

**AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION DISTRICT TO BE KNOWN AS THE CROSSTIE HISTORIC DISTRICT; TO DESIGNATE THE BOUNDARIES OF THE SUCH DISTRICT; AND TO PROVIDE FOR THE PRESERVATION, PROMOTION, AND DEVELOPMENT OF SAID DISTRICT BY REQUIRING THAT NO APPLICATION PROPOSING THE ERECTION, ALTERATION, RESTORATION, DEMOLITION, OR MOVING OF ANY STRUCTURE WITHIN SAID HERITAGE DISTRICT SHALL BE APPROVED UNTIL REVIEWED AND APPROVED BY THE CLEVELAND HERITAGE COMMISSION; AND AMENDING AND REPEALING THAT ORDINANCE OF THIS SAME SUBJECT DATED DECEMBER 1, 1998.**

WHEREAS, the Mayor and Board of Aldermen of the City of Cleveland, Mississippi did on June 6, 1995, adopt an Ordinance, now of record on page 28 of Ordinance Book Number 4, creating a historic preservation commission known as the Cleveland Heritage Commission; and,

WHEREAS, said Ordinance authorizes the Cleveland Heritage Commission to conduct or cause to be conducted a study and survey of architectural, archaeological, cultural and historic resources within the City of Cleveland and to recommend to the Mayor and Board of Aldermen the adoption of ordinances designating landmarks, landmark sites, and historic areas or districts; and,

WHEREAS, said Heritage Commission has completed such study and survey and has recommended unto the Mayor and Board of Aldermen that they adopt an ordinance designating a historic district to be known as the Crosstie Historic District, located principally in the central business district of said City; and,

WHEREAS, said proposed District has been approved by the Mississippi State Department of Archives and History and a portion thereof has been submitted to the State Review Board for nomination to the National Register of Historic Places; and,

WHEREAS, the ordinance of this same purpose was adopted pursuant to notice duly given and the public hearing held thereupon on December 1, 1998, and said ordinance contained a typographical error in the description of certain property of the City included in said District, but correctly shown and included on all the maps and studies of the proposed District, and said errors needs to be corrected by the adoption of this ordinance correctly describing said city property referred to therein; and,

WHEREAS, due notice of the proposed adoption of this ordinance has been given by publication in *The Bolivar Commercial* on the dates of March 25 and April 1, 8, and 15, 1999, due proof of such publication being on file and now before this Board, and hearing hereupon has been duly held, all as provided by law; now, therefore, pursuant to the Mississippi Local Government Historic Preservation Act of 1978 (Chapter 472, Laws of Mississippi, 1978, and Section 39-13-3 of the Mississippi Code of 1972, as amended),

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSISSIPPI, as follows:

**SECTION I. DESIGNATION OF DISTRICT BOUNDARY**

That area within the City of Cleveland, Mississippi, as hereinafter described is hereby designated as the Crosstie Historic District, to-wit:

That property in the central business district of the City of Cleveland, Mississippi, in the Second Judicial District of Bolivar County, Mississippi, described by metes and bounds as follows:

Beginning at the southeast corner of the north 65 feet of Lot 12 of Block 4 of the Original Town of Cleveland, Mississippi, and run thence westerly along the south boundary of said tract and said line projected to the west line of the railroad right-of-way; thence,

Northerly along said right-of-way to the projected southerly line of that property of Leslie Walker, which property is located at the intersection of the west line of Bayou Road or Avenue

with the south line of Shelby Street as extended and relocated by said City, and in the unplatted portion of Section 21, Township 22 North, Range 5 West, in said City; thence,

Westerly along said south line of the Walker property and said line projected to the center of Jones Bayou; thence,

Northerly along the west line of said Walker property and the center of Jones Bayou and across said Shelby Street to the north line thereof; thence,

Westerly along the north line of Shelby Street and the south line of Block B of the Pearman Addition to the east line of Lot 4 therein; thence,

North along the east line of said Lot 4 to the north line of Lot 4 of Block B; thence,

West along the north line of said Lot 4, and said line projected across Pearman Avenue, and along the south line of Lot 2 of Block A of said Pearman Addition, and said line projected to the center of an alley running north and south in the center of said Block A; thence,

North along the centerline of said alley to the south line of South Court Street; thence,

West along the south line of South Court Street, which is the south line of the Court House Square, to the west line of Bolivar Avenue; thence,

