

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 20, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER^S

SUBJECT: BUDGET MEMO # 77 : PRESERVATION EASEMENTS ON HISTORICAL PROPERTIES AND THE POSSIBILITY OF AN EASEMENT ON THE LEE-FENDALL HOUSE

This memorandum is in response to Councilman Smedberg's request for information on the number of preservation easements on historical properties, how many of these easements are for open space, and whether such an easement could be obtained for the Lee-Fendall House.

General Information on Easements:

There are currently 41 properties in the City of Alexandria protected by historic preservation easements. Of these 41 properties, four of the properties are tourism sites and 21 of the properties have easements to protect the open space tied to these properties. Properties are counted twice if the easement has been amended or an additional easement has been granted. A list of the properties protected by historic preservation easements is attached.

Historic properties in the City protected by historic preservation easements or similar restrictions which are also tourist sites include the Lloyd House, the Lee-Fendall House, the Athenaeum and the Alexandria Academy, although this facility is not open to the public. These properties all have interior and exterior facade easements. However, the Athenaeum also has an open space easement. The Lloyd House has significant open space (from North Washington Street through North Columbus and Queen Streets), which is protected not by easement but by the terms of certain grants from the U.S. Department of Housing and Urban Development (HUD) and the Hoge Foundation which funded the acquisition and preservation of this property. Because of these grant requirements this open space must remain as publicly accessible open space. The remaining historic easements are primarily on private homes located in the old and historic district of the City, and the additional open space protected by the historic preservation easements are quite small in size.

An historic property easement is an agreement, set forth in a legal document recorded in the City's land records, that allows the donor to retain ownership and possession of an historic site or

structure while granting to a trusted preservation organization the authority to protect its historic features. Such easements contain provisions that obligate the owner and all subsequent owners to refrain from actions that are incompatible with the property's preservation. This means that the easement "runs with the land" and legally binds all subsequent owners. However, in granting an easement, the property owners retain the essential interest in their property and may use this interest as they see fit. They may live on the property, rent it, sell it, or give it away, subject only to the provisions of the easement which is negotiated on an individual basis with the property owner. For example, the donor of a scenic open space easement may reserve the right in the future to construct a pool or small outbuilding on the easement property, the details of which are then set out in the easement.

The easement clearly defines which features on the property are protected. It may be limited primarily to the open space of the property, if that is important to the historic fabric and character of the area. Or it may cover the exterior facades of some or all of the historic structures on the site, including historic outbuildings. It may also encompass significant interior features such as doors, moldings, mantles, and floors. Some easements combine all of these features.

Under Alexandria's Historic Preservation Easement Program, easements are granted to the Alexandria Historic Restoration and Preservation Commission ("the Commission") and are administered by it through the City's Office of Historic Alexandria (OHA). The Commission will accept historic preservation easements if the structures or objects on the property are at least 50 years old, the property is significant in city, state or national history or culture and the easement protects the open space or other elements of the property that contribute significantly to the cultural heritage and visual beauty of the City of Alexandria.

If the easement protects scenic open space, the Commission generally requires that the easement cover enough surrounding open space to preserve the setting and historic context of the historic resource. Restrictions on the land may prohibit or limit subdivision and construction of additional structures on the property.

Lee-Fendall House:

The owner of the Lee-Fendall House, the Virginia Trust for Historic Preservation, has requested a \$50,000 matching grant from the City to provide matching funds for repairing the summer beam, a major structural element in the support of the building, at a total cost of \$100,000. The Alexandria Historical Restoration and Preservation Commission supports the proposed grant, and has requested that the owner give serious consideration to the donation of an open space easement on the garden at this property. The Lee-Fendall House has an historic preservation easement for the interior and the exterior facade but not the grounds, or open space.

The open space easement may have financial value to another entity that could derive tax benefits from this donation. Under the Virginia Land Conservation Initiatives Act of 1999, Va. Code § 58.1-510, *et seq.*, the donation of such an easement gives rise to a state income tax credit valued at 50% of the fair market value of the easement. This credit is transferable, and the donor, The Virginia Trust for Historic Preservation, could in effect sell the credit (at some discount) to a for-profit entity that would then be able to take advantage of a tax credit. The Trust could then use these proceeds to cover some of the costs of the necessary repairs. One key issue which would need to be explored is that in order to get the Virginia open space tax credit, the garden

would need, according to state law, to qualify and have conservation value under federal tax law definitions. Federal open space tax benefits are not transferable and cannot be used in this situation.

For your information, attached is a memorandum dated April 15, 2004 from the Alexandria Historical Restoration and Preservation Commission providing support for the Lee-Fendall House \$50,000 request.

