

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2007 DEC 20 02:04 PM
BK: 23190 PG: 693-698 FEE: \$0.00

INSTRUMENT # 2007252696



ORDINANCE NO. 3779-Z

Ordinance – Charles H. and Bess Smith House

Ordinance designating as a Historic Landmark a property known as the “Charles H. and Bess Smith House” (listed under Tax Parcel number 078-046-02 and including the exterior of the house and garage and the parcel of land listed under Tax Parcel Number 078-046-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 1, 2007). The property is owned by Malachi J. Greene and Vera M. Harrison and is located at 220 West Tenth Street in the City of Charlotte, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of December, 2007, on the question of designating a property known as the Charles H. and Bess Smith House as a historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 10th day of December, 2007, on the question of designating a property known as the Charles H. and Bess Smith House as a historic landmark; and

Charlotte Mecklenburg
Historic Landmarks Com.
2100 Randolph Road
Charlotte, NC 28207

Return to:

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WHEREAS, the Charles H. and Bess Smith House is one to two Spanish Colonial Revival style houses in Charlotte definitively attributable to Martin E. Boyer, Jr., an architect of local and regional importance in the early and mid-twentieth century; and

WHEREAS, the Charles H. and Bess Smith House is the only extant early twentieth century Spanish Colonial Revival style house in Charlotte's center city and participates in the introduction of a suburban design motif into Charlotte's urban housing stock; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Charles H. and Bess Smith House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Charles H. and Bess Smith House is owned by Malachi J. Greene and Vera M. Harrison.

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

1. That the property known as the “Charles H. and Bess Smith House” (listed under Tax Parcel number 078-046-02 and including the exterior of the house and garage and the parcel of land listed under Tax Parcel Number 078-046-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 1, 2007) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 220 West Tenth Street in the City of Charlotte, Mecklenburg County, North

Ordinance – Charles H. and Bess Smith House

Carolina. Features of the property are more completely described in the “Survey and Research Report on the Charles H. and Bess Smith House” (2007).

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Department of Cultural Resources. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, 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 owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners

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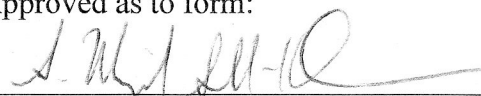
of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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

6. That the owners of the historic landmark known as the “Charles H. and Bess Smith House” be given 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 Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:




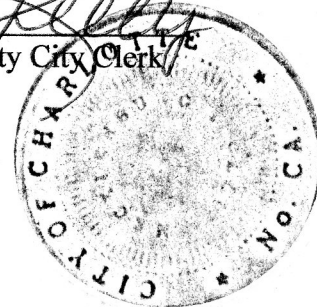
Assistant City Attorney

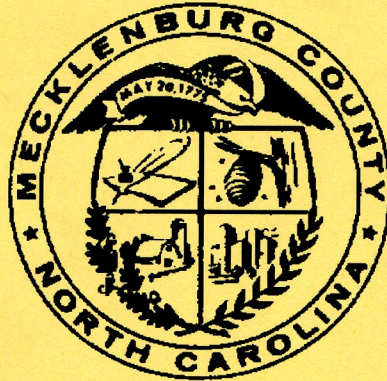
CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 17th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Pages (296-300).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 2007.


Stephanie C. Kelly, CMC, Deputy City Clerk





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

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