

**ORDINANCE NO. 19-344**

**AN ORDINANCE OF THE CITY OF MASON REGULATING HISTORIC PROPERTIES AND DISTRICTS AND CREATING A PROCEDURE FOR THE DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Mason believes that the protection and perpetuation of landmarks and districts of historical significance is necessary to promote the economic, cultural, and educational welfare of the residents of the City; and

**WHEREAS**, CH. 51 TEXAS LOCAL GOVERNMENT CODE, Section. 51.051(a) provides that the governing body of a Type C general-law municipality with 501 to 4,999 inhabitants has the same authority and is subject to the same duties as a Type A general-law municipality unless the authority or duties conflict with a provision of this code relating specifically to a Type C general-law municipality;

**WHEREAS**, CH. 11 TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

**WHEREAS**, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section. 211.003(b) provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures; and

**WHEREAS**, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005(a) authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations vary from district to district; and

**WHEREAS**, pursuant to CH. 211 TEXAS LOCAL GOVERNMENT CODE, the City Commission has given due public notice of hearings related to the designation of historical landmarks and historical districts and the regulations proposed in such an ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON, TEXAS THAT ORDINANCE NO. 19-344 IS HEREBY ADOPTED AND ENACTED AS FOLLOWS:**

## **ARTICLE I. – ADOPTION OF HISTORICAL PRESERVATION.**

### **SECTION 1. PURPOSE.**

The City Commission of the City of Mason hereby declares that, as a matter of public policy, the protection and perpetuation of landmarks and districts of historic significance is necessary to promote the economic, cultural, and educational welfare of the residents of Mason, a town that is known for its historic courthouse square and sandstone structures. This ordinance is intended to:

- (a) Protect and enhance the landmarks and districts which represent distinctive elements of Mason’s historic, architectural, ethnic, political, and cultural heritage and its unique place in Texas history;
- (b) Foster civic pride in the accomplishments of the past and increase public appreciation of Mason’s unique identity;
- (c) Promote Mason’s economic prosperity by enhancing its attractiveness to tourists, visitors, shoppers, and purchasers of real property;
- (d) Ensure the harmonious, orderly, and efficient growth and development of Mason by preventing the demolition of irreplaceable historic structures without prior review and approval;
- (e) Balance the interests of the public, which justify the preservation of Mason’s history and culture, with those of private property owners, who should have the reasonable use of and return from their assets; and
- (f) Encourage stabilization of such properties and their values.

### **SECTION 2. DEFINITIONS.**

A “contributing structure” is a structure located within a historic district that was built prior to 1936 and meets at least two of the criteria for landmark designation set forth in Section 4. For this purpose, any structure that appears on the Sanborn Map Company’s January 1936 map of Mason, Texas, is presumed to have been built prior to 1936.

A “covered structure” is either a historic landmark or a contributing structure.

“Demolition” is an act or process that physically destroys a structure in whole or in part, including the permanent impairment of its structural, historical, or architectural integrity. By way of example but not by limitation, the following alterations, in and of themselves, do not constitute demolition: repointing masonry; removing or adding plaster; adding a masonry veneer; replacing doors, windows, porch floors, or roofing materials; modifying or removing steps, stairways, or walkways; and performing ordinary repair and maintenance, including repainting or changing the color scheme.

“Exterior feature” refers to the architectural style, general design, general arrangement, and components of all of the outer surfaces of a structure (as distinguished from the interior surfaces enclosed by such outer surfaces), including, without limitation, the walls, roof, signs, and other appurtenant fixtures of the structure.

A “historic district” is a geographic area designated by the City Commission or other governmental agency, including the Mason National Register Historic District established in 1974 and expanded in 1991, that possesses a significant concentration, linkage, or continuity of structures united historically or aesthetically.

A “historic landmark” is a structure, either within or outside a historic district that has been designated as a historic landmark in accordance with the procedure set forth in Section 3.

“Historic significance” refers to a structure’s value in helping understand the history and development of the local area by illuminating a distinctive architectural style or the impact of the events or persons associated with the structure.

“Interested person” includes, without limitation, the owner of a structure at issue, a person who recommends that a structure be designated as a historic landmark or that an area be designated as a historic district, and the Mason County Historical Commission.

