

AN ORDINANCE DESIGNATING A PORTION OF THE PROPERTY KNOWN AS THE "OLD CAROLINA THEATRE" (INCLUDING THE EXTERIOR FACADE FORWARD FROM THE AUDITORIUM AND FRONTING ON EAST SIXTH STREET, AND THE FRONT FACADE ON NORTH TRYON STREET) AS HISTORIC PROPERTY AT 232 NORTH TRYON STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 080-011-01 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 a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 21st day of March, 1983, on the question of designating a portion of the property known as the "Old Carolina Theatre" (including the exterior facade forward from the auditorium and fronting on east Sixth Street, and the front facade on North Tryon Street); and

WHEREAS, the "Old Carolina Theatre" is the only extant building in Charlotte-Mecklenburg which once served as a lavish movie palace; and

WHEREAS, the "Old Carolina Theatre" was designed by the architectural firm of Hook and Sawyer, and C. C. Hook was an architect of enormous importance in this community; and

WHEREAS, J. H. Cutter, the owner of the property, was an important figure in business and civic affairs in Charlotte-Mecklenburg; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that a portion of the "Old Carolina Theatre" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, a portion of the "Old Carolina Theatre" possesses integrity of design, setting, workmanship, materials, feeling and/or association; and

WHEREAS, the property known as the "Old Carolina Theatre" is vested in fee simple to the following names and persons listed: Mrs. Linda Cutter Papaso of

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Seattle, Washington; Mr. Bryant W. Cutter of Charlotte, North Carolina; Mr. George K. Cutter, Jr., of Charlotte, North Carolina; Mr. John H. Cutter, III, of Charlotte, North Carolina; Mr. Burton S. Davis, III, of Charlotte, North Carolina; Mr. Cutter D. Davis of Charlotte, North Carolina; Mrs. Camilla M. Davis Turner of Charlotte, North Carolina and Mr. Robert F. Robinson of Charlotte, North Carolina.

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

1. That the portion of the property known as the "Old Carolina Theatre" (including the exterior facade forward from the auditorium and fronting on east Sixth Street, and the front facade on North Tryon Street), 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 property is noted as being situated on a tract of property at 232 North Tryon Street, Charlotte, North Carolina, as recorded on Parcel Number 080-011-01 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property 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 property 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

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because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

5. That the owners and occupants of the property known as the "Old Carolina Theatre" 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:

Deputy 76. Marshall jr
City Attorney

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 March, 1983, the reference having been made in Minute Book 79 and recorded in full in Ordinance Book 31 at Pages 494-496.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of March, 1983.

Pat Sharkey, City Clerk