

ORDINANCE NO. 153-X

PRESENTED FOR REGISTRATION
DEC 27 4 43 PM '79
REGISTERED
MECKLENBURG COUNTY

AN ORDINANCE DESIGNATING THE EXTERIOR OF THE STRUCTURE KNOWN AS "THE RICHARD WEARN HOUSE" AS HISTORIC PROPERTY, AT 4928 TUCKASEEGEE ROAD IN CHARLOTTE, NORTH CAROLINA, AND RECORDED ON PARCEL NUMBER 059-031-11 AS RECORDED 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 10th day of December, 1979, on the question of designating the exterior of the structure known as the "Richard Wearn House" as historic property; and

WHEREAS, the structure served as the abode of a family which has made a significant and lasting impact upon the development of Charlotte and Mecklenburg County; and

WHEREAS, the structure is intimately associated with the history of gold mining in Charlotte and Mecklenburg County; and

WHEREAS, the structure is one of the relatively few ante-bellum structure which survives in Charlotte, North Carolina and noting in this regard that the structure is a two-story log house to which horizontal board siding and a rear wing have been added; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated the historic, architectural, and/or cultural significance of the exterior of the structure known as the "Richard Wearn House", and

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3500 Hwy 5005
Charlotte N.C. 28225

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WHEREAS, the property known as the "Richard Wearn House" was vested in fee simple title to Mary S. Hayes, deceased; and

WHEREAS, the will of Mary S. Hayes (Estate File 69-E-836) is administered by North Carolina National Bank as Trustee for the benefit of her two sons, William Preston Hayes and Edward Lawrence Hayes.

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

1. That the exterior of the structure known as the "Richard Wearn House" 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 structure is noted as being situated on a tract of property more specifically described as follows:

Beginning at an existing nail in the center line of Tuckaseegee Road, said point being the southwest corner of the Charlotte Park and Recreation Commission property as recorded in deed book 3465-379 Register of Deeds Mecklenburg County, North Carolina, thence with center line of Tuckaseegee Road N. 70-31-24 W. 300.0 to a nail, thence N. 19-28-36 E. 412.0 to a new iron pipe, thence S. 70-31-24 E., 300.0 to a new pipe in the Charlotte Park and Recreation Commission property line thence with said property line S. 19-28-36 W., 412.0 to the point and place of beginning. Containing 2.838 acres as shown on a map by R. B. Pharr and Associates, dated June 25, 1979, File No. XX-260.

2. That said exterior of the structure 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 exterior of the structure 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 exterior of the structure owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

4. That a suitable sign be posted indicating that said exterior of the structure 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 the "Richard Wearn House" 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.

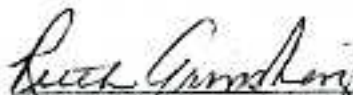
Approved as to form:

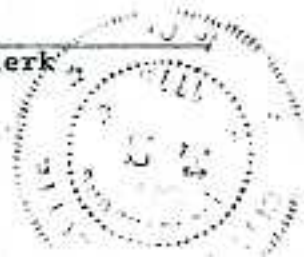
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C E R T I F I C A T I O N

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 10th day of December, 1979 the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 28, at Pages 362 - 364.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of December, 1979.


Ruth Armstrong, City Clerk



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