The “1987 Mason, Texas Historic Site Survey” is a comprehensive architectural and historical inventory of 613 structures within the city prepared by Sally S. Victor and Larry D. Hodge for the City of Mason and the Texas Historical Commission.

“Owner” means the record owner of a structure according to the records of the Mason Central Appraisal District.

“Person” means a natural or juridical person.

“Preserve” means to apply measures necessary to sustain the existing form, integrity, and materials of a structure, including stabilization work if necessary and ongoing maintenance of the historic building materials.

“Reasonable economic return” means a reasonable profit or capital appreciation that may accrue from the use or ownership of a structure as the result of an investment of money or labor.

A “religious organization” is an organization that qualifies as such under Section 11.20 of the Texas Tax Code.

“Restore” means to accurately recover the form, features, and character of a structure and its setting as it appeared at a particular period of time, removing features from other periods in its history and reconstructing missing earlier features.

“Structure” means a human-made object constructed or erected that requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings, stone fences, and outbuildings such as barns, smokehouses, garages, and tank houses.

### **SECTION 3. DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS.**

(a) Recommendation; notice to owner(s).

- (i) With respect to structures that were classified as “High Priority” in the 1987 Mason, Texas Historic Site Survey and were built prior to 1911 according to that Survey, as listed in Appendix A, the City of Mason shall give written notice by regular U.S. mail to the owner(s) of each such structure stating that the structure meets the criteria for designation as a historic landmark, describing the impact that such designation may have on the owner(s) and the structure in accordance with Section 211.0165 of the Texas Local Government Code, and asking the owner(s) to indicate in writing whether or not they consent to landmark designation. The mailing shall include a form for this purpose, which must indicate whether or not the owner(s) consent to landmark designation, must be signed by all the owners of the structure, and must be returned to the city office within 60 calendar days. If the form is not returned within 60 calendar days, the owner(s) of the structure may be treated as non-consenting owner(s).
- (ii) With respect to structures other than those described in subsection (a)(i), any person, including a member of the Planning and Zoning Commission or the owner(s) of the structure at issue, may recommend to the Planning and Zoning Commission that a structure be designated as a historic landmark. The person making the recommendation may submit documentation in support of designation to the Planning and Zoning Commission. At its next regular meeting, the Planning and Zoning Commission shall make a preliminary determination by majority vote whether or not the structure meets two or more of the criteria for designation set forth in Section 4. In making this determination, the Planning and Zoning Commission may, in its discretion, consult the chair of the Mason County Historical Commission or seek other expert advice. If the Planning and Zoning Commission determines that the structure meets two or more of the criteria for designation as a historic landmark, it shall give to the owner(s) by regular U.S. mail the written notice described in subsection (a)(i). If the Planning and Zoning Commission determines that the structure does not meet two or more of the criteria for designation as a historic landmark, any interested person may appeal this decision to the City Commission by following the procedure set forth in Section 5(g).

(b) Consent or non-consent by owner(s); hearing; determination.

- (i) If the owner(s) of a structure described in subsection (a)(i) consent to designation of the structure as a historic landmark, the structure shall be designated as a

historic landmark. If the owner(s) of a structure described in subsection (a)(ii) consent to designation of the structure as a historic landmark, the Planning and Zoning Commission shall recommend to the City Commission that the structure be so designated. If the City Commission approves such designation by majority vote, the structure shall be designated as a historic landmark. The owner(s) may withdraw consent at any time during the designation process.

