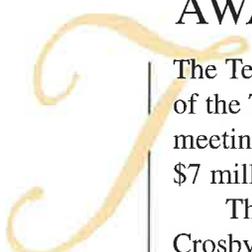


# COURTHOUSE CORNERSTONES

A Quarterly Update of the Texas Historic Courthouse Preservation Program

## TEXAS HISTORICAL COMMISSION AWARDS ROUND II GRANTS



The Texas Historical Commission (THC) announced Round II grant recipients of the Texas Historic Courthouse Preservation Program at an October 27 meeting in Brenham. Commissioners awarded matching grants totaling nearly \$7 million to 28 Texas counties to help preserve their historic courthouses.

The grants were awarded to Archer, Bee, Brooks, Cameron, Concho, Crosby, Dallas, Denton, Dimmit, Falls, Goliad, Harrison, Hood, Hudspeth, Jeff Davis, Lamar, Lavaca, Leon, Maverick, Newton, Nueces, Parker, Potter, Rains, Val Verde, Wharton, Wheeler and Williamson counties.

THC commission members opted to award smaller grants to more counties in order to get as many as possible started on the preservation of their historic courthouses. The grant money will go toward developing architectural plans for courthouse renovation with the exception of Newton County, which will use the grant to begin stabilizing and rebuilding its courthouse after a tragic fire this summer.

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have been symbols  
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Preserving them  
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the part of  
a community.*

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*Dodson and Dudley  
designed the 1885  
Parker County  
Courthouse in  
Weatherford in the  
Second Empire style.  
The THC awarded  
money to 28 counties  
in Round II, including  
Parker County.*

# HISTORIC PRESERVATION EASEMENTS — ANSWERS TO CRITICAL QUESTIONS

## WHAT IS AN EASEMENT?

An easement is a legal agreement a property owner makes to restrict the type and amount of development that may take place on the property. Each easement's restrictions are tailored to the particular property and to the interests of the individual owner.

To understand the easement concept, think of owning land as holding a bundle of rights. A landowner may sell or give away the whole bundle or just one or two of those rights. These may include, for example, the right to construct buildings, to subdivide the land, to restrict access or to harvest timber. To give away certain rights while retaining others, a property owner grants an easement to an appropriate third party.

The specific rights a property owner forgoes when granting a conservation easement are spelled out in each easement document. The owner and the prospective easement holder identify the rights and restrictions on use that are necessary to protect the property — what can and cannot be done to it. The owner then conveys the right to enforce those restrictions to a qualified conservation recipient, such as a public agency, a land trust or a historic preservation organization like the Texas Historical Commission.

## WHAT IS A HISTORIC PRESERVATION EASEMENT?

Easements often are called by different names, according to the resource they protect. Easements used to preserve historic structures or historic land areas are called historic preservation easements. People grant easements to protect their historic buildings from inappropriate development while retaining private ownership.

## WHO CAN GRANT A PRESERVATION EASEMENT?

Any owner of property with historic resources may grant a preservation easement.

## HOW LONG DOES AN EASEMENT LAST?

An easement can be written so that it lasts forever. This is known as a perpetual easement. By granting an easement in perpetuity, the owner may be assured that the resource values of the property will be protected indefinitely, no matter who the future owners are. Where state law allows, an easement may be written for a specified period of years, and this is known as a term easement. Most recipient historic preservation organizations accept only perpetual easements, but term easements are allowed under the Texas Historic Courthouse Preservation Program.

An easement runs with the land — that is, the original owner and all subsequent owners are bound by the restrictions of the easement. The easement is recorded at the county or town records office so that all future owners and lenders will learn about the restrictions when they obtain title reports.

## WHAT TERMS ARE INCLUDED IN AN EASEMENT?

Easements can include any terms mutually agreed upon by the landowner and a preservation organization. If the goal is to protect the historical and architectural integrity of a courthouse, for example, an easement may restrict unsympathetic additions to the square and inappropriate changes to the historic structure. It may also ensure that the courthouse will be rebuilt to its original size and design

should the structure be partially damaged by such unforeseen incidents as fires and storms. Additionally, easements serve to highlight the historical significance of these properties when local governments plan for future facilities.

## WHAT ARE THE GRANTEE'S RESPONSIBILITIES?

The grantee organization or agency is responsible for enforcing the restrictions that the easement document spells out. To do this, the grantee monitors the property on a regular basis. Grantee representatives may visit the property, usually accompanied by the owner. They determine whether the property remains in the condition prescribed by the easement and documented at the time of the grant.

*This article was written using material from The Conservation Easement Handbook: Managing Land Conservation and Historic Preservation Easement Programs by Janet Diehl and Thomas S. Barrett (San Francisco, CA, and Alexandria, VA: The Trust for Public Land and the Land Trust Exchange, 1988).*



*These caryatids at the 1914 Nueces County Courthouse have been neglected for more than 20 years. Because of a deed restriction held by the THC, the building is still standing and has received Round II funding.*

— Continued from page 1

“We had an overwhelming response in the second round of funding,” said THC Executive Director Larry Oaks. “It’s inspiring to see so many communities enthusiastic about preservation. Our goal in Round II was to assist as many counties as we could with the funds that remained. Clearly, there is a serious need for this type of funding. There are still 99 counties seeking more than \$201 million for courthouse restoration projects.”

