

FOR REGISTRATION JUDITH R GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, INC
2003 JUN 24 03 05 PM
BK 15265 PG 357-362 FEE \$0 00
INSTRUMENT # 2003139856



Ordinance designating as a Historic Landmark a property known as the "Elmwood/Pinewood Cemetery" (listed under Tax Parcel number 07813104 as of March 15, 2003, and including the land and landscaping, and all buildings, structures, and objects on the parcel of land listed under Tax Parcel Number 07813104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 2003). The property is owned by The City of Charlotte and is located at West 6th Street in the City of Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to the 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 members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 16th day of June, 2003, on the question of designating a property known as Elmwood/Pinewood Cemetery as a historic landmark; and

WHEREAS, Elmwood/Pinewood Cemetery - originally opened in 1853 as a 100-acre plot that included Pinewood Cemetery, a segregated African American cemetery, and Potter's Field, a pauper's cemetery - forms one of Charlotte's oldest public cemeteries; and

WHEREAS, Elmwood/Pinewood Cemetery is a reflection of Charlotte-Mecklenburg's cultural history from the mid-nineteenth century to the present, and contains the graves of some of Charlotte's most important citizens; and

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2100 Randolph Rd
Charlotte NC 28207

WHEREAS, Elmwood/Pinewood Cemetery, located in the heart of Charlotte's center city, formed an integral part of the urban landscape at a time when cemeteries served not only as places for interment but as important public green spaces; and

WHEREAS, Elmwood/Pinewood Cemetery was the center of a civil rights controversy in the late 1960s, when city councilman Fred Alexander spearheaded a successful campaign to bring down the chain link fence separating all-white Elmwood from all-black Pinewood; and

WHEREAS, the property known as Elmwood/Pinewood Cemetery is owned by the City of Charlotte.

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

1. That the property known as the "Elmwood/Pinewood Cemetery" (listed under Tax Parcel number 07813104 as of March 15, 2003, and including the land and landscaping, and all buildings, structures, and objects on the parcel of land listed under Tax Parcel Number 07813104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 2003) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at West 6th Street in the City of Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the *Survey and Research Report on Elmwood/Pinewood Cemetery (2001)*.

2. That said designated historic landmark may be materially altered or restored only following 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, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in 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 owner of the historic landmark from making any use of the historic 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.

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

5. That the owners of the historic landmark known as the Elmwood/Pinewood Cemetery 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 Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 16th day of June, 2003, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Shirley S. Dilbert, Clerk
Clerk to City Council

Approved as to form:
S. M. Hill
Assistant City Attorney



CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 16th day of June, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 328-332.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of June, 2003.


 Nancy S. Gilbert, CMC, Deputy City Clerk



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

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Recorder: MARILYN SMITH



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*Charlotte-Mecklenburg
2100 R...
Charlotte, NC 28202*