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ORDINANCE NO. 10-X

133

AN ORDINANCE DESIGNATING THE EXTERIOR OF A BUILDING KNOWN AS THE "INDEPENDENCE BUILDING" LOCATED AT 100-102 WEST TRADE STREET IN THE CITY OF CHARLOTTE AS HISTORIC PROPERTY.

PRESENTED FOR REGISTRATION  
MAY 17 10 18 PM '78  
CLERK OF THE SUPERIOR COURT  
MECKLENBURG COUNTY N.C.

WHEREAS, all of the prerequisites to the adoption of ordinance prescribed in Part 3B, Article 19, Chapter 160 of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council 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 8th day of May, 1978, on the question of designating the exterior of a building known as the "Independence Building" as historic property; and

WHEREAS, the building known as the "Independence Building" is historically important to Charlotte and Mecklenburg County in that it possesses architectural importance as the first steel-frame high-rise building erected in North Carolina; and

WHEREAS, the building known as the "Independence Building" was designed by architects of national renown; and

WHEREAS, the building known as the "Independence Building" has been associated with the careers of many of Charlotte's most prominent citizens of this country; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated the historic significance of the exterior of a building known as the "Independence Building"; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has endorsed the findings of the Charlotte-Mecklenburg Historic Properties Commission; and

WHEREAS, the building and property known as the "Independence Building" is owned in fee simple by the Rushing Construction Company.

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

1. That the exterior of a building known as the "Independence Building" located within the City of Charlotte 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 building is noted as being situated on real property described in a document recorded in the Mecklenburg County Public Registry in Book 3684 at Page 386.

2. That said building may not be demolished, materially altered, remodeled or removed until ninety (90) days' written notice of the owner's proposed action has been given to the Charlotte-Mecklenburg Historic Properties Commission.

3. That nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on the "Independence Building", that does not involve a change in design, material, or outer appearance thereof, not to prevent 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 owners from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign shall be posted indicating the said building and property's designation as historic property and containing any other appropriate information. If the owners consent, the sign shall be placed upon the said building or property. If the owners object, the sign shall be placed on a nearby public right of way.

5. That the owners and occupants of the building and property known as the "Independence Building" 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, Mecklenburg County Register of Deeds, Building Inspection Department and Tax Supervisor as required by applicable law.

Approved as to form:

Henry W. Underhill, Jr.  
City Attorney

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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of May, 1978, the reference having been made in Minute Book 68, and is recorded in full in Ordinance Book 25, at Page 393-395.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of May, 1978.

Ruth Armstrong  
Ruth Armstrong, City Clerk

Dr. Dan Morris  
3500 Shamrock Dr. 28215