

An Ordinance designating as Historic Landmark a property known as the "Cemetery at John Dinkins Farm" (listed under Tax Parcel Number 203-055-13 and including the entire cemetery located within the boundaries of said tax parcel). The portion of the tax parcel of land to be designated is listed under Tax Parcel Number 203-055-13 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by John H. Bell, Jr., is located on Nations Ford Road, Charlotte, Mecklenburg County, North Carolina.

Please Return To:
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Historic Landmarks Commission
P.O. Box 35434
Charlotte, NC 28235

WHEREAS, the Board of County Commissioners of Mecklenburg County, North Carolina adopted an Ordinance on the 21th day of May 1974 designating the John Dinkins Farm as historic property, which is located on Nations Ford Road in Mecklenburg County, North Carolina, on tax parcel number 203-055-13, and further, the Ordinance was filed on 31 July 1975 in the Registry of Deeds' Office as shown in Deed Book 3776, pages 0512 and 0513; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission issued Certificate of Appropriateness No. 26-91 on 12 November 1991 authorizing the removal of the John Dinkins House and its dependency, the Lodge, from tax parcel number 203-055-13 for relocation and restoration on tax parcel number 211-551-44; and

WHEREAS, the John Dinkins House and the Lodge have been removed and the land, with the exception of the portion containing the Cemetery, no longer retains historic significance; and

WHEREAS, the N. C. Gen. Stat. § 160A-400.8(5) authorizes the governing board to remove a designation of any area, or part thereof, of a historic landmark for cause; and

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

WHEREAS, the Board of Commissioners of Mecklenburg County, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 12th day of July, 1993, on the question of designating a property known as the Cemetery at John Dinkins Farm (listed under tax parcel number 203-055-13) as historic landmark; and

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ORDINANCE - Cemetery at John Dinkins Farm

WHEREAS, members of the Dinkins family were prominent early settlers and plantation owners settling in Mecklenburg County by 1723; and

WHEREAS, John Dinkins bought the 241-acre tract encompassing the cemetery in 1795; and

WHEREAS, the earliest known burial in the Cemetery at John Dinkins Farm is that of Elizabeth Lawrenc [sic] in 1798; and

WHEREAS, many of John Dinkins' children and their offspring are buried in the cemetery; and

WHEREAS, some of the earlier tombstones may have been carved by members of the Bigham family, well-known stone carvers; and

WHEREAS, nineteen graves at the Cemetery at John Dinkins Farm still have headstones and additional graves and headstones would be revealed by archaeological excavation; and

WHEREAS, the Cemetery at John Dinkins Farm gives important information about early burial practices in Mecklenburg County; and

WHEREAS, the Cemetery at John Dinkins Farm is the only substantial intact link located on the grounds of the former farm where John Dinkins spent his productive years; and

WHEREAS, preservation of the Cemetery at John Dinkins Farm gives honor and recognition to early settlers in Mecklenburg County; and

WHEREAS, the Cemetery at John Dinkins Farm has been listed on the National Register of Historic Places; and

WHEREAS, the current owner, John H. Bell, Jr., has faithfully maintained the Cemetery at John Dinkins Farm and has thereby made a substantial contribution to the cultural richness of Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Cemetery at John Dinkins Farm (listed under tax parcel number 203-055-13), possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Cemetery at John Dinkins Farm possesses special significance in terms of its history, architecture, and/or cultural importance; and

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WHEREAS, the property known as the Cemetery at John Dinkins Farm is owned by John H. Bell, Jr.,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Mecklenburg County, North Carolina:

1. That the Ordinance approved on the 21th day of May 1974 designating the John Dinkins Farm as historic property is partially repealed and no such historic landmark designation shall now pertain to the land of tax parcel number 203-055-13 with the exception of the Cemetery at John Dinkins Farm described below.

2. That the property known as the Cemetery at John Dinkins Farm (listed under tax parcel number 203-055-13 consisting of 0.49 acres) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated near Nations Ford Road, in Mecklenburg County, North Carolina.

For purposes of description only, the location of said cemetery is noted as being situated on a tract of property more specifically described as follows: Being a portion of the property of John H. Bell, Jr., as shown as Tax Parcel Number 203-055-13, being more particularly described as follows:

"BEGINNING at an existing iron pin, said iron pin being the northwesternmost corner of the J. H. Bell property, Deed Ref. 5552-407 [and more recently Deed Ref. 7213-629], (Old Dinkins Farm) which fronts on Nations Ford Road and also said beginning point being a common corner of the neighboring Nations Ford Business Center property and which said pin is also located N 05 degrees - 46' - 53" E 721.99 feet from another existing iron pin at an old well house as noted on a survey by R. B. Pharr and Associates, P. A. and dated November 22, 1988 and runs thence along the back line of the J. H. Bell property N 56 degrees - 17' - 47" E. 141.98 feet to another existing iron pin in an old rock bed, said point being

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S 17 degrees 59' 58" W 7.22 feet from an N.C.D.O.T. metal right-of-way marker and also the northeasternmost corner of the J. H. Bell property; thence with Bell's property line S 21 degrees - 02' - 04" E 178.24 feet to a new iron pin on Bell's property line; thence a new line S 64 degrees - 34' - 56" W 117.45 feet to another new iron pin; thence N 28 degrees - 50' - 52" W 157.54 feet back to the beginning point and containing 0.495 acres as shown on a new survey dated June 11, 1992." (Survey dated June 11, 1992, and map on file at the office of the Charlotte-Mecklenburg Historic Landmarks Commission.)

Features are more completely described in the *Survey and Research Report on the Cemetery at John Dinkins Farm* (22 March 1993).

3. 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 Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3C, and amendments thereto.

4. 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 landmark that does not involve a change of design, material, or outer appearance thereof, 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 landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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

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6. That the owners and occupants of the landmark known as the Cemetery at John Dinkins Farm 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 County Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

Adopted the 12th day of July 1993 by the Board of Commissioners of Mecklenburg County.



Ganice Stange
Clerk to the Board

Approved as to form:
John L. Bessard
County Attorney
Associate