

original

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "R. C. BIBERSTEIN HOUSE" (THE EXTERIOR OF THE HOUSE, THE EXTERIOR AND THE INTERIOR OF THE GARAGE, AND THE ENTIRE LOT UPON WHICH THE ABOVE BUILDINGS ARE LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1600 ELIZABETH AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 125-111-21 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the

18th day of November, 1985, on

the question of designating a property known as the "R. C. Biberstein House" as historic property; and

WHEREAS, the "R. C. Biberstein House" is an impressive example of the Rectilinear Style of architecture in Charlotte and is one of the few surviving residences on a once-grand suburban boulevard in Elizabeth, one of Charlotte's oldest streetcar suburbs; and

WHEREAS, the "R. C. Biberstein House" occupies a significant place in the streetscape of Elizabeth; and

WHEREAS, R. C. Biberstein (1859-1931), the designer and initial owner of the "R. C. Biberstein House," was a prominent mill architect during the era when Charlotte occupied a place of growing importance in the textile industry of the South; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "R. C. Biberstein House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "R. C. Biberstein House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

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MECKLENBURG COUNTY, N.C.

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CHARLOTTE MECKLENBURG HISTORIC PROPERTIES COMMISSION
P. O. BOX D 1225 S. CALDWELL ST.
CHARLOTTE N.C. 28203

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WHEREAS, the property known as the "R. C. Biberstein House" is vested in fee simple to the Estate of R. C. Biberstein.

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

1. That the property known as the "R. C. Biberstein House" (the exterior of the house, the exterior and the interior of the garage, and the entire lot upon which the above buildings are located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1600 Elizabeth Avenue, Charlotte, North Carolina, and recorded on Tax Parcel Number 125-111-21 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar 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 owner from making any use of this property not prohibited by

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other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "R. C. Biberstein House" be given 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, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 convened on the 18th day of November, 1985, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, at Page(s) 151-153.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of November, 1985.

Pat Sharkey
PAT SHARKEY, CITY CLERK

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CERTIFICATION

I, PAT SHARKEY, 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 convened on the 18th day of November, 1985, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, at Page(s) 151-153.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 1985.

Pat Sharkey
PAT SHARKEY, CITY CLERK



FEE 8.50
CASH 8.50

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~~State of North Carolina, County of Mecklenburg
The foregoing certificate(s) of _____

_____ a Notary(ies) Public of _____ County and State _____
is are certified to be correct. This _____ day of _____, 19_____
Charles E. Crowder, Register of Deeds, By: _____
DEPUTY~~