

Mayor and Council Communication

DATE: 06/25/24

M&C FILE NUMBER: M&C 24-0612

LOG NAME: 80FOREST PARK UTILITY EASEMENT - CHAPTER 26

SUBJECT

(CD 3 and CD 9) Conduct Public Hearing and Authorize the Use of Approximately 0.102 Acres of Parkland within Forest Park for a Utility Easement and 0.015 acres for a Temporary Work Space and Ratify the Conveyance of a Utility Easement to Charter Communications, Inc., Being Approximately 0.102 Acres, Parts of Lot 1 and Lot 20, Block 9 and Parts of Lot 1 and Lot 20, Block 10, Frisco Railroad Addition, City of Fort Worth, Tarrant County, Texas within Forest Park for Communications Equipment and Appurtenances

(**PUBLIC HEARING** - a. Report of City Staff: Lori Gordon; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands;
2. Find that no feasible or prudent alternative exists for the use of Forest Park for a utility easement;
3. Find that the proposed utility easement includes all reasonable planning to minimize harm to the parkland;
4. Close the public hearing and authorize the use of approximately 0.102 acres within Forest Park for a utility easement;
5. Authorize the use of approximately 0.015 acres of dedicated parkland within Forest Park for temporary construction workspace;
6. Ratify the conveyance of an easement to Charter Communications, Inc., Being Approximately 0.102 Acres, parts of Lot 1 and Lot 20, Block 9 and parts of Lot 1 and Lot 20, Block 10, Frisco Railroad Addition, City of Fort Worth, Tarrant County, Texas within Forest Park for Communications Equipment and Appurtenances; and
7. Authorize the City Manager or his designee to execute and record the appropriate instruments.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the use of parkland within Forest Park for a utility easement as part of a City drainage improvement project. The City of Fort Worth Park & Recreation Department (PARD) is requesting the use of a portion of Forest Park in order to relocate existing Charter Communications, Inc. lines.

On November 15, 2016, City Council approved Mayor and Council Communication (M&C C-27993) to authorize the award and execution of an Engineering Agreement with Dunaway Associates, L.P. (Dunaway), to develop construction documents necessary for drainage improvements in and around the southern portion of Zoo Creek within Forest Park at approximately Park Hill Drive. Drainage improvements will create a detention area within Forest Park that will provide immediate flood mitigation benefits in the zoo and facilitate future upstream storm drainage improvements.

On October 16, 2018, City Council approved M&C L-16157 to authorize the proposed use of parkland at Forest Park for the installation of public water main, water service line, and the granting of an electrical service line easement for the drainage improvement project.

Upon Oncor's inspection of the poles, it was identified that Charter Communications, Inc. (Charter) installed communication service lines on the utility poles designated for relocation. Oncor will not permit Charter's communication lines within Oncor's electrical easement approved on October 16, 2018. Therefore, Charter is seeking a separate utility easement for their communication lines within Forest Park.

The proposed utility easement for Charter totals 4,438 square feet or 0.102 acres. Additionally, installation of the utility line will require an adjacent temporary construction workspace that is approximately 675 square feet or 0.015 acres. The park will remain open during construction, and will be restored to previous condition or better upon completion of the work. The City Forester has determined that there are no tree impacts associated with the proposed new easement.

In accordance with the Texas Parks and Wildlife Code, Chapter 26, the City of Fort Worth seeks to use a portion of Forest Park for the purpose of granting a utility easement to Charter as part of a City drainage improvement project.

On April 24, 2024, the Park & Recreation Advisory Board endorsed staff's recommendation to the City Council to authorize the use of a portion of Forest Park for a utility easement as part of a City drainage improvement project.

In accordance with state law, the proposed conversion of parkland was advertised in the *Fort Worth Star-Telegram* on June 4, June 11, and June 18, 2024.

An email announcing the proposed change of use was sent to registered Neighborhood Associations within 1.5 miles of the park and posted on the City website.

Signage was posted at the park noting the proposed parkland use and providing instructions for directing comments to the Park & Recreation Department. The signage will remain posted through the public hearing process.

Forest Park is located in COUNCIL DISTRICTS 3 and 9, south of Rosedale Street, west of Forest Park Boulevard, north of Berry Street, and east of Rogers Road.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City Funds.

Submitted for City Manager's Office by: Jessica L. McEachern 5804

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