



## **ORDINANCE NO. 636-2018-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS DESIGNATING PROPERTY LOCATED WITH THE CITY AS A LOCAL HISTORIC LANDMARK FOR PURPOSES OF ARTICLE VI OF CHAPTER 34 OF THE VENUS CODE OF ORDINANCES, ORDERING THE FILING OF THE DESIGNATION WITH LAND RECORDS, PROVIDING A PUBLICATION CLAUSE; CERTIFYING THIS ORDINANCE WAS PASSED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venus ("City") is a Type A General Law municipality located in Johnson and Ellis Counties, Texas, created in accordance with the provisions of the TEXAS LOCAL GOVERNMENT CODE, Title 2, Chapter 6, and operating pursuant to enabling legislation of the State of Texas;

**WHEREAS**, the City is authorized and empowered to adopt and enforce zoning ordinances to regulate the construction, reconstruction, alteration or razing of buildings or other structures designated as a place or area of historical, cultural or architectural importance and significance (TEXAS LOCAL GOVERNMENT CODE SECTION 211.003(b) and TEXAS LOCAL GOVERNMENT CODE SECTION 54.001);

**WHEREAS**, the City Council ("Council") of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants and in attracting businesses, promoting the city as a great place to work and live, preserving the value and assets of individual property owners and in establishing standards of aesthetics and appearances of buildings and areas within the city to accomplish all of these responsibilities;

**WHEREAS**, the city has a rich, storied history, with its architecture and structural aspects as a functional piece of that history;

**WHEREAS**, the City has a duty and responsibility to preserve the past, and by doing so will promote the future;

**WHEREAS**, the Council adopted Article VI of Chapter 34 of the VENUS CODE OF ORDINANCES in May 2017 to provide a process and protection for citizens, the city and others to apply for buildings and landmarks to be designated as historic landmarks;

**WHEREAS**, An application for local historical landmark designation for property within the city located at 104 West Second Street ("Property"), Venus, Texas 76084 was received by the City;

**WHEREAS**, the Council sitting as the Historic Preservation Commission, per the authorization of the ordinance, received the application and reviewed and found it to be in compliance with Article VI of Chapter 34 of the VENUS CODE OF ORDINANCES;

**WHEREAS**, the Historic Preservation Commission held a public hearing to hear from the public on the issue of whether to designate the property as a local historic landmark; and

**WHEREAS**, the Historic Preservation Commission finds the Property qualifies for local historic landmark designation per Article VI of Chapter 34 of the VENUS CODE OF ORDINANCES.

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

#### **SECTION ONE. LOCAL HISTORIC LANDMARK DESIGNATION**

The Property is hereby designated as a local historic landmark pursuant to VENUS CODE OF ORDINANCES, Chapter 34, Article VI. The Council supports the preservation and retention of the historic architecture, period design, common façade and/or general recognizable building history of the Property. From here forward, the Property is subject to enforcement of the Chapter 34, Article VI, as amended.

#### **SECTION TWO. ORDERING DESIGNATION BE RECORDED**

As required by Sec. 34.165(9), the City Secretary or Historic Preservation Officer are ordered to file with the land records of the Property a copy of this Ordinance designating the Property as a local historic landmark. The designation shall run with the land, and not be changed, removed or altered without the City's consent and council action.

#### **SECTION THREE. PUBLICATION**

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the city, the caption, publication clause and effective date

clause of this ordinance in one issue of the official newspaper of the city, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

#### **SECTION FOUR. OPEN MEETINGS ACT COMPLIANCE**

The Council and Mayor are committed to open and transparent government and are strong supporters of The TEXAS OPEN MEETINGS ACT. And as such, the meeting at which this ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

#### **SECTION FIVE. SEVERABILITY**

Should any section, clause, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **SECTION SIX. REPEALER**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

#### **SECTION SEVEN. EFFECTIVE DATE**

This ordinance shall become effective immediately from and after its passage by Council.

**PASSED AND APPROVED** by the City Council of the City of Venus, Texas, on this the 12<sup>th</sup> day of February, 2018.


APPROVED:

  
\_\_\_\_\_  
MAYOR JAMES L. BURGESS


PASSED: MONDAY, FEBRUARY 12, 2018

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, February 12, 2018.

ATTEST:

  
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RANA GAMEL  
City Secretary

APPROVED AS TO FORM:

  
CASS CALLAWAY  
City Attorney