North along the west line of Bolivar Avenue, being the west line of Court House Square, to the north line of North Court Street; thence,

East along the north line of North Court Street to a point 132 feet, more or less, west of the west line of Pearman Avenue, which is the projected west line of the Roberta S. Wiggins lot; thence,

North along the west line of said Wiggins lot, and said line projected as aforesaid, to the south line of the Thweatt-King, Inc., lot, designated as Lot 17 of Block K of the Pearman Addition; thence,

West along the south line of said Thweatt-King lot to the west line thereof; thence,

North along the west line of said Thweatt-King lot to the south line of Lot 13 of said Block K, which is also a part of the Thweatt-King funeral home property; thence,

West along the south line of said Thweatt-King lot to the west line thereof; thence,

North along the west line of said Thweatt-King lot to the north line thereof; thence,

East along the north line of the Thweatt-King lot to the west line of the Langston Insurance Agency, Inc., lot; thence,

North along the west line of the Langston Insurance Agency lot to the south line of the John K. Povall, *et ux* lot; thence,

West along the south line of the Povall lot to the west line thereof; thence,

North along the west line of the Povall lot to the north line thereof; thence,

East along the north line of the Povall lot to its intersection with the west line of the Frances B. Neal lot; thence,

North along the west line of said Neal lot and continuing north along the west line of the Davidson lot to the northwest corner thereof; thence,

East along the north line of the Davidson lot and said line projected across Pearman Avenue to the east line thereof; thence,

Southerly along the east line of Pearman Avenue to the north line of the Norfolk Properties, Inc., lot; thence,

Easterly along the north line of said Norfolk Properties lot and said line projected to the center of Jones Bayou, and which is the west line of the lots conveyed to the City of Cleveland by those deeds at page 105 of Land Deed Record M-19, page 245 of Land Deed Record M-72, and page 25 of Land Deed Record M-86, all of the records in the office of the Chancery Clerk of Bolivar County at Cleveland, and said lines projected; thence,

Northerly along the west line of said City lots to the north line thereof, and said north line as it may be projected to the center of said Bayou; thence,

Easterly along the north line of said City lots, and said line projected to the east line of Lots 20, 21 and 22 of Block 7 of the Original Town of Cleveland; thence,

Northerly along the east line of Lots 20, 21 and 22 of said Block 7 to the south line of Mississippi State Highway 8, and continuing northerly across said Highway 8 to the north line thereof; thence,

Easterly along the north line of said Highway to the west line of the railroad right-of-way; thence,

Northerly along the west line of the railroad right-of-way to the projected south line of Lot 2 of Block 6 of the Original Town; thence,

Westerly along the south line of said Lot 2 to the southwest corner thereof; thence,

Northerly along the west lines of Lot 1 and 2 of said Block 6, and said lines projected, to the north line of Coleman Street; thence,

Easterly along the north line of Coleman Street and along said line as it may project to the west right-of-way of the railroad; thence,

Northerly along said west right-of-way line to the projected north line of Lot 7 of the Coleman Addition, upon which is located that building formerly occupied by a Coca-Cola bottling company; thence,

Easterly along the north line of said Lot 7 to the west line of Sharpe Avenue; thence,

Easterly across Sharpe Avenue to the northwest corner of Lot 28 of the Coleman Addition; thence,

Easterly along the north line of Lot 28 of the Coleman Addition, to the northeast corner of said Lot 28; thence,

Southerly along the east line of said lot 28, and continuing along the east lines of Lots 28 through 37, of the Coleman Addition, and said line projected, to a point 68 feet south of the north line of Lot 38 of said Addition; thence,

Westerly along said line parallel to and 68 feet south of the north line of Lot 38 of the Coleman Addition to the east line of Sharpe Avenue; thence,

Southerly along the east line of Sharpe Avenue and the west line of said Lot 38 to the north line of Mississippi Highway No. 8, as conveyed to the City of Cleveland by that deed of record on page 518 of Land Deed Record M-130 of the records in the office of the Chancery Clerk of Bolivar County in said City; thence,

Easterly along the north line of said City property, a boundary of Sunflower Road used as said Highway 8, and meandering therealong to the west line of Commerce Avenue as projected across said Sunflower Road; thence,

Southerly along the west line of Commerce Avenue, and said line projected as aforesaid, and meandering along said Commerce Avenue west line and said line projected across North Street and Collins Street; thence,

