

Recorded: 02/23/2018 04:25:04 PM  
BY: TONI MIDGETT  
Vanzolla McMurran, Register of Deeds  
Dare County, NC

Fee Amt: \$26.00 NC Excise Tax: \$0.00

BOOK 2221 PAGE 773 (4)

700049375



Return To: Town of Southern Shores  
5375 N Virginia Dare Trail  
Southern Shores, NC 27949



## Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

ORDINANCE 2018-02-01

### ORDINANCE DESIGNATING THE PROPERTY AND STRUCTURE LOCATED AT 156 WAX MYRTLE TRAIL AS A HISTORIC LANDMARK

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3C Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an ordinance creating the Southern Shores Historic Landmarks Commission (the "Historic Landmark Designation and Historic Landmarks Commission Ordinance") have been met and;

WHEREAS, Southern Shores Historic Landmarks Commission has undertaken an inventory of properties of historical, architectural, prehistoric and cultural significance within the Town of Southern Shores caused to be made an investigation and report on the historic, architectural, prehistoric, educational or cultural significance of the property known as The Clarke Cottage, located at 156 Wax Myrtle Trail in the Town of Southern Shores; and

WHEREAS, a written application was received from the record owner(s) of the property requesting the property be designated as a historic landmark; and

WHEREAS, the Southern Shores Historic Landmarks Commission held a public hearing on December 27, 2017 to consider designating The Clarke Cottage, located at 156 Wax Myrtle Trail as a historic landmark; and

WHEREAS, the Southern Shores Town Council has taken into full consideration all statements and information in the application and the designation report prepared for the Southern Shores Historic Landmarks Commission and presented to the Southern Shores Town Council on the 6<sup>th</sup> day of February, 2018, on the question of designating the property known as The Clarke Cottage, located at 156 Wax Myrtle Trail currently owned by Sally and Stephen Gudas as a historic landmark, and

WHEREAS, the property known as The Clarke Cottage, located at 156 Wax Myrtle Trail in the Town of Southern Shores and more particularly described as the house and lots shown as Lots 51 & 52, Block 40, Section 3, Southern Shores Amended Plat "B", as shown and described in Exhibit A attached hereto, remains as an excellent example of the Flat Top vacation house form designed by famed Outer Banks developer Frank Stick; and

WHEREAS, the property known as The Clarke Cottage, located at 156 Wax Myrtle Trail in the Town of Southern Shores is a prime example of the Flat Top inspiration that Frank Stick brought to Dare County in the late 1940s; and

WHEREAS, the exterior of the house known as The Clarke Cottage continues to follow the overall form of the Stick design including an extended overhang and a bright or whitewashed exterior; and

WHEREAS, The Clarke Cottage, located at 156 Wax Myrtle Trail in the Town of Southern Shores was developed in 1954 which incorporated the Flat Top roof design inspired by preexisting properties developed by Frank Stick; and

WHEREAS, the Southern Shores Historic Landmarks Commission has recognized the special significance of The Clarke Cottage in terms of its historical, prehistoric, design, setting, workmanship, materials, feeling and/or association and has recommended that the property be designated a "historic landmark" as outlined in Section 17-3 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented on the application and designation report for the Sokol House.

NOW, THEREFORE BE IT ORDAINED by the Southern Shores Town Council that:

Section 1. The property and structure known as The Clarke Cottage, located at 156 Wax Myrtle Trail in the Town of Southern Shores, North Carolina jurisdictional area, more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 2. The owner(s) and occupants (s) of the property known as The Clarke Cottage be given notice of this ordinance as required by applicable law and that a copy of this ordinance be filed and indexed in the office of the Register of Deeds of Dare County, as required by applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, a second copy of the ordinance shall be kept on file in the office of the Southern Shores Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be kept on file with the Southern Shores Planning and Code Enforcement Department.

Section 4. In accordance with Part 3C, Article 19, Chapter 160A of the General

Statutes of North Carolina and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Southern Shores Historic Landmarks Commission's Certificate of Appropriateness provisions.

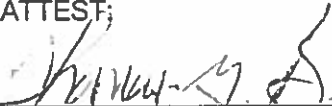
Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Any part of the ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remained.

Section 7. In the event the demolition, removal, or destruction of the property is authorized as provided by law, such action may be delayed up to 365 days as provided by Section 17-9 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 8. This ordinance shall become effective immediately upon its adoption.

