

ORDINANCE NO.: ____

AN ORDINANCE TO ESTABLISH AN HISTORIC PRESERVATION DISTRICT TO BE KNOWN AS THE ABERDEEN SILK STOCKING ROW HISTORIC DISTRICT; TO DESIGNATE THE BOUNDARIES OF THE ABERDEEN SILK STOCKING ROW HISTORIC DISTRICT, AND TO PROVIDE FOR THE PRESERVATION, PROMOTION AND DEVELOPMENT OF THE ABERDEEN SILK STOCKING ROW HISTORIC DISTRICT BY REQUIRING THAT NO APPLICATION PROPOSING THE ERECTION, ALTERATION, RESTORATION, DEMOLITION OR MOVING OF ANY STRUCTURE WITHIN THE ABERDEEN SILK STOCKING ROW HISTORIC DISTRICT SHALL BE GRANTED UNTIL REVIEWED AND APPROVED BY THE CITY OF ABERDEEN HISTORIC PRESERVATION COMMISSION.

WHEREAS, the Mayor and Board of Aldermen of the City of Aberdeen, Mississippi did, on the 17th day of February, 1998, by Ordinance create the City of Aberdeen Historic Preservation Commission; and

WHEREAS, said Ordinance authorizes the City of Aberdeen Historic Preservation Commission to conduct an investigation of the architectural, archaeological, cultural and historical resources within the City of Aberdeen and to hold a public hearing thereon after publication of notice of such public hearing and specifying the boundaries of any proposed historic preservation district, and to recommend to the Mayor and Board of Aldermen an adoption of ordinances for the establishment and location of historic preservation districts and the designation of historic landmarks and landmark sites; and

WHEREAS, the City of Aberdeen Historic Preservation Commission has conducted an investigation, and conducted public hearings on March 27 and October 9, 2008 at the Aberdeen City Hall, 125 Commerce Street, Aberdeen, Mississippi, after publication of the required notice, and secured the petition of property owners of buildings and properties in support of the proposed Aberdeen Silk Stocking Row Historic District; and

WHEREAS, the City of Aberdeen Historic Preservation Commission has recommended to the Mayor and Board of Aldermen of the City of Aberdeen that it adopt an ordinance designating an historic preservation district to be known as the Aberdeen Silk Stocking Row Historic District; and

WHEREAS, said Aberdeen Silk Stocking Row Historic District is in an area listed on the National Register of Historic Places, and has been reviewed by the Mississippi Department of Archives and History, and the Mississippi Department of Archives and History has affirmatively found that said Aberdeen Silk Stocking Row Historic District is an appropriate addition to the local historic preservation districts of Aberdeen and within the purview of the local Aberdeen Historic Preservation Commission and the City of Aberdeen Mayor and Board of Aldermen to adopt an ordinance establishing this local historic preservation district;

NOW, THEREFORE, pursuant to the Mississippi Local Government Historic Preservation Act of 1978 (Chapter 472, Laws of Mississippi, 1978; Section 39-13-3, Mississippi Code of 1972, Annotated),

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ABERDEEN, MISSISSIPPI:

Section 1. Designation of District.

That area within those parts of the City of Aberdeen, Monroe County, Mississippi, described as follows, shall be designated as the Aberdeen Silk Stocking Row Historic District of the City of Aberdeen:

Begin at the Northeast corner of Block 80 of "New Aberdeen" and the intersection of the South right-of-way line of Commerce Street and the West right-of-way line of Franklin Street; thence run South 70 feet to the Point of Beginning of the District described herein (being the Northeast corner of the Thomas E. Allmond and Barbara Jean Allmond tract described in Deed Book 384 at page 266); thence run West 105 feet to the Northwest corner of said tract; thence run South 80 feet to the Southwest corner of the Thomas E. Allmond and Barbara Jean Allmond tract; thence run along the North boundary of the B. W. Houston tract described in Deed Book 161 at page 228 to the Northwest corner of said B. W. Houston tract; thence run South along the

