



**PETITION FOR APPROVAL TO PERMANENTLY RELOCATE OBJECTS OF
REMEMBRANCE**

Introduction

This is a petition (the "Petition") submitted to the North Carolina Historical Commission pursuant to N.C. Gen. Stat. § 100-2.1 requesting approval for the (1) removal of three State-owned monuments located on the State Capitol grounds (collectively, the "Monuments") and (2) permanent relocation of the Monuments to the Bentonville Battlefield.

Parties

1. Petitioner, Machelle Sanders, is the Secretary of the North Carolina Department of Administration.
2. The North Carolina Department of Administration is charged with maintaining grounds and buildings belonging to the State of North Carolina, including the State Capitol and the State Capitol grounds (sometimes referred to as "Union Square"). N.C. Gen. Stat. § 143-341(8)(a).
3. The North Carolina Department of Natural and Cultural Resources operates certain properties within the State that have historical and cultural significance. *See* N.C. Gen. Stat. § 143B-51(a).
4. The North Carolina Historical Commission (the "Commission") is charged with promulgating "rules and regulations to be followed in the acquisition, disposition, preservation, and use of records, artifacts, real and personal property." N.C. Gen. Stat. § 143B-62.

Properties

5. The State Capitol is located on Union Square at 1 East Edenton Street, Raleigh, NC 27601, is situated within the Capitol Area National Register Historic District, and is therefore a property listed in the National Register of Historic Places. The State Capitol is additionally a designated historic landmark.
6. The 1895 Confederate Monument is an "object of remembrance" as defined in N.C. Gen. Stat. § 100-2.1(b), is owned by the State of North Carolina, and is located in Union Square.
7. The Henry Lawson Wyatt Monument is an "object of remembrance" as defined in N.C. Gen. Stat. § 100-2.1(b), is owned by the State of North Carolina, and is located in Union Square.
8. The North Carolina Women of the Confederacy Monument is an "object of remembrance" as defined in N.C. Gen. Stat. § 100.2.1(b), is owned by the State of North Carolina, and is located in Union Square.

9. The Bentonville Battlefield is a State Historic Site under the authority and management of the North Carolina Department of Natural and Cultural Resources and is located at 5466 Harper House Road, Four Oaks, NC 27524.

Jurisdiction

10. The Commission has jurisdiction to approve the Petition under the terms of N.C. Gen. Stat. § 100-2.1(a). (establishing that no “monument, memorial, or work of art owned by the State may . . . be removed, relocated, or altered in any way without the approval of the North Carolina Historical Commission”).

Grounds for Removal and Relocation and Necessity for Prompt Review

11. The Monuments are property of the State of North Carolina.

12. Union Square is public property.

13. Appropriate measures are required by the State to ensure the Monuments’ preservation.

14. Petitioner, as an agent of the State, seeks to preserve the Monuments by removing them from Union Square and permanently relocating them to the Bentonville Battlefield (the “Project”).

15. Specifically, the Project will require: removing the Monuments from their current location; transporting the Monuments an estimated 45 miles; unloading the Monuments at the proposed Bentonville site(s); foundation design and structural analysis at the proposed site(s); and loading and reassembling the Monuments on reconstructed foundations at the proposed site(s).

16. The Bentonville Battlefield is “a site of similar prominence, honor, visibility, availability, and access,” and is “within the boundaries of the jurisdiction from which” the Monuments were relocated. N.C. Gen. Stat. § 100-2.1(b).

17. The Petition and the Project otherwise comply with existing federal, state, and local law.

18. Time is of the essence in ruling on the Petition and proceeding with the Project.

Requested Relief

WHEREFORE, Petitioner prays that the Commission:

1. Deems this Petition properly filed and promptly considers it at the Commission’s September 22, 2017 meeting;

2. Promptly approves the Petition and authorizes the Project; and

3. Awards Petitioner such other relief as the Commission deems proper and equitable.

This the 8 th day of September, 2017.

NORTH CAROLINA DEPARTMENT OF ADMINISTRATION



Machelle Sanders, Secretary