Attachments

HISTORIC PRESERVATION EASEMENTS IN ALEXANDRIA, VA

Revised 04-19-04

Address	Original Donor	Date of Donation	Easement Holder	Type of Easement
Alfred St. S. 115 & 117	Hartsook, Elizabeth H.	9/23/99	AHRPC*	Open Space
Battery Heights near Trinity & North Quaker Lane	The Battery Heights Homeowner's Association	ca. 2000	Northern Virginia Conservation Trust	"Battery" and "Rifle Trench" Natural, Historic, Scenic & Open Space
Cameron St. 211	Weinhegen, Robert & Dowling, L. J.	12/19/96 12/22/98	AHRPC	Open space & exterior Interior
Cameron St. 607	Trome, Eugene, June, & Eugenie ("William Yeaton Home")	7/19/94	AHRPC	Open space, façade, & Interior
Duke St. 210	MacManus, Elizabeth, Tr. et al ("Dr. Craik House")	5/12/91	Commonwealth of Va. Bd. of Historic Resources & HAF**	Exterior & Interior
Duke St. 516	Rodriguez, Karol K.	9/3/93	AHRPC	Open space
Fairfax St. S. 209	Fowler, Trudye H.	9/25/97	AHRPC	Open space & façade
Franklin St. 215A Jefferson St. 215	Laurent, Margaret F. G., Tr.	12/5/91	Va. Historic Landmarks Comm.	Easement in gross (both properties)
Franklin St. 207	Black, Hugo L. & Elizabeth S.	12/26/69	Commonwealth of Va. Bd. of Historic Resources	Easement in gross
King St. 1007	Montague, Robert L. "Montague Building"	12/12/01	AHRPC	Open space; façade & interior
Lee St. S. 218	Moore, Dayton & Celeste	6/10/92	AHRPC	Open space & façade
Lee St. S. 310	Wilbor, Jonathan & Peggy	12/24/92	AHRPC	Open space
Lee St. S. 401	Kegan, Lawrence, Tr.	2/21/91	AHRPC	Open space, façade & interior
Lee St. S. 418	Dunn, H. Stewart, Jr. & Loti	11/20/91	AHRPC & HAF	Open space & façade

Lee St. S. 420	MacDonald, William & Elizabeth	10/24/94	AHRPC	Open space & façade
Lee St. S. 428	Schumaier, C. Peter and Dee	12/21/83	The L'Enfant Trust	Open space & façade
Oronoco St. 601	Kington, Mark J. & Ann A. "Potts-Fitzhugh House"	12/8/00	AHRPC	Open space
Oronoco St. 609	Powell, Earl and Nancy	12/12/01	AHRPC	Open space
Oronoco St. 614	Va. Trust for Historic Preservation "Lee-Fendall House"	9/29/99	Commonwealth of Va. Bd. of Historic Resources	Interior and Exterior
Pitt St. S. 229	Ablard, Charles D. & Doris M.	12/30/86	Va. Historic Landmarks Bd. & HAF	Easement in gross
Pitt St. S. 700 (moved from 109 Pitt)	Olson, Richard L. & Janice C.	4/13/65	Alex. Redevelopment and Housing Authority	Exterior
Prince St. 201	Northern Virginia Fine Arts Assn. "The Athenaeum"	5/9/90	AHRPC	Open space & façade
Prince St. 207	Moore, Gay Montague "George William Fairfax House"	12/4/79	AHRPC & HAF	Easement in gross
Prince St. 413 Prince St. 415 Prince St. 415 1/2	Stahl, Howard H.	2/11/87	Va. Historic Landmarks Bd. & HAF	Easement in gross Exterior & certain interior Easement in gross
Prince St. 507	Cooper, Ronald & Carolyn	12/8/82	Va. Historic Landmarks Bd.	Exterior façade
Prince St. 711	Walker, Jo Ballantine "Fowle Pickens House"	6/3/87	The L'Enfant Trust	Easement in gross
Prince St. 811	Fensterwald, Bernard, Jr. and Patricia -- "Bayne Fowle House"	7/2/86	Va. Historic Landmarks Bd.	Exterior & first floor interior
Prince St. 1020	Thompson, Evelina, Tr.	12/14/89	Va. Historic Landmarks Bd. & HAF	Open space & façade