Continuing southerly along the west line of Commerce Avenue to the north line of South Street; thence,

Southerly across South Street to the intersection of the south line of South Street with the west line of Pearl Avenue; thence,

Westerly, along the south line of South Street to the northeast corner of Lot 1 of Block 4 of the Original Town of Cleveland, upon the west 140 feet of which is located the police headquarters building of said City, formerly occupied and used as a United States Post Office; thence,

Southerly along the east line of Lots 1 through 5 of said Block 4 to the south line of said Lot 5, which is a projected north line of Lot 11 in said Block 4 as shown in the Resubdivision of Part of Blocks 4 and 8 and all of Block 9 and 10 of the Original Town of Cleveland, Mississippi; thence,

Easterly along said projected line to the northwest corner of Lot 11 of said Resubdivision; thence,

Southerly along the west line of said Lot 11 and along a west line of Lot 14 of said Resubdivision for 147 feet to a southwestern corner of said Lot 14; thence,

Easterly along a south line of said Lot 14 for 45 feet to a west line of said Lot 14; thence,

Southerly for 33 feet along the west lines of Lots 14 and 15 of said Resubdivision to a corner point; thence,

Easterly for 5 feet to a point on the west line of said Lot 15; thence,

Southerly along the west line of said Resubdivision to the southeast corner of the north 65 feet of Lot 12 of Block 4 of the Original Town, which is the Point of Beginning; and intending to describe and describing herein the continuous boundaries embracing the following parcels in the central business district of said City, to-wit:

PARCELS ON THE EAST SIDE OF SHARPE AVENUE, NORTH OF SUNFLOWER ROAD OR MISSISSIPPI STATE HIGHWAY NO. 8: Those parcels located and fronting upon the east line of Sharpe Avenue, and including Sharpe Avenue, from the north line of Lot 28 of the Coleman Addition, Southerly to the south line of the north 65 of Lot 12 of Block 4 of the Original Town of Cleveland, except that part of Lot 38 and parts of the Coleman Addition which are the property of Roy L. Collins *et al*; and,

PARCELS ON THE WEST SIDE OF SHARPE AVENUE, NORTH OF SUNFLOWER ROAD OR MISSISSIPPI STATE HIGHWAY NO. 8: Those parcels located and fronting upon the west line of Sharpe Avenue from the north line of Lot 7 of the Coleman Addition, and including the railroad right-of-way property, southerly to the south line of Mississippi State Highway No. 8; and,

PARCELS ALONG THE WEST LINE OF THE RAILROAD RIGHT-OF-WAY PROPERTY AND CENTRAL OR WALL STREET, OR COTTON ROW: Those parcels abutting the west lines of the railroad right-of-way, and that street known variously as Wall Street, Central Avenue, and Cotton Row running therealong, and including said right-of-way property and said street, from the north line of Coleman Avenue southerly to the south line of Mississippi State Highway No. 8, except Lot 3 of Block 6 of the Original Town of Cleveland; and,

PARCELS ALONG COTTON ROW SOUTH OF MISSISSIPPI STATE HIGHWAY NO. 8: Those parcels located west of and abutting upon the west line that street known variously as Wall Street, Central Avenue and Cotton Row, and said street, all as may respectively abut the west line of said railroad right-of-way, and including said right-of-way from the south line of Mississippi State Highway No. 8 southerly to the south line of South Court Street, including those parcels which abut the east line of that street known as Bayou Road or Avenue southerly

from the projected north line of that City of Cleveland property in New Deal Block 2 on Bayou Road or Avenue, conveyed to the City by those deeds of record on page 105 of Land Deed Record M-19, page 245 of Land Deed Record M-72, and page 25 of Land Deed Record M-86 of the records aforesaid; and,

**PARCELS NORTH OF SOUTH COURT STREET, BETWEEN JONES BAYOU AND BAYOU ROAD:** Those parcels abutting and lying between the center line of Jones Bayou, and including said Bayou, and the west line of Bayou Road or Avenue, from the north line of that property in New Deal Block 2 on Bayou Road or Avenue, conveyed to the City by those deeds of record on page 105 of Land Deed Record M019, page 245 of Land Deed Record M-72, and page 25 of Land Deed Record M-86 of the records aforesaid, southerly down to the south line of South Court Street, and including said South Court Street and such parcels fronting thereupon; and,

