

SEMINAR
HISTORIC PRESERVATION LAW
LAW 6936, CLASS #27473
FALL SEMESTER 2021

Wednesday, 4:00-6:00 pm, 213 Martin Levin Advocacy Center

Professor: Timothy McLendon
Office: 230 Bruton-Geer Hall (Levin College of Law)
Telephone: (352) 273-0835
E-mail: mclendon@law.ufl.edu

Office Hours: Mondays, 10:30-11:30am
Wednesdays, 9:30-10:30am
Thursdays, 2.30-3:30pm

Course Description:

This 2 credit hour seminar will survey the legal structure, philosophy and techniques behind historical and archaeological resources protection in the United States. The first part of seminar will involve lectures, readings and discussions of federal preservation laws, including both specific federal laws (*e.g.*, the National Historic Preservation Act and NEPA), as well as federal programs in support of preservation (*e.g.*, the National Register of Historic Places). The second part of seminar will focus on the state and local historic preservation structure, especially the designation and protection of individual landmarks and historic districts. A final section will consider some of the constitutional issues raised by historic preservation, including takings, due process and first amendment issues. The seminar will draw upon visiting resource people for some sessions who are among the local, state and national authorities in the field of historic preservation.

Readings for the course will include selected laws, cases and articles. The seminar will include an advanced written research paper and oral presentation to the class addressing a particular legal/policy problem or issue in historic or archaeological resources protection. The paper may satisfy the College of Law's advanced writing requirement.

Course Materials:

The mandatory readings (cases, articles, many statutes and regulations) have been combined in a course pack. [Per UF regulation, this professor is required to state that he has no financial interest in whether students purchase the course pack.] Course materials will be available for purchase at Book iT, 1250 W. University Ave. (N.W. 13th St. & University Ave.-in the Holiday Inn Building), ph.# 352-371-9588. Students are also free to download the materials themselves. Some additional material is available on TWEN and a few items have been placed on reserve in the Law Library.

A current compendium of relevant federal historic preservation statutes is available for free online at:

<https://www.nps.gov/subjects/historicpreservation/laws.htm>.

Other supplementary materials will be distributed in class or placed on reserve in the Law Library in Bruton-Geer Hall.

Course Goals & Objectives:

The goal of this seminar is to introduce students to the legal structures which support historic and cultural resource preservation, including the major federal procedural laws, the laws which protect archaeological and Native American artifacts, local historic ordinances and the constitutional issues raised by them, and some of the tax and other incentive policies which promote historic preservation.

By the end of this course, students should be able to:

- Appreciate the history and development of the field of historic preservation, and the policies which define what is considered historic;
- Recognize the different federal procedural statutes relevant to historic and cultural resource preservation, including the National Historic Preservation Act, the National Environmental Policy Act and Section 4 of the Department of Transportation Act;
- Apply basic administrative law principles to challenges under these statutes, including plaintiff standing, relevant standard of review and available remedies;
- Explain the federal laws protecting archaeological and Native American resources, and the applicability of these laws to private behavior;

- Describe how historic preservation functions at the local level;
- Evaluate how relevant constitutional provisions may apply to the operation of these local ordinances; and
- Examine various federal, state and local incentives that promote preservation by private parties, including the federal rehabilitation tax credit and local ad valorem tax exemptions, as well as other incentive programs.

Grades:

Grades in the seminar will be based on: 1) the quality of the paper submitted (70%); 2) the oral presentation (20%); and 3) attendance and participation in class discussion (10%). A seminar depends upon class attendance, and four or more unexcused absences are grounds for dismissal from the seminar.

Grade Values for Conversion

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E
Grade Points	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	.67	0

The law school grading policy is available at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

Attendance:

Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. Requirements for class attendance, assignments, and other work in this course are consistent with University of Florida policies that can be found at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Statement related to accommodations for students with disabilities:

Students requesting classroom accommodation must first register with the Disability Resource Center (tel: 352-392-8565, or online at: <https://disability.ufl.edu/>) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Dean Mitchell in Student Affairs when requesting an accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Academic honesty:

Academic honesty and integrity are fundamental values of the University community. Students should ensure that they understand the UF Student Honor Code, available online at: <http://www.dso.ufl.edu/drc/>.

Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

Class Preparation/Academic Workload:

This course complies with ABA Standard 310. The required readings for this course, posted below, require about 120 minutes of reading and preparation for each class session.

Honor Code:

Collaboration. You are bound strictly by the Honor Code. The written seminar paper must be your own work.

Plagiarism. Representing another's work as your own constitutes plagiarism. Further, paraphrasing or quoting from a case, law review article, or any other source without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. Any paper evidencing plagiarism will receive a failing grade and will be

referred to the law school's Honor Committee. It is no defense to a charge of plagiarism to plead ignorance of what constitutes plagiarism or lack of intent to plagiarize.