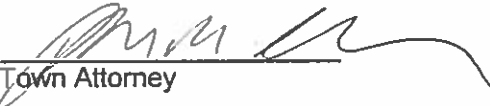
ATTEST;

  
Thomas G. Bennett, Mayor



  
Sheila Kane, Town Clerk

APPROVED AS TO FORM:

  
Town Attorney

Date Adopted: 2/6/2018

Motion to adopt by Council Member: Councilman McDonald

Motion seconded by Council Member: Councilman Newberry

Vote: 5 Ayes 0 Nays



North Carolina-Dare County I, a notary public of the aforesaid County and State, do hereby certify that Thomas G. Bennett, Mayor and Sheila Kane, Town Clerk of the Town of Southern Shores, personally appeared and signed the foregoing instrument This the 9<sup>th</sup> day of Feb 2018

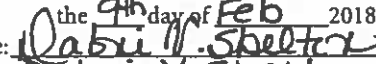
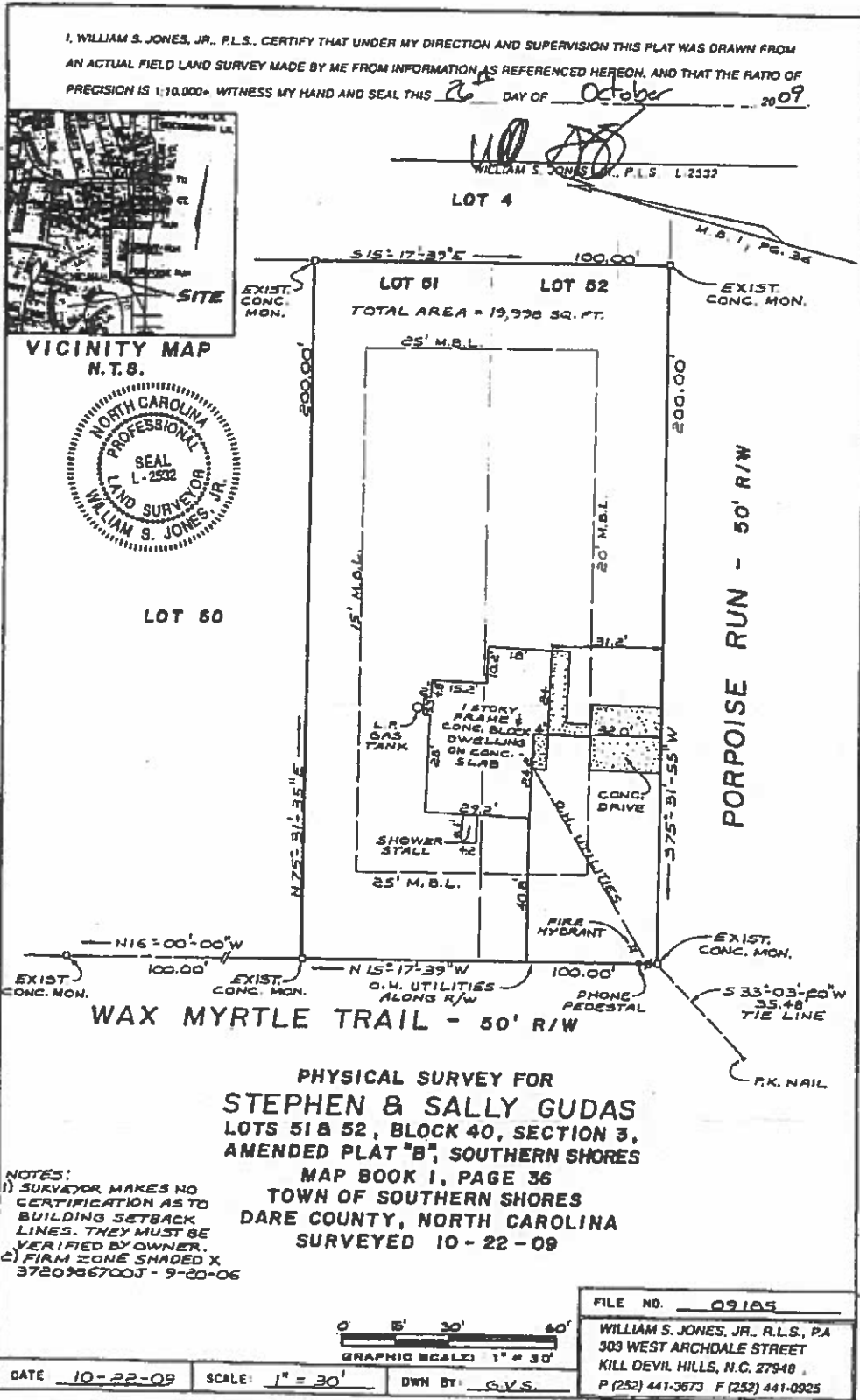
Notary Signature:   
Notary Name (print): Dabni V Shelton  
My commission expires: 03/18/2020

EXHIBIT A



This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.