**PARCELS ON THE EAST SIDE OF PEARMAN AVENUE:** Those parcels abutting and fronting upon the east line of Pearman Avenue from the north line of the Norfolk Properties, Inc. lot southerly and across South Court Street to the north line of Lot 4 of Block B of the Pearman Addition; and,

**PARCELS ON THE WEST SIDE OF PEARMAN AVENUE:** Those parcels abutting and fronting upon the west line of Pearman Avenue, and including said Pearman Avenue, from the north line of Lot 5 of Block K of the Pearman Addition southerly, and including the Court House Square, southerly and across South Court Street, to the south line of Lot 2 of Block A of the Pearman Addition, and including said portion of Block A lying east of the centerline of that alley running north and south approximately in the center of said Block A; and,

**THOSE PARCELS ALONG THE NORTH SIDE OF SOUTH COURT STREET:** Those parcels abutting and fronting upon the north line of South Court Street and including said street, from the west line of Bolivar Avenue to the east line of Sharpe Avenue; and,

**THOSE PARCELS ALONG THE SOUTH SIDE OF COURT STREET:** Those parcels abutting and fronting upon the south line of South Court Street from the centerline of that alley running north and south in Block A of the Pearman Addition, easterly to the east line of Sharpe Avenue, and including those parcels on the north side of and including Shelby Street, from 150 feet east of the east line of Pearman Avenue easterly to the east line of Sharpe Avenue; and,

**THOSE PARCELS ON THE SOUTH SIDE OF SHELBY STREET:** Those parcels abutting and fronting upon the south side of Shelby Street, from the centerline of Jones Bayou easterly to the east line of Sharpe Avenue, and including the railroad right-of-way and said Sharpe Avenue lying north of the projected south line of the north 65 feet of Lot 12 of Block 4 of the Original Town of Cleveland; and,

**THOSE PARCELS ON NORTH STREET, COLLINS STREET, AND SOUTH STREET:** Those parcels abutting and fronting upon the portions of North Street, Collins Street, and South Street, lying west of their intersections with the west line of Commerce Avenue, except the County and City lots between the former Post Office property, now occupied by the City Police Department, and the west line of Commerce Avenue in Block 4 of the Original Town of Cleveland.

## **SECTION II. PROTECTION OF THE HISTORIC DISTRICT**

In order to promote the general welfare through the preservation and protection of historic resources within the Cleveland central business district, and pursuant to said ordinance of Jun 6, 1995, no exterior feature of any landmark site, or building or structure within the Crosstie District (including, but not limited to, walls, fences, light fixtures, steps, pavement, trees, or other appurtenant features) or any of the 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 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, all as set forth in said Ordinance.

**SECTION III. DEFINITIONS**

All definitions contained in said ordinance of June 6, 1995, are hereby referenced incorporated into this ordinance, and all procedures shall be as therein provided.

**SECTION IV. AMENDMENTS**

The Mayor and Board of Aldermen may from time to time and upon recommendation of said Commission amend the boundaries of the Crosstie Historic District, and pursuant to said Ordinance.

**SECTION V. SEPARABILITY**

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

**SECTION VI. INTERPRETATION**

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for the protection of the historic resources and the general welfare. It is not the intent of this ordinance to interfere with, abrogate, or annul any ordinance, 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 sue of buildings or premises and likewise not in conflict with this Ordinance, 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, provided this ordinances repeals and replaces that ordinance of December 1, 1998 entitled "AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION DISTRICT TO BE KNOWN AS THE CROSSTIE HISTORIC DISTRICT; TO DESIGNATE THE BOUNDARIES OF THE SUCH DISTRICT; AND TO PROVIDE FOR THE PRESERVATION, PROMOTION AND DEVELOPMENT OF SAID DISTRICT BY REQUIRING THAT NO APPLICATION PROPOSING THE ERECTION, ALTERATION, RESTORATION, DEMOLITION OR MOVING OF ANY STRUCTURE WITHIN SAID HERITAGE DISTRICT SHALL BE APPROVED UNTIL REVIEWED AND APPROVED BY THE CLEVELAND HERITAGE COMMISSION" upon the effective date hereof.

**SECTION VII. EFFECTIVE DATE OF ORDINANCE**

This ordinance shall take effect and be in force one month from and after its adoption and as provided by law.

ORDAINED, ADOPTED AND APPROVED this April 20, 1999.

MARTIN T. KING, JR., Mayor

Attest:

LYNN C. BUTRUM, City Clerk