



## Legislation Details (With Text)

**File #:** ID 16-950      **Version:** 1      **Name:**

**Type:** Action Item

**File created:** 7/19/2016      **In control:** City Council

**On agenda:** 9/20/2016      **Final action:**

**Title:** Hold a Public Hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining a subsurface drainage pipe and outfall for the North Lakes Shopping Center Development Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of a subsurface drainage pipe and outfall and reservation of drainage easement in the event of sale of park; and providing an effective date.

**Sponsors:** Legistar System

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Land Description and Survey.PDF, 2. Exhibit 2 - Excerpt of 9-12-16 Draft Minutes - CH 26.pdf, 3. Exhibit 3 - North Lakes Drainage Ord.pdf

Date	Ver.	Action By	Action	Result
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## AGENDA INFORMATION SHEET

**AGENDA DATE:** September 20, 2016

**DEPARTMENT:** Parks and Recreation Department

**ACM:** John Cabrales, Jr.

### SUBJECT

Hold a Public Hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining a subsurface drainage pipe and outfall for the North Lakes Shopping Center Development Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of a subsurface drainage pipe and outfall and reservation of drainage easement in the event of sale of park; and providing an effective date.

### BACKGROUND

Lincoln Property Company Commercial has requested the use of park land for the purpose of providing subsurface drainage and ensure that their development outflow will pass through North Lakes Park in a manner that does not cause erosion of the park property as it terminates into Pecan Creek below North Lakes Dam 16A. Lincoln Property Company Commercial requires a 2,000 square foot or 0.046 acre easement in North Lakes Park, approximately 225 feet south of Dam 16A. This easement will be 16 feet wide and extend for 125 feet. (Exhibit 1)

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."

All land disturbed in the park will be returned to its original condition and all future maintenance requirements on the subsurface drainage, outflow piping, and headwall to be performed by the North Lake Shopping Center property owner or its assignee.

### **OPTIONS**

Grant approval.

Deny approval.

### **RECOMMENDATION**

The Parks and Recreation Department has satisfied publication requirements set forth in Chapter 26 of the Texas Parks and Wildlife Code, investigated all other alternatives, and determined there would be no major impact to park operations or programs. Staff recommends the granting of 0.046 acre of subsurface drainage easement, barring public objection and pending the approval of City Council, the Texas Parks and Wildlife Department, and the National Park Service.

### **ESTIMATED SCHEDULE OF PROJECT**

Construction is projected to begin in October of 2016.

### **PRIOR ACTION/REVIEW**

The Parks, Recreation and Beautification Board recommended approval with a vote of 5-0 on September 12, 2016. (Exhibit 2)

### **FISCAL INFORMATION**

Lincoln Property Company Commercial will pay \$1.41 per square foot along with the costs associated with the advertisement of this process for a total of \$2,820.00. A total of 28 caliper inches of trees will be removed from the easement in order to install the drainage outfall. Lincoln Property Company Commercial has agreed to pay \$125 per caliper inch for each of these trees for an additional \$3,500. The total compensation for this easement is valued at \$6,320.00

### **BID INFORMATION**

Not applicable

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and

Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:**     **Public Infrastructure**

**Related Goal:**               **2.4 Manage drainage infrastructure**

**EXHIBITS:**

Exhibit 1 - Legal Description, Survey, Storm Drain Plan

Exhibit 2 - Excerpt of Park, Recreation and Beautification Board Minutes August 1, 2016

Exhibit 3 - Ordinance

Respectfully Submitted:

Emerson Vorel, Director

Parks and Recreation Department

Prepared by: James M. Mays, Superintendent of Planning and Construction