

WAKE COUNTY, NC 398
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/29/2010 AT 14:58:31

BOOK:014218 PAGE:00476 - 00480

Ret. Clerk's Office

ORDINANCE NO. (2010) 779

AN ORDINANCE DESIGNATING THE O'RORKE CATHOLIC CEMETERY IN THE PLANNING JURISDICTION OF THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC LANDMARK

WHEREAS, the property located at 1101 Pender Street, Raleigh, NC, is owned by the City of Raleigh; and

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of the Raleigh Historic Districts Commission for the City of Raleigh and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes; and

WHEREAS, the Raleigh Historic Districts Commission has made an investigation and recommended the following property be designated a historic landmark; and

WHEREAS, the North Carolina Department of Cultural Resources has made an analysis and recommendation that the following property be designated a historic landmark; and

WHEREAS, on the 20th day of July, 2010, a joint public hearing was held in the Council Chamber of the Avery C. Upchurch Municipal Complex, Raleigh, before the City Council of the City of Raleigh and the Raleigh Historic Districts Commission to determine whether the hereinafter described property should be designated a historic landmark; and

WHEREAS, all requirements of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. The property designated as O'Rorke Catholic Cemetery, in the planning jurisdiction of the City of Raleigh, North Carolina, be and is declared a Raleigh Historic Landmark. Said property being more particularly described as follows:

The property located at 1101 Pender Street, Raleigh, NC, owned by the City of Raleigh, that property described in Book of Maps 2007, page 2575 recorded in Wake County Registry, comprising approximately .98 acres.

Section 2. Those elements of the property that are integral to its historical, prehistorical, architectural, archaeological and/or cultural significance or any combination thereof are as follows:

The O'Rorke Catholic Cemetery is historically and culturally significant for its association with Catholic history in Raleigh. It celebrates the second half of the nineteenth century's history of Catholicism in Raleigh, when Protestant prejudice often made life difficult for Catholics. The cemetery is also a memorial to O'Rorke himself, one of the most active lay Catholic leaders in North Carolina during the antebellum era. The cemetery operated as Raleigh's Catholic cemetery from 1858 to 1931, the last identified burial. In 1938 Bishop Eugene McGuinness of the Catholic Diocese ceded control of the property to the city to be used for burial of itinerants and the "less fortunate." From 1941 to 1986 the city operated the cemetery as a paupers' cemetery until it became full.

Land for O'Rorke Catholic Cemetery was donated by prominent layman John O'Rorke to the Catholic Diocese in 1858, and is the oldest historic resource associated with Raleigh's Catholic community. The cemetery occupies a .98 acre rectangular site in east Raleigh bounded by E. Lane Street on the north, Tarboro Road on the west, Pender Street on the south, and two single family lots on the east. The cemetery is completely grassed and is enclosed by a chain link fence. Only twelve monuments and plot borders dating from 1865 to about 1931 have survived. These include John and Elizabeth O'Rorke's burial plot fence, with a finely carved granite monogrammed gate, dating from 1865, and the most significant gravestone, a tall marble headstone of Capitol carpenter Michael Prendergast of Ireland, who died in 1875.

A detailed description and inventory of landscape design and funerary monuments and historical background is found in the 2010 Raleigh Historic Landmark designation application and report.

Section 3. No portion of the exterior features of any building, site, structure, or object (including walls, fences, light fixtures, steps, pavement, paths, funerary monuments, or any other appurtenant features), trees, nor above ground utility structure located on the hereinbefore described property that is designated in this ordinance may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Raleigh Historic Districts Commission or its successors; provided however that the Raleigh Planning Director or designee may approve certificates of appropriateness for minor works as listed in the Bylaws and Rules of Procedure of the Raleigh Historic Districts Commission.

Section 4. No building, site, structure, or object (including walls, fences, light fixtures, steps, pavement, paths, funerary monuments, or any other appurtenant features), trees, nor above ground utility structure located on the hereinbefore described property that is designated in this ordinance may be demolished unless and until either approval of demolition is obtained from the Raleigh Historic Districts Commission or a period of three hundred sixty-five (365) days has elapsed following final review by the Commission of a request for demolition (or any longer period of time required by N.C.G.S. 160A-400.14 as it maybe amended hereafter); provided however, that demolition may be denied by the Raleigh Historic Districts Commission in the event that the State Historic Preservation Officer determines that the building, site, or structure has statewide significance as provided by N.C.G.S. 160A-400.14.

Section 5. The Raleigh Historic Districts Commission shall have no jurisdiction over the interior features of the property.

Section 6. All owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence shall be sent by certified mail a copy of this ordinance.

Section 7. This ordinance shall be indexed after the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 8. City administration and the Raleigh Historic Districts Commission are hereby authorized and directed to have erected an appropriate sign on the site hereinabove described setting forth the fact that said site has been designated a historic landmark by action of the Raleigh Historic Districts Commission and the City Council of the City of Raleigh provided, should the owners of the hereinabove described property not consent to the erection of said sign on the described premises, City administration and the Raleigh Historic Districts Commission are hereby authorized and directed to have said sign located on the public right-of-way adjacent to said property.

Section 9. In the event any building, site, structure, or object designated by this ordinance is demolished in accordance with the ordinances of the City of Raleigh, this ordinance shall automatically be null and void.

Section 10. Any violation of this ordinance shall be unlawful as by law provided.

Adopted: September 7, 2010

Effective: September 7, 2010

Distribution: Department of City Planning
Inspections Department
Raleigh Historic Districts Commission
Wake County Tax Assessor
Property Owner and Occupant (if not the owner)
Registrar of Deeds



City Of Raleigh
NORTH CAROLINA

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

CERTIFICATION

I, Ralph L. Puccini, Assistant Deputy Clerk of the City of Raleigh, North Carolina,
do hereby certify that the attached is a true and exact copy of City of Raleigh

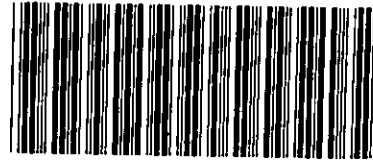
Ordinance No. (2010) 779 adopted September 7, 2010.

IN WITNESS WHEREOF, I have unto set my hand and have caused the Seal of
the City of Raleigh to be affixed this 3rd day of December, 2010.

(SEAL)

A handwritten signature in cursive script, appearing to read "Ralph L. Puccini", written over a horizontal line.

Ralph L. Puccini
Assistant Deputy Clerk



BOOK:014218 PAGE:00476 - 00480

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**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

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