

JUN 27 1984

ORDINANCE NO. 1532-X

PRESENTED FOR REGISTRATION

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RECEIVED BY CROWDER
RECORDER OF DEEDS
MECKLENBURG CO. N.C.

AN ORDINANCE DESIGNATING A SITE KNOWN AS THE "OLD SETTLERS' CEMETERY" (INCLUDING THE ENTIRE TRACT AND GRAVE MARKERS), AS HISTORIC PROPERTY, SITUATED ON WEST FIFTH STREET, BETWEEN POPLAR AND CHURCH STREETS IN CHARLOTTE, NORTH CAROLINA AND RECORDED ON TAX PARCEL NUMBER _____ IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Part 3B, Article 19, 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 21 day of May, 1984, on the questions of designating a site known as the "Old Settlers' Cemetery" (including the entire tract and grave markers); and

WHEREAS, the "Old Settlers' Cemetery" was the first municipal burial ground in Charlotte, North Carolina and functioned in this capacity from 1776 until 1867; and

WHEREAS, the "Old Settlers' Cemetery" contains the earthly remains of many of the most prominent citizens of Charlotte and Mecklenburg County in the late 18th and 19th century; and

WHEREAS, the "Old Settlers' Cemetery" forms the centerpiece of the Fourth Ward Historic District; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the site known as the "Old Settlers' Cemetery" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the site known as the "Old Settlers' Cemetery" possesses integrity of design, setting, workmanship, materials feeling and/or association; and

WHEREAS, the site known as the "Old Settlers' Cemetery" is owned by the City of Charlotte, 600 E. Trade Street, Charlotte, North Carolina.

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Return to: CHARLOTTE - MECKLENBURG HISTORIC PROPERTIES COMMISSION 1225 S. CALDWELL ST/Box D CHARLOTTE, N. C. 28203 (704) 376-9115

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

1. That the site known as the "Old Settlers' Cemetery" (including the entire tract and grave markers), is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, of the General Statutes of North Carolina. For purposes of description only, the location of said site is noted as being situated on West Fifth Street, between Poplar and Church Streets, Charlotte, North Carolina, as recorded on Parcel Number 078-012-01 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated site 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 site 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 site not prohibited by other statutes, ordinances, or regulations.

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

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5. That the owners of the site known as the "Old Settlers' Cemetery" 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:

Henry W. Underhill, Jr.
City Attorney

13:00 #3705 000
06/19/84

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CASH

88.50
8.50

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CERTIFICATION

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 21st day of May, 1984, the reference having been made in Minute Book 82, and recorded in full in Ordinance Book 33, at Page(s) 90-92.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 1984.


PAT SHARKEY, CITY CLERK

