

WAKE COUNTY, NC 144
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/22/2009 AT 12:31:29

BOOK:013734 PAGE:01264 - 01268

ORDINANCE NO. (2009) 640

AN ORDINANCE DESIGNATING THE PAUL AND ELLEN WELLES HOUSE IN THE PLANNING JURISDICTION OF THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC LANDMARK

WHEREAS, the property located at 3227 Birnamwood Road, Raleigh, NC, is owned by Anne Clark Dahle; 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 4th day of August, 2009, 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 the Paul and Ellen Welles House, 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 3227 Birnamwood Road, Raleigh, NC, owned by Anne Clark Dahle, that property described as First Tract in deed book 2566, page 319 recorded in Wake County Registry, comprising approximately 1.85 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 contemporary Split-Level designed by Kenneth McCoy Scott and the 1.85 acres on which it sits. It has local architectural significance as a striking and well-preserved 1950s Modern residence that consists of a rectangular form; it has an asymmetrical side-gable roof with wide overhanging eaves, rough-milled wooden board-and-batten siding, and brick veneer walls; the east side is two stories tall, with a lower level that is partially sunken into the ground at the rear and a slightly cantilevered upper level; windows are a combination of fixed glass and aluminum casements; doors are glazed, with wooden frames or sliding metal types; integration with the outdoors includes a cantilevered wooden stair from the screen porch to a cantilevered wooden balcony running along the upper bedroom level; embedded placement at the base of the large sloping lot allows a sweeping vista through rear glazed walls to a meadow. Original hardscaping includes a four-foot wide brick walkway around three sides of the house, brick terraces extending down the slope to the driveway, and a rear brick patio.

Section 3. No portion of the exterior features of any building, site, structure, or object (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features), significant landscaping, 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, 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 1, 2009

Effective: September 1, 2009

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

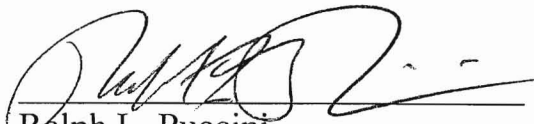
STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

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. (2009) 640 adopted September 1, 2009.

IN WITNESS WHEREOF, I have unto set my hand and have caused the Seal of
the City of Raleigh to be affixed this 23rd day of September 23, 2009.




Ralph L. Puccini
Assistant Deputy Clerk