- (ii) If the owner of a structure described in subsections (a)(i) or (a)(ii) is a religious organization and does not consent to designation of the structure as a historic landmark, the structure shall not be designated as a historic landmark. If the owner(s) do not qualify as a religious organization and do not consent to designation of the structure as a historic landmark: (1) the Planning and Zoning Commission shall conduct a public hearing within 90 calendar days after the date the city office receives the owners' written non-consent form or otherwise deems the owner(s) to be non-consenting, if the structure is located outside a historic district; or (2) if the structure is located within a historic district, the Planning and Zoning Commission may, in its discretion, conduct such a hearing. At least sixteen (16) calendar days prior to the date of the hearing, the Planning and Zoning Commission shall cause to be published a legal notice of the date, time, and place of the hearing in a newspaper of general circulation in Mason, Texas. At least eleven (11) calendar days prior to the date of the hearing, the Planning and Zoning Commission shall give the non-consenting owner(s) written notice by regular U.S. mail of the date, time, and place of the hearing. At the public hearing, the owner(s), any interested persons, and technical experts may present testimony or documentary evidence that will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic landmark. If the Planning and Zoning Commission determines by three-fourths vote that the structure should be designated as a historic landmark despite the owners' objection, the Planning and Zoning Commission shall submit a written recommendation to the City Commission that the structure be so designated. The City Commission shall hold a public hearing within 30 calendar days following its receipt of the recommendation from the Planning and Zoning Commission. If the City Commission approves such designation by three-fourths vote, the structure shall be designated as a historic landmark.
- (iii) If the owner(s) of a structure described in subsections (a)(i) or (a)(ii) do not consent to designation of the structure as a historic landmark and the structure is not so designated as provided in subsection (b)(ii), any person may subsequently make a new recommendation to the Planning and Zoning Commission that the structure be so designated if circumstances have substantially changed so that reconsideration is warranted.

(c) Moratorium on demolition.

A structure that is eligible for designation as a historic landmark under subsection (a)(i), that has been recommended for designation under subsection (a)(ii), or that is under consideration for designation as a contributing structure under Section 5(b) shall be treated as a covered structure for purposes of Section 5(a) until a final determination has been made under subsection (b) or Section 5(b) that the structure either is or is not a covered structure.

(d) Historic districts.

Any person may recommend to the Planning and Zoning Commission that an area be designated as a historic district. The person making the recommendation may submit documentation in support of designation to the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct a public hearing within 30 calendar days after it receives the recommendation. At least sixteen (16) calendar days prior to the date of the hearing, the Planning and Zoning Commission shall cause to be published a legal notice of the date, time, and place of the hearing in a newspaper of general circulation in Mason, Texas. At least eleven (11) calendar days before the date of the hearing, the Planning and Zoning Commission shall give written notice by regular U.S. mail of the date, time, and place of the hearing to the record owner(s) of all real property in the area proposed to be included in the historic district. At the public hearing, the owner(s) of real property in the proposed area, any interested persons, and technical experts may present testimony or documentary evidence that will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic district. In recommending designation of a historic district, the Planning and Zoning Commission shall affirmatively find that the area contains two or more structures possessing at least two of the criteria set forth in Section 4 and constitutes a distinct section of the city. The Planning and Zoning Commission shall submit a written recommendation to the City Commission that the area be designated as a historic district as proposed, be designated as a historic district with modifications, or not be designated as a historic district. The City Commission shall hold a public hearing within 30 calendar days following its receipt of the recommendation from the Planning and Zoning Commission. If the City Commission approves such designation by majority vote, the area shall be designated as a historic district. If the Planning and Zoning Commission has recommended denial of the designation, such designation shall not become effective except by the concurring vote of a three-fourths vote of four members of the City Commission. Any proposal to modify the boundaries of a designated historic district, either adding area to the district or removing area from the district, shall be treated in the same manner as an original recommendation to designate an area as a historic district.

(e) Recordation.

On designation of a structure as a historic landmark or designation or modification of a historic district, the City Commission shall cause the designation to be recorded in the official public records of real property of Mason County, the tax records of the City of Mason, and the Mason Central Appraisal District. The City of Mason shall pay any applicable recording and related fees. The City of Mason shall prepare a separate map

showing the boundaries of all historic districts within the city and the location of all designated historic landmarks, and it shall update this map as necessary.

#### **SECTION 4. CRITERIA FOR DESIGNATION.**

Structures that were classified as “High Priority” in the 1987 Mason, Texas Historic Site Survey and were built prior to 1911 according to that Survey, as listed in Appendix A, are deemed to meet the criteria for landmark designation and may be designated as historic landmarks in accordance with the abbreviated procedure set forth in Section 3(a)(i) and (b)(i). With respect to other structures, a structure may be designated as a historic landmark if it meets two or more of the following criteria:

- (a) It embodies the distinctive architectural characteristics of a type, period, or method of construction, or it exhibits exceptional craftsmanship or architectural innovation.
- (b) It is associated with persons or events that were significant in Mason’s past.
- (c) It has been designated as a National Historic Landmark or Recorded Texas Historic Landmark, has been recognized with a Texas State Historical Marker or Mason County Historical Marker, or has been entered on the National Register of Historic Places.
- (d) It represents the work of Richard Ernest Grosse, August Brockmann, Thomas A. Broad, or any other master designer, builder, or craftsman whose work has influenced Mason’s development.
- (e) It represents the ethnic heritage of Mason or is otherwise culturally significant.
- (f) It is a source of public pride or community or neighborhood sentiment.
- (g) It is readily visible to the public because of its location on Highway 87 (San Antonio Street or Fort McKavitt Street), Highway 29 (Austin Street), or the courthouse square.

