

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DENTON, APPROVING AN APPLICATION FOR A PARTIAL TAX EXEMPTION OF DESIGNATED HISTORIC SITES, IN ACCORDANCE WITH CHAPTER 10, ARTICLE VI, SECTIONS 10-126 THROUGH 10-129 OF THE DENTON MUNICIPAL CODE OF ORDINANCES, FOR A LOCAL HISTORIC LANDMARK, LOCATED AT 1314 N LOCUST STREET, LOCATED ON THE NORTHEAST CORNER OF N LOCUST STREET AND E 3RD STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (HL23-0001A)

WHEREAS, Article 8, Section 1-f of the Texas Constitution and Section 11.24 of the Texas Tax Code enable the City of Denton to exempt from taxation part or all of the assessed value of certain historically significant sites in need of tax relief to encourage their preservation; and

WHEREAS, pursuant to §10-128(c) of the Denton Code of Ordinances, the owner of the real property located at 1314 N Locust Street, legally described as set forth in Exhibit A, attached, and designated for purposes of *ad valorem* tax appraisal and assessment as DCAD property ID 33588 (hereinafter, the “Property”), has made and filed with the City Historic Preservation Officer a sworn, complete, and sufficient application for tax abatement of the Property, thereby satisfying all threshold substantive and procedural requirements of §10-128 of the Denton Code of Ordinances; and

WHEREAS, On April 10, 2023, the Historic Landmark Commission of the City of Denton has received, reviewed, and recommended the Property to the City Council for tax abatement in accordance with Chapter 10, Article VI of the Denton Code of Ordinances of the City of Denton, as a historically significant site in need of preservation; and

WHEREAS, pursuant to §10-126 of the Denton Code of Ordinances, all other prerequisites have been satisfied for the City Council’s certification of eligibility for such a tax abatement on the Property, as a historically significant site in need of preservation; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The foregoing recitals are incorporated into this Resolution by reference as findings of fact, as if expressly set forth herein. The City Council further finds from the matters presented before it that the Property, specifically including the structure located at 1314 N Locust Street, satisfies the tax abatement criterion set forth in Section 10-128(d) of the Denton Code of Ordinances, as a historically significant site in need of preservation, as well as the criteria set forth in §11.24(2) of the Texas Tax Code, as a historically significant site in need of tax relief to encourage its preservation pursuant to City of Denton Code of Ordinances.

SECTION 2. Notwithstanding these findings, and in compliance with the limitations set forth at §10-128 of the Denton Code of Ordinances and §11.24 of the Texas Tax Code, the determination of that portion of land which is reasonably necessary for access to, and use of, the historic structures declared herein (the “Eligible Land”), is deferred to the discretion of the Chief Appraiser of the Denton County Appraisal District, together with the discretion to determine

whether annual applications must be made to the Denton County Appraisal District in order to obtain the abatement herein approved.

SECTION 3. Accordingly, in compliance with Texas Tax Code §11.24(2), this Resolution stands as the official action of the City of Denton to abate and exempt from taxation for a period of ten (10) years following completion of the planned renovation, that portion of the assessed value of the structure located at 1314 N Locust Street and Eligible Land.

SECTION 4. Notwithstanding any approvals provided herein, the abatement remains subject to all limitations imposed by State and Federal law, specifically including, but not limited to, the Texas Tax Code.

SECTION 5. Should any paragraph, section, sentence, phrase, clause or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this Resolution shall not be affected thereby.

SECTION 6. This Resolution shall become effective immediately upon its passage and approval.

The motion to approve this Resolution was made by _____ and seconded by _____. This Resolution was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this, the _____ day of _____, 2023.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____
Digitally signed by Marcella Lunn
DN: cn=Marcella Lunn, o, ou=City
of Denton,
email=marcella.lunn@cityofdenton.com, c=US
Date: 2023.05.08 11:15:12 -05'00'

EXHIBIT "A"

A tract of land situated in the B.B.B. & C.C.R. COMPANY SURVEY, ABSTRACT NUMBER 185, Denton County, Texas, being that tract of land described in a deed to Fickey Family Properties, LLC, a Texas Limited Liability Company, recorded as Instrument Number 2009-134218, Real Property Records, Denton County, Texas. The exterior boundary is further described as follows:

Commencing at a 1/2" capped iron rod found Stamped "EAGLE SURVEYING" being in the North right of way of E. 3RD Street and the Southeast Corner of Lot 1, Block A, of the Austin Addition, an addition to the City of Denton, recorded as Document Number 2017-392, Plat Records, Denton County, Texas;

Thence N 89° 38' 02" W, a distance of 140.00 feet to the Southwest corner of Lot 1, Block A, of said plat, the East line of this tract marked by a 1/2" capped iron rod found stamped "EAGLE SURVEYING", and the POINT OF BEGINNING;

Thence S 00° 23' 29" W along the East line of the Fickey Family Properties LLC, a distance of 9.41 feet to the North line of E. 3rd Street and marked by a MAG Nail set;

Thence N 89° 55' 42" W along said right of way, a distance of 143.93 feet to the East right of way of N Locust Street and marked by a Mag Nail Set;

Thence N 00° 06' 33" E, a distance of 77.50 feet to the South line of a tract of land described in a deed to Link2Therapy, LLC, a Texas Limited Liability Company, recorded as Instrument Number 2012-105330, Real Property Records, Denton County Texas and marked by a 1/2" capped iron rod set Stamped "EAGLE SURVEYING";

Thence S 89° 55' 43" E along the Link2Therapy / Fickey Family Properties LLC common line a distance of 144.32 feet to the Northwest corner of Lot 1, Block A, Austin Addition, the Northeast corner of this tract and marked by a wooden fence corner post found;

Thence S 00° 23' 29" W along the Lot 1, Block A I Fickey Family Properties LLC common line, 68.09 feet to the POINT OF BEGINNING and containing 0.26 acres, more or less.