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FOR REGISTRATION J. DAVID GRANBERRY  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2009 NOV 24 04:23:29 PM  
BK.25245 PG.433-436 FEE:\$18.00



November 10, 2009

Mayor

JEFFERY B. TARTE

North Carolina  
Mecklenburg County

Mayor Pro Tem

SUSAN A. MEDLIN

Commissioners

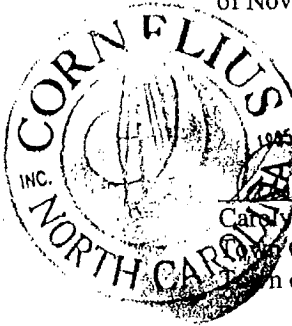
JAMES BENSMAN  
DAVID GILROY  
EDDIE MCNEELY  
THURMAN ROSS

I hereby certify that the attached is a true and accurate copy of Ordinance No. 2009-0437 dated September 21, 2009 as approved by the Town of Cornelius Board of Commissioners.

Town Manager

ANTHONY ROBERTS

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official seal of the Town of Cornelius to be affixed, this 10th day of November, 2009.



*Cathryn K. Sigmon*  
Cathryn K. Sigmon  
Clerk  
Town of Cornelius

MAIL TO:

Town of Cornelius  
P.O. Box 399  
Cornelius, NC 28031  
Attn: Becky Partin

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TBR

Ordinance No. 2009-00437

**AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK  
PROPERTY KNOWN AS THE HOYLE HOUSE**

**WHEREAS**, on May 19, 2003, the Town of Cornelius Board of Commissioners adopted an amended Historic Preservation Ordinance in the *Land Development Code* and Rules of Procedure for the Historic Preservation Commission; and

**WHEREAS**, the Ordinance and Rules provide for the designation of Historic Landmarks by the Board upon recommendation and findings by the Town of Cornelius Historic Preservation Commission; and

**WHEREAS**, the Historic Preservation Commission at its August 24, 2009 regular meeting has found the Hoyle House, to be of special significance in terms of its historical, architectural, and cultural importance and possesses integrity of design, setting, workmanship and materials by the following evidence at the hearing: The Staff Report, made part of the record, and testimony by the owner and Mr. and Mrs. Whisnant, the neighbors, that the home and property hold special significance in terms of their historical, architectural and cultural importance and that the residence has the integrity of design, setting, workmanship and materials which have been preserved in the owner's restoration work.

**WHEREAS**, the Historic Preservation Commission at its August 24, 2009 regular meeting has recommended to the Town Board designation of the Hoyle House as a Historic Landmark, and the Commission has otherwise complied with all applicable requirements of the Ordinance and Rules regarding establishment of a Historic Landmark; and

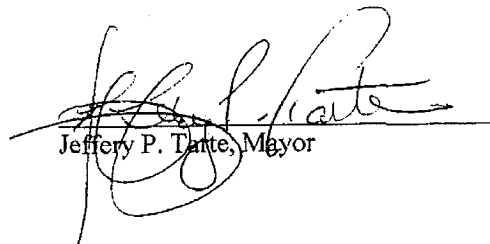
**WHEREAS**, the opinions of the North Carolina Department of Cultural Resources, Division of Archives and History, State Historic Preservation Office were weighed and considered regarding Historic Landmark designation for this property.

**NOW, THEREFORE BE IT ORDAINED** by the Town of Cornelius Board of Commissioners as follows:

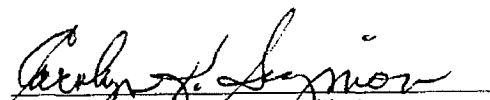
1. In accordance with the requirements of applicable state statutes, the Historic Preservation Ordinance, and Rules of Procedure, the Hoyle House is hereby designated as a Historic Landmark. The Hoyle House is located at 11511 Smith Road, Cornelius, NC, 28031, on a tract of land identified as Mecklenburg County Tax Parcel Number 007-511-28 and described in a deed recorded in Book 19754, Pages 107-110, Mecklenburg County Register of Deeds. The current owner of the Hoyle House is Kenneth E. Forster. For the purposes of this designation, the "Hoyle House" shall refer to: (i) all structures on the property in their entirety; and (ii) the approximately 0.816 acre property, including all structures and improvements thereon.

2. From and after the designation of the Hoyle House as a Historic Landmark, no exterior portion of any building or other structure, nor any above ground utility structure, nor any type of outdoor advertising sign, shall be erected, altered, restored, moved, or demolished on such Landmark until after an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. The waiting period specified in North Carolina General Statute Chapter 160A, Article 19, Part 3C shall be observed prior to any demolition of the Hoyle House.
3. Upon consent by the owner, the Historic Preservation Commission may post a suitable sign on the property indicating its designation as a Historic Landmark. If the owner objects to such sign, the Commission may place the sign on a nearby right-of-way.
4. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, materials, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making use of his property not prohibited by other statutes, ordinances, or regulations. Nothing in this Ordinance shall be construed to prevent the maintenance or in the event of an emergency, the immediate restoration of any existing above ground utility structure.
5. Upon adoption of this Ordinance, the Historic Preservation Commission shall provide written notice of Landmark status to the owners and occupants of the Hoyle House. The Commission shall also file a copy of this Ordinance, and any subsequent amendments hereto, in the office of the Register of Deeds for Mecklenburg County, requesting that the designated Landmark be indexed according to the name of the owners of the property in the grantee or grantor indexes. The Commission shall file copies of this Ordinance, and any subsequent amendments hereto, with the Town Clerk for the purpose public inspection at any reasonable time, with the Mecklenburg County Building Inspections Department, and the Mecklenburg County Tax Assessor's office.
6. This Ordinance shall be effective upon adoption.

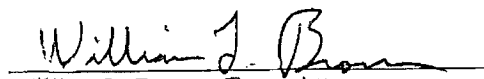
Adopted this 21<sup>st</sup> day of September 2009.

  
Jeffery P. Tate, Mayor

Attest:

  
Carolyn K. Sigmon, Town Clerk

Approved as to Form:

  
William L. Brown, Town Attorney



J. DAVID GRANBERRY  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

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It is part of the recorded document, and must be submitted with original for re-recording  
and/or cancellation.

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Book: RE 25245 Page: 433-436

Document No.: 2009160357

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