#### **SECTION 5. DEMOLITION REVIEW.**

- (a) Prohibition on demolition of covered structures.

It shall be unlawful to wholly or partially demolish any exterior feature of any covered structure without the prior review and approval of the Planning and Zoning Commission as provided in this section.

- (b) Designation of contributing structures.

If the City Administrator or City Building Official receives an application for a permit to wholly or partially demolish a structure that has not been designated as a historic landmark but that (i) is located within a historic district and (ii) was built prior to 1936, the City Administrator or City Building Official shall forward the application to the

Planning and Zoning Commission to consider whether or not the structure is a contributing structure. The structure is subject to Section 3(c) while it is under consideration. The owner(s) of the structure shall be presumed to be non-consenting owner(s). At its next regular meeting, the Planning and Zoning Commission shall make a preliminary determination by majority vote whether or not the structure is eligible for designation as a contributing structure by determining whether or not it meets two or more of the criteria set forth in Section 4. If the Planning and Zoning Commission determines that the structure not eligible for designation as a contributing structure, any interested person may appeal this decision to the City Commission by following the procedure set forth in Section 5(g). If the Planning and Zoning Commission determines that the structure is eligible for designation, it shall conduct a public hearing within 30 calendar days after the date it makes this determination. The procedure for conducting the hearing and designating the structure as a contributing structure shall be the same as the procedure for designating a proposed historic landmark owned by a non-consenting owner under Section 3(b)(ii).

(c) Application for demolition permit.

Any person seeking to wholly or partially demolish a covered structure shall submit an application to the City Administrator or City Building Official, who shall review it for completeness. If any additional information is required, the City Administrator or City Building Official shall notify the applicant. On receipt of a complete application, the City Administrator or City Building Official shall forward the application to the Planning and Zoning Commission for review in accordance with this section.

(d) Application requirements.

The application must be accompanied by the following information to be considered complete:

(i) A written statement showing that the demolition is sought for one or more of the following reasons:

(A) If the covered structure is located within a historic district, it will be replaced with a new structure, whether traditional or contemporary in style, that is at least as appropriate and compatible with the historic district.

(B) It would constitute an economic hardship to preserve the structure in that:

(1) The structure is incapable of earning a reasonable economic return on the owners' investment, regardless of whether that return represents the most profitable return possible;

(2) The structure cannot be adapted for another use, whether by the current owner(s) or by a purchaser, that can result in a reasonable economic return; and

- (3) No potential purchaser of the structure with a reasonable offer who intends to preserve it can be identified.
  - (C) The covered structure poses an imminent threat to public health or safety.
  - (D) In the case of partial demolition, the portion of the covered structure to be demolished is not a part of the structure as it was originally built and is of little or no independent historic significance.
  - (E) In the case of partial demolition, the portion of the covered structure to be demolished has deteriorated to the point where it is not practically or economically feasible to preserve it, and it will be reconstructed, using as many of the original materials as possible, so that the new construction is a reasonable facsimile of the portion to be demolished.
- (ii) The following documentation:
- (A) Drawings, photographs, or written descriptions depicting the original construction and use of the structure, if available.
  - (B) Drawings, photographs, or written descriptions depicting the current condition of the structure.
  - (C) If all or part of the structure is being replaced or reconstructed, drawings of the new structure or portion of the structure to be reconstructed and a written description of the materials to be used.
  - (D) If the applicant is claiming economic hardship:
    - (1) The current fair market value of the structure as determined by an independent licensed appraiser;
    - (2) All listings of the structure for sale or rent within the previous two years, prices asked, and offers received;
    - (3) A profit and loss statement for the structure containing the gross income and itemized expenses for the past two calendar years; and
    - (4) An estimate prepared by a general contractor or other building professional of the cost to preserve the structure.
  - (E) If the applicant is claiming an imminent threat to public health or safety, a study performed by a licensed architect or engineer addressing the nature, imminence, and severity of the threat.

