

October 4, 1976
Ordinance Book 23 - Page 371
ORDINANCE NO. 312-X

1976 Oct 14 AM 10 48
CHARLES E. CROWDER
REGISTER OF DEEDS
MECKLENBURG CO. N.C.

PRESENTED
FOR
REGISTRATION

1976 Oct 14 AM 10 48
CHARLES E. CROWDER
REGISTER OF DEEDS
MECKLENBURG CO. N.C.

AN ORDINANCE DESIGNATING A BUILDING KNOWN AS "THE BERRYHILL HOUSE"
LOCATED AT 324 WEST NINTH STREET IN THE CITY OF CHARLOTTE AS
HISTORIC PROPERTY.

WHEREAS, all of the prerequisites to the adoption of the ordinance prescribed
in Part 3B, Article 19, Chapter 160A of the General Statutes of North Carolina have
been met; and

WHEREAS, the City Council has taken into full consideration all statements
and information presented at the joint public hearing held with the Charlotte
Mecklenburg Historic Properties Commission on the 4th day of October
1976, on the question of designating a building known as the Berryhill House as
historic property; and

WHEREAS, the building known as the Berryhill House was erected in 1884 by
John H. Newcomb and has been owned by that family from that time until 1975; and

WHEREAS, the building known as the Berryhill House is one of the few
remaining examples of the Eclectic Victorian residential architecture which was once
widespread in Charlotte; and

WHEREAS, the building known as the Berryhill House has strong associative
value in its reflection of the middle class values and lifestyle of Charlotte in the late
nineteenth century; and

WHEREAS, the Charlotte Mecklenburg Historic Properties Commission has
demonstrated that the Berryhill House meets the criteria for designation set forth in
N.C.G.S. 160A-399.4; and

WHEREAS, the Division of Archives and History of the North Carolina
Department of Cultural Resources has endorsed the findings of the Charlotte
Mecklenburg Historic Properties Commission; and

BOOK 3887 0384
Map to: Dan Merrill 139 Middleton Dr - 28207

-2-

WHEREAS, the present owners of the Berryhill House are James G. Hester and wife, Eileen K. Hester, who are interested in the preservation of this historic building and possess the financial responsibility necessary to maintain and preserve the building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

1. That the building known as the Berryhill House, located at 324 West Ninth Street within the City of Charlotte is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A of the General Statutes of North Carolina. For purposes of description only, the location of said building is noted as being situated on Lot 3, Block 31, as recorded in Mecklenburg County Tax Book 78. As a matter of further description, said building is situated on real property described in a document recorded in the Mecklenburg County Public Registry in Book 3822 at Page 462.

2. That said building may not be demolished, materially altered, remodeled or removed until ninety (90) days' written notice of the owner's proposed action has been given to the Charlotte Mecklenburg Historic Properties Commission.

3. That nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on the Berryhill House that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar

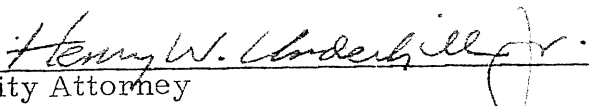
-3-

official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owners from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign shall be posted indicating the building's designation as historic property and containing any other appropriate information. If the owners object, the sign shall be placed on a nearby public right of way.

5. That the owners and occupants of the building and property known as the Berryhill House be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Mecklenburg County Register of Deeds, Building Inspection Department and Tax Supervisor as required by applicable law.

Approved as to form:



City Attorney

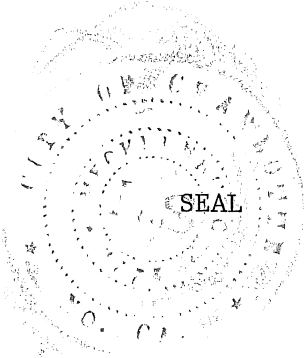
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 4th day of October, 1976, the reference having been made in Minute Book 64, and is recorded in full in Ordinance Book 23, at Page 371-373.

Ruth Armstrong
City Clerk

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session on the 4th day of October, 1976, the reference having been made in Minute Book 64, and recorded in full in Ordinance Book 23, at Pages 371-373.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of October, 1976.



Ruth Armstrong

Ruth Armstrong, City Clerk