

ORDINANCE NO. 2019-02

**ORDINANCE TO EXEMPT REAL PROPERTY OWNED BY
MILLWALD THEATRE, INC. FROM REAL PROPERTY TAXATION**

WHEREAS, Millwald Theatre, Inc., has petitioned the Board of Supervisors of Wythe County, Virginia (“Board of Supervisors”) to exempt from taxation certain real property pursuant to Article X, § 6(a)(6) of the Constitution of Virginia.

WHEREAS, Virginia Code § 58.1-3651 sets forth the procedure, including the adoption of an ordinance, by which the Board of Supervisors may designate property as tax exempt.

WHEREAS, Virginia Code § 58.1-3651 further establishes certain requirements for a public hearing concerning the adoption of such an ordinance.

WHEREAS, Virginia Code § 58.1-3651(B) sets forth certain questions and materials to be considered by the Board of Supervisors prior to the adoption of such an ordinance.

WHEREAS, the Board of Supervisors, after due notice and public hearing, has considered the questions and materials set forth in Virginia Code § 58.1-3651(B) and has determined that the petition for the proposed exemption from taxation should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Wythe County, Virginia, that:

1. In accordance with Virginia Code § 58.1-3651(A) the Board of Supervisors hereby designates Millwald Theatre, Inc., a nonprofit organization, as a charitable organization within the context of Article X, § 6(a)(6) of the Constitution of Virginia.
2. In accordance with Virginia Code § 58.1-3651(A) the Board of Supervisors hereby exempts from local property taxation the real property located in Wythe County at 203-207 West Main Street, Wytheville, VA 24382 (Tax Map No.: 41A-001-0062-0008), owned by Millwald Theatre, Inc., (Instrument Number 190002018) and used by it exclusively for charitable purposes.
3. Pursuant to Virginia Code § 58.1-3605, the Millwald Theatre, Inc., shall file triennially an application with the Commissioner of the Revenue of Wythe County as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next sixty days preceding the tax year for which such exemption, or the retention thereof, is sought
4. The clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and to the Millwald Theatre, Inc.
5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which the Millwald Theatre, Inc., is designated.

6. This ordinance shall become effective at 12:00 a.m., September 11, 2019.

This ordinance was duly considered following a required public hearing held on September 10, 2019, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on September 10, 2019, the members voting:

| <u>NAME</u> | <u>FOR</u> | <u>AGAINST</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|-------------------------|------------|----------------|---------------|----------------|
| Brian W. Vaught | X | | | |
| Charlie G. Lester | X | | | |
| Ryan M. Lawson | X | | | |
| Joe F. Hale | X | | | |
| Coy L. McRoberts | X | | | |
| B.G. "Gene" Horney, Jr. | X | | | |
| Timothy A. Reeves, Sr. | X | | | |

I certify that this is a true and correct copy taken from the September 10, 2019, minutes of the Wythe County Board of Supervisors meeting.



Martha G. Collins, Clerk