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FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2006 DEC 18 03:03 PM
BK: 21519 PG: 5-8 FEE: \$18.00

INSTRUMENT # 2006261452



2006261452

North Carolina
Mecklenburg County

MAYOR

GARY T. KNOX

MAYOR PRO-TEM

SUSAN A. MEDLIN

COMMISSIONERS

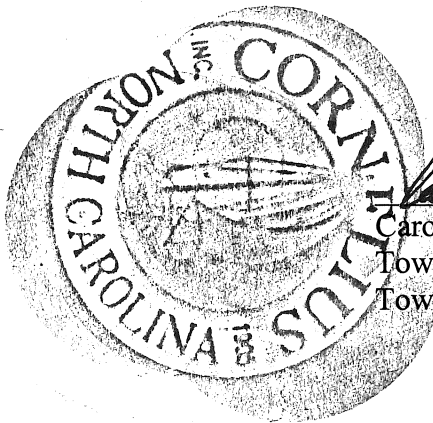
JAMES BENSMAN
DAVID GILROY
EDDIE MCNEELY
THURMAN ROSS

TOWN MANAGER

ANTHONY ROBERTS

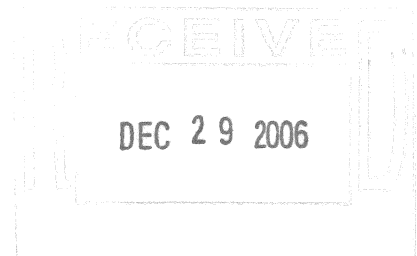
I hereby certify that the attached is a true and accurate copy of Ordinance No.2006-00360 dated October 16, 2006 for the Town of Cornelius Board of Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official seal of the Town of Cornelius to be affixed, this 5th day of December, 2006.



Carolyn K. Sigmon
Carolyn K. Sigmon
Town Clerk
Town of Cornelius

MAIL TO:
TOWN OF CORNELIUS
P.O. BOX 399
CORNELIUS, NC 28031
ATTN: BECKY PARTIN



**AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK
PROPERTY KNOWN AS THE SMITHVILLE ROSENWALD SCHOOL**

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 September 21, 2006 regular meeting has found the Smithville Rosenwald School, to be of special significance in terms of its historical, architectural, and cultural importance by the following evidence at the hearing: as a former Rosenwald School, it contributes significantly to the African American history and culture for the Town of Cornelius; it has operated as a community center and continues to hold community events today, some operated by TOC Parks and Recreation Department; and also found it to possess integrity of design, setting, workmanship, materials, feeling, and association by the following evidence at the hearing: the original siding and roof remain under new materials; the original footings and chimney remain; the one-over-one windows equivalent for the time and doors that are either original or equivalent for the time.

WHEREAS, the Historic Preservation Commission at its September 21, 2006 regular meeting has recommended to the Town Board designation of the Smithville Rosenwald School 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

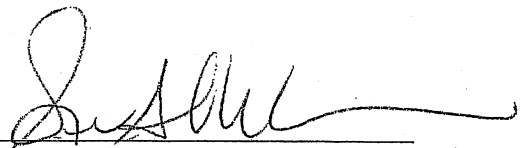
WHEREAS, the opinions of the North Carolina Department of Cultural Resources, Division of Archives and History, State Historic Preservation Office were weighed and considered regarding Historic Landmark designation for this property.

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 Smithville Rosenwald School is hereby designated as a Historic Landmark. The Smithville Rosenwald School is located on South Hill Street, Cornelius, NC, 28031, on a tract of land identified as Mecklenburg County Tax Parcel Number 005-193-01 and described in a deed recorded in Book 11422, Page 847, Mecklenburg County Register of Deeds. The current owners of the Smithville Rosenwald School are Milton Laray Howard and Karen M. Medley. For the purposes of this designation, the "Smithville Rosenwald School" shall refer to: (i) the exterior of the house; and (ii) the approximately 2.09 acre property, including all structures and improvements thereon.

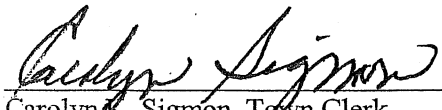
2. From and after the designation of the Smithville Rosenwald School as a Historic Landmark, no exterior portion of any building or other structure, nor any above ground utility structure, nor any type of outdoor advertising sign, shall be erected, altered, restored, moved, or demolished on such Landmark 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 Smithville Rosenwald School.
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 Smithville Rosenwald School. 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 16th day of October 2006.



Susan A. Medlin, Mayor Pro-Tem

Attest:

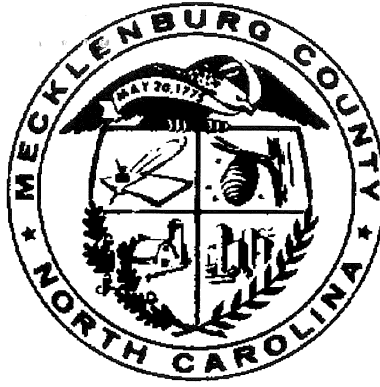


Carolyn K. Sigmon, Town Clerk

Approved as to Form:



William L. Brown, Town Attorney



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

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Recorder: SERENA ROSS



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