

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CANCELING THE HISTORIC SITE TAX EXEMPTION FOR THE FOLLOWING PROPERTIES: (1) 401 W. LANCASTER AVENUE; (2) 608-610 MAIN STREET; (3) 9121 HERON AVENUE; (4) 131 E. EXCHANGE AVENUE; (5) 1200 & 1212 E. LANCASTER AVENUE; (6) 201 W. VICKERY BOULEVARD; (7) 306 W. CANNON STREET; (8) 308 W. CANNON STREET; (9) 908 E. 3<sup>RD</sup> STREET; (10) 655 MAY STREET; AND (11) 303 CRUMP STREET (900 E. 2<sup>ND</sup> STREET); PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 8, Section 1-f of the Texas Constitution provides that the Texas Legislature may encourage the preservation of cultural, historical, or natural history resources by granting or authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property so designated by the political subdivision in a manner prescribed by general law;

**WHEREAS**, pursuant to the constitutional authorization, the legislature enacted Section 11.24 of the Texas Tax Code, which permits the City of Fort Worth (“City”) by official action or ordinance to exempt from taxation part or all of the assessed value of a structure or archeological site and the land necessary for access to and use of the structure or archeological site if the structure or archeological site is designated as a historically or archeologically significant site in need of tax relief to encourage its preservation pursuant to an ordinance or other law adopted by the City;

**WHEREAS**, on May 23, 1995, the City Council of the City of Fort Worth (“City Council”) adopted Ordinance Number 11970 that, among other things, set out a new tax incentive for properties designated as highly significant endangered (“HSE”), with the stated purpose to “encourage historic preservation . . . for the stabilization, rehabilitation and renovation” of such properties;

**WHEREAS**, Ordinance No. 11970 allowed HSE properties to receive a City ad valorem tax exemption equal to all of the assessed value of the designated structure automatically upon designation of the structure as HSE (“Tax Exemption”), an interim measure pending rehabilitation, and to receive a City ad valorem tax exemption on both the structure and the land for up to fifteen years following rehabilitation;

**WHEREAS**, to receive the Tax Exemption on a yearly basis, the property owner was obligated to apply each year to the appraisal district pursuant to the provisions of the Texas Tax Code;

**WHEREAS**, the Tax Exemption was intended to act as a stop-gap measure to provide interim relief until the property owner could rehabilitate the historic structure and take advantage of the enhanced rehabilitation incentive in lieu of the Tax Exemption;

**WHEREAS**, this intent was made explicit in Ordinance Number 13896 (adopted on or about August 10, 1999), which, among other things, amended the Tax Exemption to set a termination/expiration date tied to qualifying for the rehabilitation incentive;

**WHEREAS**, Ordinance No. 13896 neglected to set a termination/expiration date for the Tax Exemption if the property never qualified for the rehabilitation incentive, resulting in a Tax Exemption continuing indefinitely, contrary to its intended purpose;

**WHEREAS**, recognizing that the automatic Tax Exemption was no longer serving its intended purpose of encouraging historic preservation, the City Council adopted Ordinance Number 17647-07-2007 on July 10, 2007 completely removing the Tax Exemption from consideration as a tax incentive in favor of project-based incentives, including those for stabilization and rehabilitation;

**WHEREAS**, there are currently eleven (11) HSE properties that are still eligible to receive the Tax Exemption on a yearly basis, with 1999 being the average year that most properties became eligible;

**WHEREAS**, the property at 401 W. Lancaster Avenue became eligible to receive the Tax Exemption on January 1, 1996, but has yet to be rehabilitated or renovated in any material fashion;

**WHEREAS**, the remaining ten (10) properties have not made the annual application to the appraisal district and, therefore, have not received the Tax Exemption after initially becoming eligible;

**WHEREAS**, the City Council desires to cancel the Tax Exemption for the properties listed below in Section 1 of this Ordinance because the Tax Exemption for each of these properties has failed to fulfill its stated purpose of encouraging historic preservation through stabilization, rehabilitation, or renovation; and

**WHEREAS**, canceling the historic site tax exemption for each of the properties listed in this ordinance does not preclude the owners of any such properties from applying for the City's rehabilitation incentives under the current Historic Preservation Ordinance.

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

**SECTION 1.**

City Council hereby cancels the Tax Exemption for the following properties, such that they will no longer be eligible to receive a City ad valorem tax exemption equal to all of the assessed value of the historically-designated structures:

1. 401 W. Lancaster Avenue (Ordinance No. 12262)
2. 608-610 Main Street (Ordinance No. 13353)
3. 9121 Heron Avenue (Ordinance No. 12262)
4. 131 E. Exchange Avenue (Ordinance No. 12262)
5. 1200 & 1212 E. Lancaster Avenue (Ordinance No. 16481-06-2005)
6. 201 W. Vickery Boulevard (Ordinance No. 13897)
7. 306 W. Cannon Street (Ordinance No. 15287)
8. 308 W. Cannon Street (Ordinance No. 15287)
9. 908 E. 3<sup>rd</sup> Street (Ordinance No. 12262)
10. 655 May Street (Ordinance No. 15287)
11. 303 Crump Street (900 E. 2<sup>nd</sup> Street) (Ordinance No. 12262)

**SECTION 2.**

The cancellation of the Tax Exemption on each of the properties listed above in Section 1 shall be effective on December 31, 2019. None of the properties listed above in Section 1 will be eligible to receive the Tax Exemption after December 31, 2019.

**SECTION 3**

Nothing contained herein is intended to affect the zoning classification for any of the properties listed.

**SECTION 4.**

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 5.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases,

clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 7.**

All other provisions of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 8.**

This ordinance shall take effect upon adoption as required by law, and it is so ordained.

**APPROVED AS TO FORM AND LEGALITY:**

**ATTEST:**

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mary J. Kayser, City Secretary

Date: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_