

NEGOTIATING HISTORIC PRESERVATION EASEMENTS

PANELISTS:

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A. SCOPE OF THE EASEMENT

1. Concern regarding the elements in the National Register nomination for the property which caused the property to be listed.
2. Concern regarding other features of the building or land that would have an impact on the historic features of the property.
3. A precise description of the features to be protected.
4. Particular issues when interior features of the property are to be protected.
5. Reference to outside materials, e.g. National Register nomination, photographs, appraisal reports.
6. Access to the property or visibility of the historic features of the property.
7. Substantial vs. insubstantial alterations or repairs.

B. REQUESTS FOR APPROVAL OF CHANGES OR ALTERATIONS

1. Discretion of the grantee organization and standards for approval.
2. Procedure for requesting and granting approval.
3. Costs incurred by the grantee organization in reviewing the request.

C. OBLIGATIONS FOR MAINTENANCE AND REPAIR

1. Standards regarding the maintenance of the property.
2. Grantee organization's remedies if the grantee organization contends that the property is not being maintained or repaired.

D. RIGHTS OF INSPECTION

1. Scope of rights.
2. Access to the property granted to the grantee organization.
3. Payments to the grantee organization to pay for inspections.

E. DAMAGE AND DESTRUCTION

1. Procedure for the restoration of the property or for determining that the property cannot be restored.
2. Grantee organization's right to review and approve of the restoration of the property.
3. Owner's obligation to restore the property.
4. Rights of the grantee organization to insurance proceeds if the property cannot be restored.

F. REMEDIES FOR DEFAULT

1. Equitable remedies available to either party.
2. Self-help remedies.
3. Action for damages.
4. Attorney's fees.