

**To the Mayor and Members of the City Council****October 8, 2024**

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SUBJECT: REGULATION AND OPERATION OF OPEN SPACE PROPERTIES

The purpose of this Informal Report is to inform City Council of the proposed addition of a new chapter to the Code of the City of Fort Worth to establish rules and regulations for the City's Open Space properties. Staff recommends that the City Council adopt the new Chapter 36 at an upcoming City Council meeting.

Chapter 36 is largely based on Chapter 24, Park and Recreation, but, because Open Space properties are not parkland, staff recommends the adoption of the new chapter to better suit the goals of the City's Open Space Conservation Program and the Good Natured Greenspace Initiative (please see M&C 23-1016, November 28, 2023).

Chapter 36 would define Open Space as follows:

An interest in land that the City of Fort Worth owns or maintains with the primary intent of meeting one or more of the following purposes:

- (1) to preserve or restore natural areas and resources;
- (2) to maintain or enhance air or water quality;
- (3) to preserve the property's aesthetic value and its contribution to the quality of life of the community;
- (4) to mitigate erosion or enhance flood control efforts; or
- (5) to prevent encroachment on floodplains or watersheds.

By contrast, Chapter 26 of the Texas Parks and Wildlife Code describes park land as "any public land designated and used... as a park, recreation area, scientific area, wildlife refuge, or historic site."

Incidental or programmatic use of Open Space for other purposes may occur; however, that use is intended to be secondary to the purposes identified above. Open Space is not parkland and is not owned, held, or claimed as a public square or park, nor is Open Space acquired or designated as a park, recreation area, scientific area, wildlife refuge, or historic site.

Chapter 36 would also establish rules and regulations for the use of Open Space properties, including:

- Hours of operation from sunrise to sunset, unless otherwise posted (parks are generally open from 5:00 a.m. until 11:30 p.m.);

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- Prohibiting littering, camping, fires, fireworks, fishing, swimming, and alcoholic beverages;
- Limiting vehicles to designated areas; and
- Prohibiting the harm of vegetation and wildlife.

Open Space properties are managed and maintained in their natural state by Park & Recreation Department. Any mowing will be infrequent and in accordance with maintaining a healthy ecosystem and limiting the risk of fire. Amenities provided at Open Space properties are anticipated to be minimal because the main purpose of the Open Space Program is to preserve natural spaces. Unlike parks, Open Space properties are not expected to include trash receptacles or restrooms. Additionally, to protect natural surface trails and nearby vegetation, bicycles will only be permitted on paved areas.

Limited capital projects such as gravel parking areas, signage, and natural, surfaced trails were anticipated to be constructed at several Open Space properties such as Nosilla, Patino, and Melcher; however, the funding was reallocated to Open Space property acquisition to protect high priority properties. Future master planning, public engagement, and community feedback will identify appropriate capital improvements for each Open Space property. Most Open Space properties are currently in reserve status until they are included in a future Capital Improvement Plan.

Staff anticipates requesting City Council's approval of the new chapter at a Fall 2024 City Council meeting. For additional information, please contact Matthew Murray, Senior Assistant City Attorney - Section Chief, City Attorney's Office at (817) 392-8864 or Jennifer Dyke, Assistant Director, Transportation and Public Works at (817) 392-2714.

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City Manager