

ORIGINAL
NOV 17 1982

COPY

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CROWELL-BERRYHILL STORE" INTERIOR AND EXTERIOR OF THE BUILDING, EXCLUDING THE CINDER BLOCK ADDITION AT THE REAR OF THE BUILDING) AND THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 401 WEST NINTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-074-15 IN THE MECKLENBURG COUNTY TAX OFFICE.

PRESENTED
REGISTRATION
NOV 18 2 59 PM '82
CHARLES E. CROWDER
REGISTRAR
MECKLENBURG CO. N.C.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, 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 15th day of November, 19 82, on the question of designating the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the building), and the land associated therewith as historic property; and

WHEREAS, the "Crowell-Berryhill Store" was built in 1897 as a branch of the Star Mills Grocery Company; and

WHEREAS, the "Crowell-Berryhill Store" is the only turn-of-the-century grocery store which survives in uptown Charlotte; and

WHEREAS, Earnest Wiley Berryhill, long-time resident of the Berryhill House, acquired the "Crowell-Berryhill Store" in 1907 and operated it until his death in 1931; and

WHEREAS, the "Crowell-Berryhill Store" is an excellent example of adaptive reuse; and

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WHEREAS, the grounds of the "Crowell-Berryhill Store: retain their original ambience; and

WHEREAS, the property known as the "Crowell-Berryhill Store" is vested in fee simple to Mr. Cullie M. Tarleton and his wife, Sylvia D. Tarleton,

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

1. That the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the

"Crowell-Berryhill Store"

-2-

of the building) and the land associated therewith, 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 property is noted as being situated on a tract of property at 401 West Ninth Street, Charlotte, North Carolina, as recorded on Parcel Number 078-074-15 in the Tax Office of Mecklenburg County, North Carolina.

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.

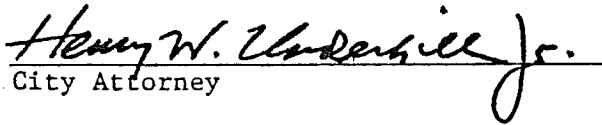
3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor 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 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 shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

5. That the owners and occupants of the property known as the "Crowell-Berryhill Store" 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, 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:


City Attorney

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 15th day of November, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, at Pages 398-400.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1982.


Pat Sharkey, City Clerk