

**RESOLUTION NO. 4909-2017**

**A RESOLUTION OF THE CITY OF GRAND PRAIRIE, TEXAS,  
ESTABLISHING A POLICY CONCERNING CITY PROPERTY ALONG  
CREEKS AND DRAINAGE WAYS THAT ARE TO BE LEFT IN THEIR  
NATURAL STATE**

**WHEREAS,** The City of Grand Prairie owns properties along creeks and natural drainage ways that provide benefits to the community when left in their natural state.

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:**

**SECTION 1.** It is hereby determined to be in the best interests of the City of Grand Prairie, Texas and its inhabitants to adopt the following maintenance policy:

1. The City of Grand Prairie allows the city-owned properties along creeks, channels and drainage ways to remain in their natural state. City staff does not cut, prune, trim, remove or otherwise alter the natural vegetation, except as may be necessary in the public interest or to ensure public safety.
2. City staff can remove dead and/or fallen vegetation that is blocking the natural drainage path.
3. Per Federal Law, the tree owner does not have a duty to trim trees or vegetation that overhang a fence or property line. The adjacent landowner has the legal right to trim the tree back to the property line. (Westergard v. Whatley, 1995) Therefore, City staff will not trim, prune or otherwise maintain vegetation along a City-owned property that overhangs onto another property except as may be necessary in the public interest or to ensure public safety.
4. Some areas located along creeks are, or have the potential to be, determined as federally protected wetlands mitigation areas. In such cases, the U. S. Army Corps of Engineers (USACE) determines allowable maintenance activities according to Section 404 of the Clean Water Act. In areas already deemed to be protected wetlands, USACE states that the property "shall not be disturbed except for those USACE-approved activities that would not adversely affect the intended extent, condition, and function of the mitigation area." USACE permission must be obtained prior to any maintenance activities by City staff in wetlands areas.
5. Some areas along creeks have been dedicated as easements with strict requirements that the areas are to be preserved in their natural state. Therefore, City staff will not trim, prune, or otherwise maintain vegetation in these protected easements except as may be necessary in the public interest or to ensure public safety.

**SECTION 2.** The City of Grand Prairie hereby agrees to allow these areas to remain in their natural state unless it may be necessary in the public interest or to ensure public safety to alter their natural state.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER 2017.**

**APPROVED:**



**Ron Jensen, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**



**Deputy City Secretary**



**City Attorney**