

**ORDINANCE NO. 2021-08**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 10, ARTICLE 10.02, DIVISION 5, SECTION 10.02.132 (UTILITY EASEMENTS), OF THE OVILLA CODE OF ORDINANCES; REQUIRING A UTILITY EASEMENTS OF NOT LESS THAN TEN FEET (10') SHALL BE PROVIDED ON ALONG AND ADJACENT TO BOTH SIDES OF ALLEYWAYS AND RIGHTS-OF-WAY.; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO OVILLA'S CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Ovilla, Texas, (the "City") finds and determines that it is in the best interest of the health, safety and welfare of the citizens of the City to amend Section 10.02.132 of the City's subdivision regulations to reduce the current utility easement requirement from not less than fifteen (15) feet to not less than ten (10) feet.

WHEREAS, on March 18 and March 26, 2021, due notice of public hearings before the City's Planning and Zoning Commission and City Council was published in the City's official newspaper, which included the time and place of the public hearings, to consider and hear public comment on the proposed amendment; and

WHEREAS, on April 05, 2021, the City's Planning and Zoning Commission held a public hearing regarding this matter; and

WHEREAS, following the public hearing, the City's Planning and Zoning Commission considered the proposed amendment and rendered its recommendation which was conveyed to the City Council; and

WHEREAS, on April 12, 2021, the City Council held a public hearing and accepted comments from the public regarding the proposed amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:**

**SECTION 1. AMENDMENT OF CHAPTER 10, ARTICLE 10.02, DIVISION 5, SECTION 10.02.132 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

Chapter 10, Article 10.02, Division 5, Section 10.02.132 of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

**Sec. 10.02.132 Utility easements**

A utility easement of not less than ten feet (10') shall be provided on along and adjacent to both sides of alleyways and rights-of-way. Additional easements may be required by the City Council.

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail and any and all such conflicting ordinances are hereby repealed.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such shall be deemed to be a separate, distinct and independent provision and such holding will not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Ovilla, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect immediately upon the passage, approval and adoption by the City Council of the City of Ovilla, Texas.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication as provided by law.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Ovilla, Texas, on this 12th day of April 2021.



Richard Dormier, Mayor

ATTEST:

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G Miller, City Secretary

APPROVED AS TO FORM:

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Ron G. MacFarlane, Jr., City Attorney

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