Queen St. 518	Hovey, Richard B. & Bradley, A.J.	12/29/90	AHRPC	Open space
Queen St. 520 & 522	Saunders, Leah B.	5/9/90	AHRPC	Open space
Queen St. 607	Clizbe, John and Rebecca	9/21/98	AHRPC	Rear wall of the ell
Royal St. S. 211	Gilman, J. Paul & Claire Heffernan	8/1/96	AHRPC	Interior
St. Asaph St. S. 208	Hitz, Frederick P. & Mary Buford	12/24/03	AHRPC	Open Space
St. Asaph St. S. 223	Joynt, John Howard & Mary Aberdeer - "Dulany House"	12/16/86	Va. Historic Landmarks Bd. & HAF	Exterior & first floor interior
St. Asaph St. S. 301	Arnold, Frances L. "Lafayette House"	8/3/70	HAF	Exterior & Interior Woodwork
St. Asaph St. S. 307	Kington, Mark & Ann	11/8/00	AHRPC	Open Space
Wales Alley, 1	Watauga Properties L.L.C.	5/30/01	AHRPC	Interior Wall
Washington St. N. 220	AHRPC - "Lloyd House"	ca. 1970	HUD & Hoge Foundation	Open Space, from N. Washington thru N. Columbus & Queen Streets
Washington St. N. 220	AHRPC - "Lloyd House"	2/23/01	Commonwealth of Va. Dept. of Historic Resources	Interior & Exterior Façade
Wolfe St. 604	Historic Alexandria Foundation on "Alexandria Academy"		Commonwealth of Va. Board of Historic Resources	Interior & Exterior

Abbreviations:

- * AHRPC - Alexandria Historical Restoration & Preservation Commission
- ** HAF - Historic Alexandria Foundation

cc YH, lde
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**ALEXANDRIA HISTORICAL RESTORATION
AND PRESERVATION COMMISSION**



OFFICE OF HISTORIC ALEXANDRIA
BOX 178, ALEXANDRIA, VIRGINIA 22313

DATE: APRIL 15, 2004

TO: COUNCILMAN ANDREW H. MACDONALD

FROM: CHARLES L. TROZZO, CHAIR *CLT*
ALEXANDRIA HISTORICAL RESTORATION & PRESERVATION
COMMISSION

SUBJECT: REQUEST FOR INFORMATION AND RECOMMENDATIONS

CITY MANAGER'S OFFICE
ALEXANDRIA, VA
2004 APR 16 P 3:29

In your memorandum of March 25, 2004, you requested information and opinions from our Commission on three specific projects. Our Commission met on April 14th and we addressed your requests.

First, as you know, the Harambee/Shiloh Baptist Church project was deferred and was not discussed at the BAR hearing last week. Several of our members are familiar with the project and have reviewed the proposed drawings for the new construction. Those members were pleased that demolition of the old building on the site was avoided and its incorporation into the new proposal seemed to work well in the conceptual plans available at the time. Inasmuch as the project was diverted into a different set of review channels because of litigation, we did not take it up for further discussion at this time.

You requested our views on the Second Presbyterian Church site. In fact, our Commission is already on record on this matter, having sent a recommendation to the Mayor and Council in September 2002. We discussed the contents of this letter at our recent meeting. Our opinions and recommendation have not changed from that time. That letter is attached for your consideration.

You requested our views on the City grant to the Lee-Fendall House. The Commission voted unanimously to support a grant of \$50,000 to the Lee-Fendall House for the extremely urgent restoration and rehabilitation of the summer beam, a major structural element in the support of the building. Several members of the Commission have seen the condition of the beam. The beam has extensive termite damage, and its current condition threatens the stability of the entire center hall and its support system. The Commission requests that the Virginia Trust for Historic Preservation, the board which owns the Lee-Fendall House, give serious consideration to the donation of an open space easement on the garden at this time. The preservation of this particular garden is of major interest to the Commission, and we would of course appreciate having the opportunity to hold this particular easement.

Received by CC, sent to CM

ALEXANDRIA HISTORICAL RESTORATION
AND PRESERVATION COMMISSION



OFFICE OF HISTORIC ALEXANDRIA
BOX 178, ALEXANDRIA, VIRGINIA 22313

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Barbara
Sanford
PSM

2002 SEP 20 P 3:02
CITY MANAGER'S OFFICE
ALEXANDRIA, VA

September 20, 2002

The Honorable Mayor Kerry J. Donley
Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

Dear Mayor Donley and Members of City Council:

It was recently brought to the attention of the Commission that the Second Presbyterian Church, located on the corner of Janney's Lane and Quaker Lane, will be closing soon. This extensive property includes a substantial amount of open space as well as a significant historic building, The Manse, dating perhaps from the turn of the 20th century.

As you know, our Commission has as one of its mandates the taking of easements to protect historic structures and related open space throughout the community.

Our Commission urges you to consider the acquisition of this important open space and protecting it by scenic or conservation easements. We also hope that should the City acquire this property, that the City and our Commission engage in consultations leading to the protection of The Manse by a preservation easement.

Sincerely yours,

Charles L. Trozzo
Chair