(F) If a portion of the structure is to be demolished and reconstructed, a written statement prepared by a general contractor or other building professional addressing the feasibility and cost of preserving rather than reconstructing that portion of the structure.

(G) Any other evidence the Planning and Zoning Commission requests.

(H) Any other evidence the applicant wishes to submit.

(e) Planning and Zoning Commission hearing on application for demolition.

(i) The Planning and Zoning Commission shall conduct a public hearing within 30 calendar days of the date the City Administrator or City Building Official receives a completed application to demolish all or part of a covered structure and shall approve or deny the application. The applicant has the burden of proof to establish the necessary facts to warrant approval of the application.

(ii) At least sixteen (16) calendar days prior to the date of the hearing, the Planning and Zoning Commission shall cause to be published a legal notice of the date, time, and place of the hearing in a newspaper of general circulation in Mason, Texas. At least eleven (11) calendar days prior to the date of the hearing, the Planning and Zoning Commission shall give the applicant written notice by regular U.S. mail of the date, time, and place of the hearing. The Planning and Zoning Commission shall notify the applicant of its action within ten calendar days of the decision, which must be in writing and must contain the findings underlying the decision.

(iii) If the Planning and Zoning Commission determines by majority vote that the structure may be demolished and no appeal to the City Commission is made within 30 calendar days, the City Building Official may issue a demolition permit if all other requirements for such permit are met.

(iv) If the Planning and Zoning Commission determines by majority vote that the structure should not be demolished, the application shall be suspended for a period of one year from the date of the final decision, unless there are changed circumstances sufficient to warrant a new hearing before the expiration of the one-year period. After the expiration of the one-year period following a denial of an application, the applicant may file a new application for demolition of the structure.

(f) Standards for approval.

Demolition of a covered structure constitutes an irreplaceable loss to the quality and character of Mason. It is strongly discouraged and should be allowed only for the reasons described in subsection (d)(i). In making its decision, the Planning and Zoning Commission shall solicit an opinion from the chair of the Mason County Historical Commission on the historic significance of the covered structure under review. The Planning and Zoning Commission may, in its discretion, also seek expert advice in the

field(s) of real estate development, appraisal, financing, law, architecture, engineering, history, and other relevant disciplines. The Planning and Zoning Commission shall deny the application unless it makes the following findings:

- (i) For an application to replace a covered structure in the historic district with a new structure:
  - (A) The new structure would be at least as appropriate and compatible with the existing structures in the historic district as the structure to be demolished; and
  - (B) The owner(s) have the financial ability and demonstrated intent to build the new structure.
- (ii) For an application to demolish a covered structure on the ground of economic hardship:
  - (A) The structure is currently incapable of earning a reasonable economic return;
  - (B) The structure cannot be preserved at a reasonable cost in relation to its current market value; and
  - (C) The owner(s) have not been able to find a purchaser who would preserve the structure despite reasonable efforts to do so.
- (iii) For an application to demolish a covered structure that poses an imminent threat to public health or safety:
  - (A) The structure has been documented by a licensed architect or engineer as an imminent threat to public health and safety;
  - (B) The demolition is required to alleviate the threat to public health and safety; and
  - (C) There is no reasonable way other than demolition to eliminate the threat in a timely manner.
- (iv) For an application for partial demolition of a covered structure under subsection (d)(i)(D):
  - (A) The applicant has presented convincing evidence that the portion of the structure to be demolished is not a part of the structure as it was originally built;
  - (B) The portion of the structure to be demolished has little or no independent historic significance; and

(C) The proposed demolition will enhance the historic character of the structure more than it will diminish it.

(v) For an application for partial demolition of a covered structure under subsection (d)(i)(E):

(A) Preservation of the portion of the structure to be demolished is not technically feasible or cannot be accomplished at a reasonable cost; and

(B) The reconstruction of that portion will be undertaken in a manner that preserves as many of the original materials as possible, that uses historically appropriate new materials, and that will result in minimal alteration in the appearance of the structure.

(g) Appeals.