West boundary of the aforesaid Watkins tract to the Southwest corner of said tract; thence run South across a concrete drainage ditch and continue Southward along the West boundary of the Martha Rye Watkins tract described in Deed Book 238 at page 395 to the Southwest corner of said tract; thence run West along the North Half of Block 93 of "New Aberdeen" to the East right-of-way line of Matubba Street; thence run South 25 feet along the Matubba Street right-of-way line; thence run East 187 feet to a point; thence run South 183 feet to the Southwest corner of the Robert M. Watkins and Martha R. Watkins tract described in Deed Book 141 at page 72; thence run East along the South boundary of said Watkins tract to the Northwest corner of the James L. Crosby Revocable Trust tract described in Deed 2003-4383; thence run South 197 feet to the North right-of-way line of Jefferson Street (being the Southwest corner of the Robert W. Seymour and Kathleen Seymour tract described in Deed Book 338 at page 459); thence run in a Southwesterly direction across Jefferson Street to the Northwest corner of the Robert W. Seymour and Kathleen Seymour tract described in Deed Book 309 at page 110; thence run South 130 feet to a point; thence run West 85 feet to a point; thence run South 55 feet to the Southwest corner of the aforesaid Seymour tract; thence run East to the Northwest corner of the Sarah Jo Maxcy tract described in Deed Book 223 at page 99); thence run South 102 feet along the West boundary of the Maxcy tract to a point; thence run West to the Northwest Quarter of the First Christian Church Tract I described in Deed 2003-1855; thence run South 119 feet and 3 inches to the Southwest Quarter of the said First Christian Church Tract I; thence run East to the Northwest Quarter of the First Christian Church Tract II described in Deed 2003-1855; thence run South 278.5 feet to a point; thence run West to the Northwest corner of the D. Nell Howell tract described in Deed Book 252 at page 274; thence run South 130 feet more or less to the Northwest corner of the Thomas Michael Smith and Judy E. Smith tract described in Deed Book 413 at page 338; thence run South 70 feet to the Northwest corner of the Thomas Michael Smith and Judy Evans Smith tract described in Deed Book 408 at page 8; thence run in a Southerly direction 198 feet and 4 inches along the "Garden Fence" to an iron stake; thence run West to the Northwest corner of the Lee Turnage et al tract described in Deed 2005-5027; thence run South to the Southwest corner of the Lee Turnage et al tract; thence run East to the Northwest corner of the Elizabeth L. Kimbro tract described in Deed Book 417 at page 163; thence run South 162 feet to the North right-of-way line of High Street; thence run East 182.8 feet more or less along said right-of-way line to the Southeast corner of the said Kimbro tract; thence run in a Southeasterly direction across High Street to the Northwest corner of the Jeff Phillips and Jewel Rogers Phillips tract described in Deed Book 259 at page 442; thence run South along the West boundary of Lots Number One and Two of Block A of the Day and Hopkins Subdivision described in the Phillips deed; thence run East along the South boundary of the aforesaid Lot Number Two to the Southeast corner of the aforesaid Phillips tract; thence run South to the Southwest corner of the Thomas E. Allmond and Barbara Jean Allmond tract described in Deed Book 225 at page 509; thence run East along the South boundary of the aforesaid Allmond tract to the Southwest corner of the Gregorio R. Luna, Jr. and Annie Mae Luna tract described in Deed Book 167 at page 484; thence run East along the South boundary

of the aforesaid Luna tract to the Southwest corner of the Sallie Ann Rowe and Howard Donald Rowe, Jr. tract described in Deed Book 287 at page 254; thence run East along the South boundary of the aforesaid Rowe tract to the Southwest corner of the A. G. Easter tract described in Deed Book 95 at page 535; thence run East 101 2/3 feet more or less along the South boundary of the aforesaid Easter tract to the Southeast corner of the Easter tract; thence run North 300 feet to the South right-of-way of High Street; thence run in a Northeasterly direction across High Street to the Southeast corner of the Billy Joyce Howell tract described in Deed Book 372 at page 253; thence run North to the Northeast corner of the Annie Earline Ewing et al tract described in Deed 2006-3240; thence run West along the North boundary of the aforesaid Ewing tract to the Southeast corner of the Cybil Nolen tract described in Deed Book 420 at page 312; thence run North 95 feet more or less along the East boundary of the Nolen tract to the South right-of-way line of Monroe Street; thence run in a Northeasterly direction across Monroe Street to the Southeast corner of the Junior Lee Easter and Grace Louise Easter tract described in Deed Book 323 at page 82; thence run North along the East boundary of said Easter tract to the Northeast corner of said tract; thence run in a Southwesterly direction to the Southeast corner of the John T. Smallwood and Thelma D. Smallwood tract described in Deed Book 272 at page 310; thence run North along the East boundary of the aforesaid Smallwood tract 87 feet more or less to the Northeast corner of the Smallwood tract; thence run North 110 feet more or less along the East boundary of the William Ernest Drake, Jr. tract described in Deed Book 248 at page 428 to the Northeast corner of said Drake tract; thence run East to the Southeast corner of the Eric Hodges and Rosalind Lee Hodges tract described in Deed 2004-7874; thence run North along the East boundary of the Hodges tract 134.5 feet more or less to the Northeast corner of the Hodges tract; thence run West to the Southeast corner of the Cheryl Lee Crane tract described in Deed 2006-3324; thence run North along the East boundary of the Crane tract 63 feet and 6 inches to the Northeast corner of the Crane tract; thence run North 75 feet more or less along the East boundary of the Wayne J. Westbrook, II tract described in Deed Book 452 at page 515 to the Northeast corner of the Westbrook tract; thence run West to the Southeast corner of the Reuben Stapp tract described in Deed 2007-5637; thence run North 120 feet more or less along the East boundary of the Stapp tract to the South right-of-way line of Jefferson Street; thence run in a Northwesterly direction across Jefferson Street to the Southeast corner of the Gene E. White and Carroll White tract described in Deed Book 221 at page 355; thence run North along the East boundary of the White tract to the Northeast corner of the White tract; thence run Northerly 60 feet more or less along the East boundary of the Linda Jaggars and Tara Barton tract described in Deed 2004-8315 to a point; thence run East 38 feet more or less to a point; thence run North 81 feet more or less along the East boundary of the Linda Jaggars and Tara Barton tract to the Northeast corner of said tract; thence run West 42 feet to a point on the East boundary of the Charles Henry Myers tract described in Deed Book 161 at page 441; thence run North along the East boundary of the Myers tract to the Northeast corner of the Myers tract and the South right-of-way line of Washington Street; thence run in a Northwesterly direction across Washington Street to the Southeast corner of the Ronnie H. Owings tract

