

Ordinance – Battle of McIntyre’s Farm Monument

Ordinance designating as an Historic Landmark a structure known as the “Battle of McIntyre’s Farm Monument” (associated with the property listed under Tax Parcel Number 03711605, and including the monument in its entirety and a twenty-four (24) foot radius of land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel Number 03711605 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022). The monument, standing near the intersection of Beatties Ford Road and McIntyre Avenue, is associated with the property located at 5801 Beatties Ford Road in Charlotte, N.C., which is owned by Mecklenburg County.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, 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 10th day of October, 2022, on the question of designating a structure known as the Battle of McIntyre’s Farm Monument as an 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 12th day of September, 2022, on the question of designating a structure known as the Battle of McIntyre’s Farm Monument as an historic landmark; and

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WHEREAS, the Battle of McIntyre’s Farm Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Battle of McIntyre’s Farm Monument specifically commemorates the successful surprise attack launched by some 14 Scotch-Irish Mecklenburg County settlers against approximately 300 plundering British soldiers under the command of Lord Charles Cornwallis that drove the British troops away; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County’s history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region’s customs; and

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WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Battle of McIntyre’s Farm Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Battle of McIntyre’s Farm Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Battle of McIntyre’s Farm Monument, which stands near the intersection of Beatties Ford Road and McIntyre Avenue, is associated with property owned by Mecklenburg County.

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

1. That the structure known as the “Battle of McIntyre’s Farm Monument” (associated with the property listed under Tax Parcel Number 03711605, and including the monument in its entirety and a twenty-four (24) foot radius of land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel Number 03711605 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022) , is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is associated with the property located at 5801 Beatties Ford Road in Charlotte, North Carolina, near the intersection of Beatties Ford Road and McIntyre Avenue. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the 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 Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, 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 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 structure 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 property associated with the historic landmark known as the Battle of McIntyre’s Farm Monument be given notice of this ordinance as

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required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town 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 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

Senior Assistant City Attorney