

**COPY**

PRESENTED  
FOR  
REGISTRATION

SEPT 6 1 36 PM '81  
CHARLES E. BROWDER  
REGISTER OF DEEDS  
MECKLENBURG CO., N.C.

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS "INDEPENDENCE PARK", IN THE CITY OF CHARLOTTE, NORTH CAROLINA, AND RECORDED ON PARCEL NUMBERS 080-192-01 AND 127-034-16, IN THE MECKLENBURG COUNTY TAX OFFICE.

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 the joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 28th day of September, 1981, on the question of designating the property known as "Independence Park" as historic property; and

WHEREAS, "Independence Park" is the oldest public park in the City of Charlotte; and

WHEREAS, "Independence Park" was designed by John Nolen, a renowned landscape architect; and

WHEREAS, Daniel Augustus Tompkins, leading New South prophet in Charlotte was instrumental in the establishment of Independence Park; and

WHEREAS, the property known as "Independence Park" is vested in fee simple to the City of Charlotte.

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

1. That the property known as "Independence Park", being more specifically that portion of the Park situated eastward from Independence Boulevard, but excluding all buildings situated thereon, 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 as recorded on Parcel Numbers 080-192-01 and 127-034-16 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 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 "Independence Park" 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 29, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of September, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 31, at Pages 34-36.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 1981.

Ruth Armstrong  
Ruth Armstrong, City Clerk