ORDINANCE NO. 79-6

AN ORDINANCE RESTRICTING THE USE OF CITY OWNED EASEMENTS, RIGHT OF WAYS AND EASEMENTS AND PROVIDING FOR THE REMOVAL OF STRUCTURES AND OBSTRUCTIONS THEREON; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council of the City of Danbury has determined that a necessity exists for restricting the use of utility and City owned easements, right of ways and alley ways within the jurisdiction of the City of Danbury, Texas, in order to maintain existing City utilities and provide for future utility expansion;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Danbury, Texas:

(1) No structure of any kind shall be erected, placed or maintained on any utility or City owned easement, right of way or alley way.

(2) The City of Danbury shall not be liable for any damages done by its employees or franchisees to shrubbery, trees, flowers, structures or improvements located on any easements, right of ways or alley ways within the corporate limits of the City of Danbury, Texas, and its extra-territorial jurisdiction.

(3) "Structure" includes any structure of any kind, fences, earthen obstructions, or any other obstruction to ingress and egress.

(4) The City of Danbury may remove any such structure or obstruction from any City or utility company owned easement, right of way or alley way without liability of any kind to the owner thereof and that removed may be disposed of as the City Council may direct.

If any part or parts of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the

validity of the remaining parts of this ordinance. It is hereby declared that the remaining parts of this ordinance would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

PASSED AND APPROVED on first reading this 25th day of October, 1979.

PASSED AND APPROVED on second reading this 29th day of November, 1979.

PASSED AND APPROVED on third reading this 20th day of December, 1979.

Ted Cooper
TED COOPER, Mayor

ATTEST:

Marilyn Lampe
MARILYN LAMPE
City Secretary