Gov. George W. Bush and the Texas Legislature created the Texas Historic Courthouse Preservation Program in 1999 with an initial appropriation of \$50 million. The THC distributed \$42.4 million in matching grants to 19 counties in Round I of the program in May, and the Round II grants marked the last of the original funds.

“The Round I grant recipients will begin construction in the next few months and many of the counties that received Round II grants have already started work on their architectural plans,” said THC Architecture Division Director Stan Graves. “Texans will soon see some amazing and much-needed transformations in their historic courthouses.”

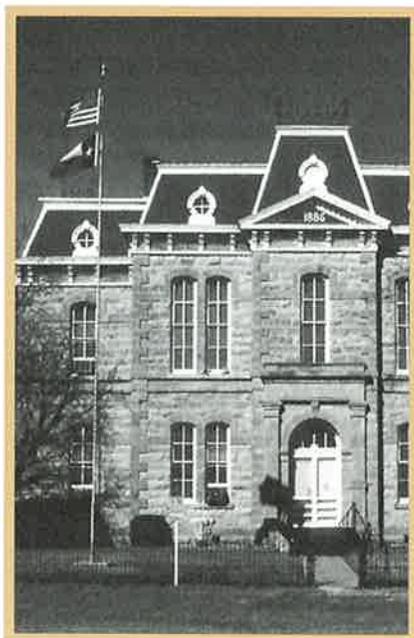
Texas courthouses have been symbols of strength, pride, progress and democracy for more than 150 years. However, many of the state’s more than 220 historic courthouses are in disrepair due to insufficient funding for building care and maintenance. Their plight gained national attention in 1998 when the National Trust for Historic Preservation named Texas courthouses to its list of America’s 11 Most Endangered Historic Places.

“Preserving historic courthouses demonstrates a long-term vision on the part of a community and its elected officials,” said THC Chairman John L. Nau, III. “This program represents one of the largest and most far-reaching historic preservation initiatives ever conceived by a state government. Texans can be proud of these efforts to preserve our state’s rich history.”

Pending additional funding from the Texas Legislature in the upcoming session, the THC plans to continue the program with several more rounds of grant opportunities.

For more information, please visit the THC web site at [www.thc.state.tx.us](http://www.thc.state.tx.us) or contact: Architecture Division, Texas Historical Commission at 512/463-6094. ★

*The Concho County Courthouse in Paint Rock has had few alterations since its construction in 1886.*



## COMMON COURTHOUSE QUESTIONS

### **Q: How can my county prepare for future rounds of funding?**

A: One of the first steps in preparing for the Texas Historic Courthouse Preservation Program is to budget for a courthouse master plan. A professional preservationist can help your county evaluate potential hazards and set priorities for maintaining and rehabilitating your courthouse.

A good master plan includes a history of the building, historic photos and drawings, a thorough evaluation of existing conditions and a plan for future maintenance and work, including an estimated budget for all proposed work. The THC encourages counties and professionals to work closely with our staff to ensure your master plan meets the standards set by the Texas Historic Courthouse Preservation Program.

### **Q: What is the difference between preservation, rehabilitation and restoration?**

A: Although these concepts seem interchangeable, the U.S. Department of the Interior has strict definitions and standards of work for each of them. The Texas Historic Courthouse Preservation Program applications are ranked according to the type of work proposed by the applicant. According to the Secretary of the Interior, “Preservation focuses on the maintenance and repair of existing historic materials and retention of a property’s form as it has evolved over time. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property’s historic character. Restoration is undertaken to depict a property at a particular period of time in its history, while removing evidence of other periods.”

### **Q: How can I get more information?**

A: Contact the THC’s Architecture Division at 512/463-6094 for more information on the Texas Historic Courthouse Preservation Program or for a free copy of *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*. ★



**TEXAS  
HISTORICAL  
COMMISSION**

*The State Agency for Historic Preservation*

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**HELP SAVE OUR  
HISTORIC  
COURTHOUSES!**

Above: Bexar County Courthouse  
Illustrated by Larry Bridges, 800/398-8419

**TEXAS HISTORICAL COMMISSION  
TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM**

**WORKING**  
*Timeline*  
**2001 - 2002**



*Shown right: Hudspeth County Courthouse  
Below right: Hood County Courthouse*

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**Abby Haywood**  
Administrative Assistant  
512/463-8205

*2001*

**JANUARY**

**9**

77th Texas  
Legislature  
convenes

**MAY**

**28**

Last day  
of the 77th Texas  
Legislature

**JULY**

**30**

Deadline for  
architectural plans  
and specifications  
for Round II

**SEPTEMBER**

Pending  
additional  
funding by the  
Texas Legislature,  
Round III funding  
becomes  
available



Visit the THC web site at [www.thc.state.tx.us](http://www.thc.state.tx.us).