

ORDINANCE NO. 91-7

AN ORDINANCE FINDING CERTAIN STRUCTURES TO BE IN VIOLATION OF THE HEALTH AND SAFETY ORDINANCES OF THE CITY OF DANBURY AND FOR CONDEMNATION OF SAID STRUCTURES AS UNSAFE AND DANGEROUS, AND FOR THE DEMOLITION, REMOVAL, AND OTHER ACTIONS REGARDING SAID STRUCTURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:

**SECTION 1 - TITLE**

This ordinance shall be known and may be cited as the Building Condemnation Ordinance.

**SECTION 2 - PREAMBLE**

This ordinance is passed after a full discussion, on prior notice and opportunity of all interested parties to be heard. This ordinance was read at two (2) separate meetings of the City Council and was not passed until thirty (30) days after the first reading and the full text thereof was published once in the Angleton Times within fifteen (15) days following the first reading period.

**SECTION 3 - DEFINITIONS**

For the purpose of this ordinance and when not consistent with the context words used herein in the present tense, include the future; words in plural include the singular, and vice versa. The word "shall" is always mandatory. The captions supplied herein for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

(A) "City" is the City of Danbury, a municipal corporation under the laws of the State of Texas.

(B) "City Council" is the City Council of the City of Danbury, or its designated representative.

(C) "Person" is any individual, firm, partnership, association, corporation, company or organization of any kind.

#### **SECTION 4 - GRANT OF AUTHORITY**

The City Council through its duly designated agent, or pursuant to contract with a third party contractor, which said demolition contract is herein expressly authorized and the appropriate agent or officer of this corporation being hereby authorized to execute the same on behalf of the City of Danbury, shall take all reasonable and timely measures necessary to demolish, dismantle, and remove certain structures upon that real property hereinafter described in Exhibit "A" which is attached hereto and incorporated herein by reference for all purposes as through fully copied and set forth at length. The City Council has found the structures and improvements upon each such tract of real property to be in violation of City health, fire, and safety ordinances, and has further received title to each said property as trustee, subsequent to foreclosure pursuant to suit and post foreclosure transfer for non-payment of ad valorem taxes owed to the City of Danbury by and through the City's duly authorized law firm for collection of ad valorem taxes. The Mayor, or such other duly authorized agent as the City Council shall appoint shall be fully authorized to execute all documents reasonably necessary and attendant to securing the services of a third party or City personnel or otherwise to carry out the terms in effect of this ordinance. Any such designated agent, including the Mayor, a City Council member, or other City representative shall take reasonable care to assure the prompt removal of said structures in a good and workmanlike manner. The Mayor, or any other duly authorized representative shall hereby be given the authority to delegate such responsibility to other City personnel as may be proper and appropriate.

#### **SECTION 5 - AUTHORIZATION FOR SALE**

Be it further enacted by the City Council of the City of Danbury that upon completion of the demolition and removal of structures as hereinabove set forth, that the City Council, by and through its duly authorized agent, which shall include the Mayor, a City Council member, or any other authorized agent, with attest from the City Secretary, shall have the authority to enter into negotiations for sale of one or both of said tracts of real property more particularly described in Exhibit "A." However, nothing herein contained shall be construed to permit any such duly authorized agent of the City Council to execute a contract of sale or complete all matters necessary to such sale without the express prior approval of the City Council. Any such agent is directed to report back to the City Council, at a regularly scheduled

meeting, or special meeting of the City Council, the results of negotiations for sale of said properties and the terms and conditions agreed upon or which the said authorized agent may feel is appropriate.

**SECTION 6 - MAINTENANCE OF PROPERTIES**

Be it further enacted by the City Council that in the event said structures are demolished and removed as hereinabove set forth, and said properties are not promptly sold, the City shall keep and maintain the weed levels in accordance with all applicable City ordinances or any laws of the State of Texas or any political subdivision thereof.

**SECTION 7 - SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such finding of invalidity or unconstitutionality shall be of no force in effect upon the remaining sections, sub-sections, sentences, clauses, phrases or portions of this ordinance each of which shall thereafter remain in full force and effect.

**SECTION 8 - EFFECTIVE DATES**

This ordinance shall become effective on the 26<sup>th</sup> day of November, 1991.

PASSED AND ADOPTED this 26 day of November, 1991.

  
KEN WALTERS, Mayor

ATTEST:

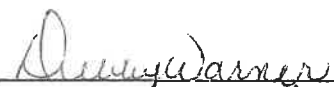
  
DEBBY WARNER, City Secretary

EXHIBIT "A"

Tract 1:

Filipps Cafe  
In Trust to City of Danbury  
Lots 7, 8, 9, 10, 11, and 12, Block 54, Danbury Townsite  
Subdivision, Brazoria County, Texas.

Tract 2:

In Trust to Brazoria County - subsequent transfer  
Lot 4, Block 85, Danbury Townsite Subdivision, Brazoria  
County, Texas