described in Deed 2006-0481; thence run North to the Northeast corner of the Riley Clifton Thompson, Jr. and Betty Jean Thompson tract described in Deed 2007-006641; thence run West 100 feet to the East right-of-way line of Long Street; thence run North to the South right-of-way line of Commerce Street and the Northwest corner of the Aberdeen School District tract described in Deed Book 395 at page 323; thence run West along the South right-of-way line of Commerce Street to the Northeast corner of the Changho Lee and Insuk Brumley tract described in Deed 2007-0144; thence run South 125 feet; thence run East 150 feet to the East right-of-way line of Franklin Street and the Southwest corner of the Changho Lee and Insuk Brumley tract; thence run in a Northwesterly direction across Franklin Street to the Point of Beginning of the District described herein, being the Northeast corner of the Thomas E. Allmond and Barbara Jean Allmond tract described in Deed Book 384 at page 266 and the West right-of-way line of Franklin Street.

Section 2. Protection of the Historic District.

In order to promote the general welfare through the preservation and protection of historic resources within the Aberdeen Silk Stocking Row Historic District, and pursuant to said Ordinance, no exterior feature of any landmark, landmark site or building or structure within the Aberdeen Silk Stocking Row Historic District (including, but not limited to, walls, fences, light, steps, pavement, trees or other appurtenant features) or any above ground utility structure or any type of outdoor advertising sign, shall be erected, altered, reconstructed, restored or rehabilitated, moved, cut or demolished within said Aberdeen Silk Stocking Row Historic District until after an application for a certificate of appropriateness of such work has been submitted to and reviewed by the Commission and approved by the City.

Section 3. Definitions.

All definitions contained in the aforesaid Ordinance are hereby, by reference, incorporated into this ordinance.

Section 4. Amendments.

The Mayor and Board of Aldermen may from time to time and upon the recommendation of the City of Aberdeen Historic Preservation Commission amend the boundaries of the Aberdeen Silk

Stocking Row Historic District.

Section 5. Separability.

The provisions of this Ordinance are separable. If any section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid or inoperative, the decision of the Court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid or otherwise inoperative.

Section 6. Interpretation.

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for the protection of historic resources and the general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance, or to interfere with, abrogate, or annul any easement, covenant or other agreement between parties, except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

Section 7. Effective Date of Ordinance.

This Ordinance shall become effective thirty (30) days after its passage.

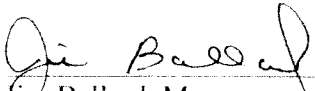
The above and foregoing Ordinance, having been first reduced to writing, was introduced at a regular, public meeting of the Board of Aldermen of the City of Aberdeen, and was read and considered, section by section, and then as a whole.

Whereupon a roll call vote was taken on the question of the enactment of the ordinance as a whole and each section thereof. Those voting for the adoption of the ordinance as a whole and each section thereof were as follows:

Alderman John Allen	voted: <u>Aye</u>
Alderman David Ewing	voted: <u>Aye</u>
Alderman Cloyd Garth	voted: <u>Aye</u>
Alderman Randy Nichols	voted: <u>Aye</u>
Alderman Alonzo Sykes	voted: <u>Aye</u>

THEREUPON, the Mayor declared said Ordinance approved, passed, and adopted this

15 day of December, 2009.


Jim Ballard, Mayor

ATTEST:


Jackie Benson, City Clerk

SEAL.

STATE OF MISSISSIPPI

COUNTY OF MONROE

I, Jackie Benson, the duly appointed, qualified and acting City Clerk of the City of Aberdeen, do hereby certify that the foregoing is a true and exact copy of Ordinance No. _____, duly adopted by the Mayor and Board of Aldermen at its regular meeting on February 17, 2009, and recorded in Ordinance Book No. _____, pages _____.

WITNESS my signature and official seal of the City of Aberdeen, Mississippi, on this the ___ day of _____, A.D., 2009.

JACKIE BENSON,
CITY CLERK

SEAL