Any interested person may appeal a decision of the Planning and Zoning Commission to the City Commission by filing a written notice with the City Administrator or City Building Official within 30 calendar days after the Planning and Zoning Commission's decision. The City Commission shall hear and decide the appeal within 30 calendar days of its filing. In considering an appeal, the sole issue before the City Commission is whether the Planning and Zoning Commission erred in evaluating the historic significance of the structure or area under consideration based on the criteria listed in Section 4 or erred in applying the standards for approval of demolition under Section 5(f). The City Commission shall reach its decision based on the evidence originally presented to the Planning and Zoning Commission.

## **SECTION 6. PENALTIES.**

(a) Civil and criminal penalties authorized.

The City of Mason shall have the power to administer and enforce the provisions of this ordinance and to seek civil and criminal penalties. Any violation of this ordinance is hereby declared to be a nuisance.

(b) Criminal prosecution.

Any person violating Section 5(a) shall be deemed guilty of a misdemeanor and, on conviction, shall be fined a sum not exceeding \$2,000.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(c) Civil and administrative remedies.

Nothing in this ordinance shall be construed as a waiver of the City of Mason's right to bring a civil action or take administrative action to enforce Section 5(a) and to seek all remedies allowed by law, including, without limitation, the following:

- (i) Injunctive relief to prevent or require specific conduct;
- (ii) A civil penalty not exceeding \$1,000.00 per day (with each day constituting a separate offense) when it is shown that the violator was actually notified of the requirements of Section 5(a) and, after receiving notice, committed acts in violation of Section 5(a);
- (iii) A stop-work order issued by the City Building Official, in which case all work at the site shall immediately cease, and an administrative fee of \$300.00 (which is in addition to any other applicable fees) shall be assessed in order to apply or re-apply for a building or other permit for the site;
- (iv) Damages equal to the cost of restoring the structure to its former appearance or, if it is not feasible to restore the structure, damages equal to the cost of constructing, using as many of the original materials as possible, a new structure that is a reasonable facsimile of the historic structure;
- (v) If a covered structure is demolished in violation of Section 5(a), no building or other permits will be issued for construction on the site, with the exception of a permit to restore such covered structure, for a period of five years after the date of such demolition, and no parking lot for vehicles shall be operated on the site (whether for remuneration or not) for a period of five years after the date of such demolition;
- (vi) Any engineer, architect, appraiser, or attorney fees related to the enforcement of Section 5(a), as well as court costs; and
- (vii) Any other available relief.

## **ARTICLE II. – REPEALER.**

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

## **ARTICLE III. -- SEVERABILITY.**

If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

**ARTICLE IV. – PROPER NOTICE AND MEETING.**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended, and the procedure as required by Chapter 211 of the Texas Government Code

**ARTICLE VI. – EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE \_\_\_th DAY of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Brent Hinckley, Mayor

ATTEST:

\_\_\_\_\_  
Pattie Allen, City Secretary

## APPENDIX A PRE-1911 HIGH PRIORITY STRUCTURES

These structures are listed alphabetically by street address, followed by historical name. These structures have been classified as “High Priority” per the 1987 Mason, Texas Historic Site Survey:

110 Austin, Stage Stop Livery  
305 Austin, M. E. Sands/Barnhart House  
311 Austin, R. J. Baze/Jim Brown House  
510 Austin, Francis Gilbert House/Ben Gooch Office  
510 Austin, E. H. Bogusch/Louella Loring House  
524 Austin, Ben Gooch/J. W. White House  
600 Austin, Ben Gooch/J. W. White Barn  
605 Austin, Leonard Light/Martin Moran House  
210 S. Avenue B, St. Joseph Catholic Church & Rectory  
204 N. Avenue F, Jacob Durst/Rubye Jordan House  
1004 S. Avenue F, O. H. Mebus House  
210 Bluebird, John Shaeg House  
224 Bluebird, Erv Hamilton House  
211 Broad, J. H. Alberson House  
305 Broad, M. V. Bridges House  
309 Broad, Dan Bickenbach House  
405 Broad, Reynolds/Seaquist House  
410 Broad, Arthur Lemberg/Kinney Eckert House  
203 Bryan, August Brockmann/W. E. Wheeler House  
204 W. College, Fort Mason Stable  
410 Doell St., Henderson Doell Tank House  
617 El Paso, Harry Bierschwale House  
711 El Paso, Anna Martin House  
100—102 Ft. McKavitt, S&H Building  
106 Ft. McKavitt, Louis Schmidt Building  
108 Ft. McKavitt, Bridges Buildings  
110 Ft. McKavitt, Bridges Buildings  
112—114 Ft. McKavitt, King & Schmidt Buildings  
116 Ft. McKavitt, King & Schmidt Buildings  
120 Ft. McKavitt, T. A. Lange Building  
122—124 Ft. McKavitt, Anton Hoerster Building  
126—128 Ft. McKavitt, E. W. Kothmann Building  
130 Ft. McKavitt, Vedder Building  
201 Ft. McKavitt, Mason County Courthouse  
218 Ft. McKavitt, Mason Drug Company Building  
220 Ft. McKavitt, Hofmann Dry Goods Building  
226—228 Ft. McKavitt, Fulton/Henderson Building  
246 Ft. McKavitt, Ranck Building  
347 Ft. McKavitt, August Arhelger House

