

## **ORDINANCE NO. 2019-**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 4.5.2.1(B)(2) OF THE CITY'S DEVELOPMENT CODE TO ESTABLISH THE THOMPSON/CAPE DAM AND DITCH ENGINEERING STRUCTURE NEAR THE INTERSECTION OF CAPE ROAD AND THE SAN MARCOS RIVER AS A LOCAL HISTORIC LANDMARK; AND INCLUDING PROCEDURAL PROVISIONS.**

#### **RECITALS:**

1. On October 4, 2018, the Historic Preservation Commission held a public hearing regarding a request to designate the Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a local historic landmark and voted to recommend approval of the request.

2. On November 27, 2018, the City Planning and Zoning Commission held a public hearing regarding the request and voted to recommend that the request be denied.

3. Following a public hearing, and considering the recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council wishes to designate and establish the Thompson/Cape Dam and Ditch Engineering Structure as a local historic landmark under applicable provisions of the City's Development Code.

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 4.5.2.1(B)(2) of the City's Development Code, Subpart B of the San Marcos City Code, is amended to designate and establish the Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a local historic landmark as follows (underlining indicates added text):

2. The following local Historic landmarks are established within the City limits:
  - a. The Oak Heights Live Oak Tree located in the 500 Block of Franklin Drive.
  - b. The Charles S. Cock House located at 400 E. Hopkins Street.
  - c. The Merriman Cabin located at 150 C.M. Allen Parkway.
  - d. The Dunbar School located at 801 Endicott Street.
  - e. The Old Fish Hatchery located at 204 C.M. Allen Parkway.
  - f. The Commemorative Air Force Hangar located at 2249 Airport Drive.
  - g. The Civil Air Patrol Building A located at 1945 Airport Drive.

h. Graham Tower located at 1921 Airport Drive.

i. The Old African American Church located at 219 West MLK Drive.

j. Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect upon its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on January 29, 2019.

**PASSED, APPROVED AND ADOPTED** on second reading February 5, 2019.

Jane Hughson  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney