



22-0766

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request from Denton County Electric Cooperative, Inc., d/b/a Coserve Electric for an Electric Easement upon, over, under and across City-owned land that is designated as a Park on the Parks Master Plan for the purpose of providing electric utility service to the Indoor Tennis Facility located within Gabe Nesbitt Community Park. The Indoor Tennis Facility is Located on Lot 1R, Block A, of the McKinney Community Park in an area that is east of Alma Drive and south of Eldorado Parkway in McKinney, Collin County, Texas and Accompanying Ordinance and Electric Line Easement

**COUNCIL GOAL:** Enhance the Quality of Life in McKinney  
(5A: Create affordable recreational and cultural arts activities for all ages throughout the city)  
(5B: Develop Parks strategy to preserve green space for future park land)  
(5E: Develop sustainable quality of life improvements within the City of McKinney)

**MEETING DATE:** August 16, 2022

**DEPARTMENT:** Parks and Recreation

**CONTACT:** Michael Kowski, Director of Parks and Recreation

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of the ordinance and easement.

**ITEM SUMMARY:**

- The Parks Department is requesting that Coserve Electric be granted an easement upon, over, under and across an approximately .049-acre strip of land located within Gabe Nesbitt Community Park for the purpose of providing electric utility service to the Indoor Tennis Facility.

- State law as defined in Chapter 26, *Protection of Public Parks and Recreational Lands*, of the Texas Parks and Wildlife Code requires that:
  - *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.*
  - *A finding may be made only after notice and a hearing as required by this chapter.*

**BACKGROUND INFORMATION:**

- Coserve Electric requires the recordation of the easement prior to installation of the utility service.

**SPECIAL CONSIDERATIONS:**

- This process is in accordance with the requirements of the Texas Parks and Wildlife Code, Sections 26.001, *et seq.*, which requires newspaper advertising three consecutive times prior to the hearing as well as written notification to the City.

**FINANCIAL SUMMARY:**

- None.

**BOARD OR COMMISSION RECOMMENDATION:**

- None.

**SUPPORTING MATERIALS:**

[Ordinance](#)