421 Ft. McKavitt, Holmes & Bierschwale Land Office  
437 Ft. McKavitt, Henry McDougall House  
605 Ft. McKavitt, H. Nicholas/J. E. Butler House  
102 Fulton, C. Holberg House  
1204 Lincoln, Henry Pluenneke House  
1405 Lincoln, Fritz Winkel House  
105 N. Live Oak, Mason House  
109 N. Live Oak, S. F. Bridges/J. W. Leslie House  
135 N. Live Oak, S. F. Bridges Rent House  
205 N. Live Oak, S. F. Bridges House  
210 N. Live Oak, J. D. Beck House  
649 N. Live Oak, Stanford Henrich House  
100—104 S. Live Oak, E. Lemburg Building  
106 S. Live Oak, C&G/Henrich Saddle Shop Building  
108 S. Live Oak, Henrich Dry Goods Building  
114 S. Live Oak, Louis Schmidt/R. Grosse & Sons Building  
116 S. Live Oak, R. Grosse & Sons Building  
122 S. Live Oak, Charles Bierschwale House  
311 S. Live Oak, John Gamel Potato House  
442 S. Live Oak, Dr. Oscar Huff House  
216 Lotus, Dr. C. L. McCollum House  
104 Magnolia, St. Paul Lutheran Church  
405 Magnolia, Henry Marcus Jones House  
110—114 Moody, F. Hoerster Building  
210 Moody, Max/Kurt Martin House  
320 Moody, E. J. Lemburg House  
505 Moody, Mason High School  
110 Olmos, Old M. V. Bridges/Josie Todd House  
105 Orange, Wilson Hey House  
205 N. Pecan, Frank Moody/O. H. Mebus House  
249 S. Pecan, Ed Wartenbach/Minnie Beck House  
104 Pontotoc, Ben Gooch/John Banks House  
717 Post Hill, Dan Lehmberg House  
730 Post Hill, W. E. Jordan Smokehouse  
116 Post Oak, John Geistweidt House  
725 W. Rainey, John Wartenbach House  
610 N. Robin, M. F. Carter House  
117 S. Robin, House, Origin Unknown  
130 S. Robin, Old Methodist Parsonage  
217 San Antonio, Henry Holmes House  
224 San Antonio, John Gamel House  
311 San Antonio, Patterson Moneyhon House  
411 San Antonio, Fritz Hoerster/Rogers House  
505 San Antonio, Charles Grote House  
511 San Antonio, B. Allen/Smith House  
705 San Antonio, C. C. Smith House

866 San Antonio, William Hofmann Sandstone Outbuilding  
949 San Antonio, Jacob Schuessler House  
111 Schmidt, Louis Schmidt/Leon Mayo/Henry Leifeste House  
305 Smith, Carl Hofmann Sandstone Cottage  
304 Spring, Leon Mayo/Marvin Eckert House  
305 Spring, Methodist Episcopal Church Parsonage  
404 Spring, Will Lemburg House  
416 Spring, Methodist Episcopal Church  
516 Spring, Tom Lindsay/Dave Polk House  
105 Spruce, Ben Hey/Henry Keller House  
125 Westmoreland, Mason County Jail  
201—205 Westmoreland, Henry Hofmann Building  
105 Willow, First Christian Church