

WAKE COUNTY, NC 200  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
03/04/2013 AT 10:52:42

BOOK:015168 PAGE:02284 - 02289

**ORDINANCE NO. (2013) 156**

**AN ORDINANCE DESIGNATING THE OBERLIN CEMETERY IN THE PLANNING JURISDICTION OF THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC LANDMARK**

**WHEREAS**, the property located at 1014 Oberlin Road, Raleigh, NC, is owned by the people of Oberlin Village and individual plot owners; and

**WHEREAS**, the General Assembly of the State of North Carolina authorized the creation of the Raleigh Historic Development 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 Development 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 15th day of January, 2013, 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 Development 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 Oberlin 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 1014 Oberlin Road, Raleigh, NC, that property described in deed book 40, page 445 recorded in Wake County Registry, comprising approximately 2.93 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 Oberlin Cemetery is historically and culturally significant as an early and rare black cemetery in Raleigh. The cemetery is also one of the most significant surviving historic landmark in Oberlin Village, the largest freedmen's village in Wake County during the Reconstruction Era.

Oberlin Cemetery was officially established in 1873, but may have originated as an earlier slave graveyard. The cemetery occupies a 2.93 acre rectangular site in Oberlin Village hidden behind large buildings in the center of a triangular area bounded by Oberlin Road, Wade Avenue, and Daniels Street. The cemetery is bounded along the front (west) border by the paved parking lot to the rear of the 1012 Oberlin Road. A metal fence marks the north border; a chain link fence marks the rear (east) border; and a chain link fence marks the south border. The cemetery is accessed by a private driveway at the north side 1012 and 1018 Oberlin Road. The cemetery's appearance is that of a quiet, heavily wooded, rural cemetery dominated by a tree canopy of large oak, cedar, and magnolia trees. The total number of graves is believed to be approximately 600, however only approximately 145 scattered monuments of stone and concrete, including one zinc monument and one wood gravemarker, are visible.

Artistically, the monuments represent the work of professional stonecutters in the late nineteenth and early twentieth centuries, including the Cooper Brothers monument company of Raleigh, as well as the work of local artisans who built the concrete monuments and the stone and brick plot borders. These rough fieldstones, one wooden headboard, homemade concrete headstones, skillfully carved marble headstones and obelisks, and family plot borders of fieldstones, cut granite, brick, and concrete have artistic significance as African American funerary sculpture reflecting Oberlin village, Raleigh's largest freedman's community, established during Reconstruction. One wooden gravemarker and a dozen rough fieldstone monuments reflect antebellum or Reconstruction era burials. Among the most artistically important gravestones are the ornately decorated marble headstone with deep relief cross for Mary Dunston (died 1885) and the marble headstone with lily for Annie Dunston (died 1890). A group of handsome concrete family monuments and of stone and brick plot enclosures likely reflects the craftsmanship of the large number of Oberlin brick masons and other artisans.

The cemetery's period of historical significance began in 1873 when it was officially established and continues to 1971, the date of the most recent monument in the original section. A detailed description and inventory of landscape design and funerary

monuments and historical background is found in the 2012 Raleigh Historic Landmark designation application and report.

**Section 3.** No portion of the exterior features of any building, site, structure, or object (including windows, 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 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 Development 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 Development 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 Development 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 Development 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 Development 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 Development 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 Development 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 Development 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:** February 19, 2013

**Effective:** February 19, 2013

**Distribution:** Department of City Planning  
Inspections Department  
Raleigh Historic Development 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. (2012) 153** adopted January 19, 2013.

IN WITNESS WHEREOF, I have unto set my hand and have caused the Seal of  
the City of Raleigh to be affixed this 21<sup>st</sup> day of February, 2013.



Ralph L. Puccini  
Assistant Deputy Clerk

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Raleigh, North Carolina 27601

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

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