borman Elementary School; and

WHEREAS, on October 22, 2024, 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 finds 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 3.739 acres of the City Tract; (ii) there is no feasible and prudent alternative to the change in use of approximately 3.739 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 [___ - ___]:

	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: _____

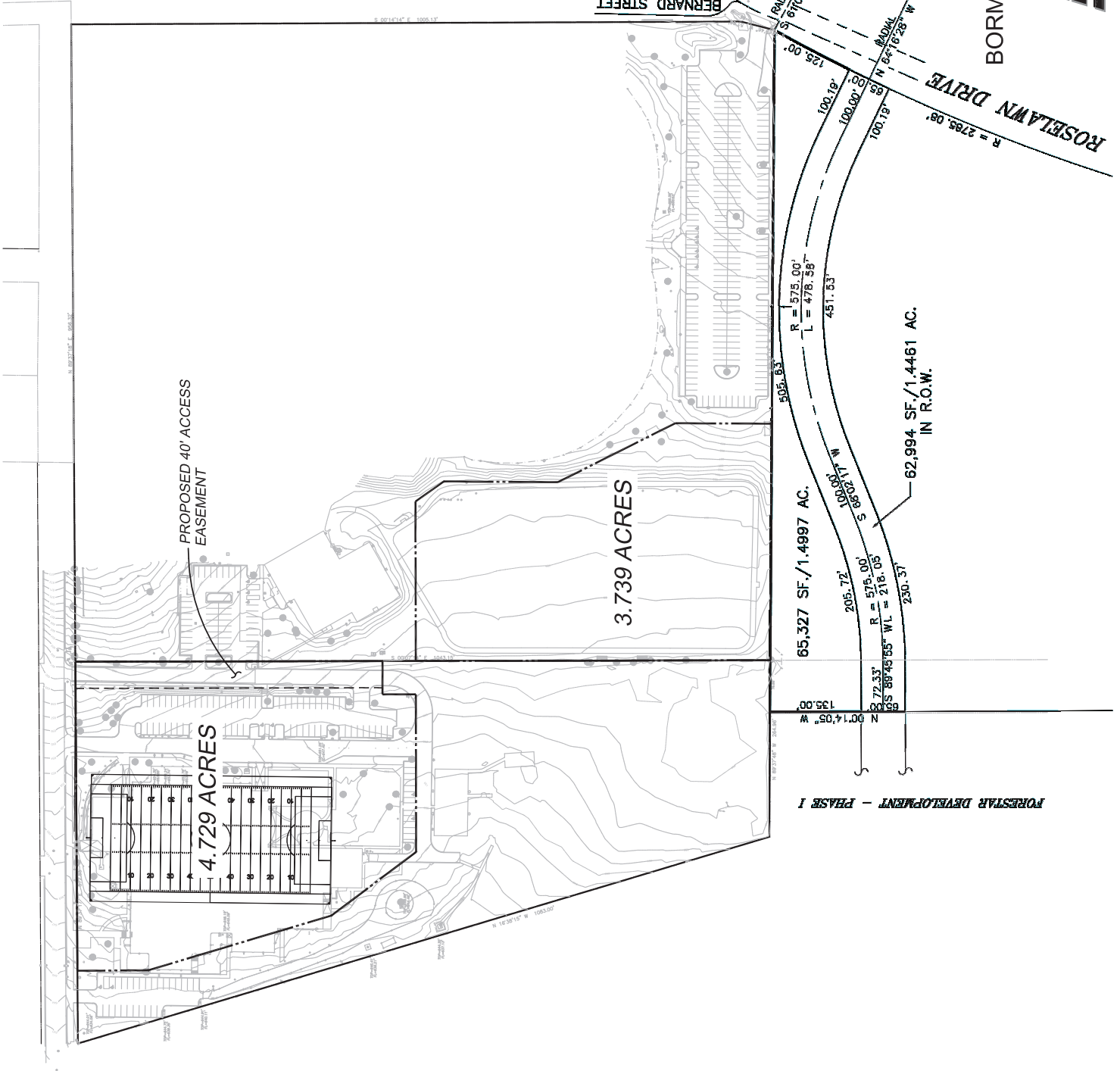
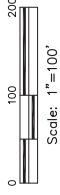
APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Benjamin N. Samples, II

EXHIBIT A

(City Tract – 3.739 acres)

(DISD Tract – 4.729 acres)



FORESTAR DEVELOPMENT - PHASE I

BORMAN ELEMENTARY SCHOOL PROPERTY EXHIBIT



RLK ENGINEERING, INC.
Allen, Texas 75013
(972) 399-1733 OH
(972) 399-1833 FAX
www.rlkengineering.com

EXHIBIT B DISD PROJECT