In-Class Recordings:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

Seminar Paper Deadlines:

1. Choice of Topic - Class 4, Wednesday, 15. September
2. Outline & initial Bibliography - Class 7, Friday, 8. October
3. Initial Draft - Class 10, Wednesday, 27. October
4. Completed Paper - Tuesday, 30. November, 5.00pm

Outline of the Course:¹

Class 1: Wednesday, 25. August - Guest Speaker -

Linda Stevenson, Ph. D., Principal, Stevenson Architects & Adjunct Professor,
Univ. of Florida College of Design, Construction & Planning

Introduction - Why Preserve?

- * W. Brown Morton III, *What Do We Preserve and Why?*, in *THE AMERICAN MOSAIC: PRESERVING A NATION'S HERITAGE* (Robert E. Stipe & Antoinette J. Lee, eds., US/ICOMOS, 1987). In course pack.
- * Robert E. Stipe, *Historic Preservation: The Process and the Actors*, in *THE AMERICAN MOSAIC: PRESERVING A NATION'S HERITAGE* (Robert E. Stipe & Antoinette J. Lee, eds., US/ICOMOS, 1987). In course materials.
- * Findings of the National Committee on Historic Preservation, *from WITH HERITAGE SO RICH* (Nat'l Trust, 1966, rep. 1983). In course materials.

WILLIAM J. MURTAGH, *KEEPING TIME: THE HISTORY AND THEORY OF PRESERVATION IN AMERICA* (Main Street Press, 1988), ch. 2-5. On reserve.

Joseph L. Sax, *Heritage Preservation as a Public Duty: The Abbé Grégoire and the Origins of an Idea*, 88 *MICH. L. REV.* 1142 (1990). On Canvas.

¹ Readings marked "*" are assigned readings for that week. Other readings are suggested as supplemental material.

I. Federal Historic Preservation Laws

Overview

* Editor Note: *An Overview of Federal Historic Preservation Law & Related Legislation*, PRESERVATION L. REP. (June 1994). In course materials.

* National Register Criteria, 36 CFR § 60.4. In course materials & on reserve.

Federal Historic Preservation Case Law, 1966-2000, Introduction:

<https://www.achp.gov/sites/default/files/2018-10/Section%20106%20Casebook%201966%20through%202000.pdf>

American Antiquities Act of 1906 (54 U.S.C. §§ 320301-320303)

* *United States v. Diaz*, 499 F.2d 113 (9th Cir. 1974). In course materials.

* *United States v. Smyer*, 596 F.2d 939 (10th Cir. 1979). In course materials.

Historic Sites Act of 1935 (54 U.S.C. §§ 102303-102304, 320101-320106)

Class 2: Wednesday, 1. September - Guest Speaker -

Darlene Henrichs, Historic Preservation Specialist, FEMA, formerly Preservation Officer, City of Gainesville.

Bridge of Lions, St. Augustine. Rehabilitation project information, *available online at:*

<http://www.transystems.com/TranSystems/media/TranSystems/PDFDocuments/20-Rehabilitation-of-the-Historic-Bridge-of-Lions.pdf>

* Advisory Council on Historic Preservation, “106 Success Story: Bridge of Lions Illustrates Early Community Involvement Key in Maintaining Historic Character in a Contemporary Bridge”, *available online at:*

<https://www.achp.gov/success-stories/bridge-lions>

Bridge of Lions, Draft Environmental Impact Statement. On Canvas.

Bridge of Lions, Final Environmental Impact Statement, *available online at:*

http://web.archive.org/web/20111207000500/http://www.partnershipborderstudy.com/bol_old/index.html

National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*)

- * *Don't Tear It Down, Inc. v. General Services Administration*, 401 F. Supp. 1194 (1975). In course materials.

Vieux Carré Property Owners, Residents & Assoc. v. Brown, 875 F.2d 453 (5th Cir. 1989), *cert. denied*, 493 U.S. 1020 (1990). In course materials.

Federal Historic Preservation Case Law, 1966-2000, Section 2: NHPA:

<https://www.achp.gov/sites/default/files/2018-10/Section%20106%20Casebook%201966%20through%202000.pdf>

Section 106 (54 U.S.C. § 306108, formerly 16 U.S.C. § 470f)

Advisory Council on Historic Preservation, Section 106 Users Guide,

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>

- * *Paulina Lake Historic Cabin Owners Association v. U.S.D.A. Forest Service*, 577 F. Supp 1188 (D. Or. 1983). In course materials.

Sierra Club v. Jewell, 764 F.3d 1 (D.C. Cir. 2014).

Section 106 Implementing Regulations:

<https://www.achp.gov/sites/default/files/2018-10/Section%20106%20Casebook%201966%20through%202000.pdf>

Court Opinions on Compliance with Section 106 and the Council's Regulations:

<https://www.achp.gov/sites/default/files/2018-10/Section%20106%20Casebook%201966%20through%202000.pdf>

36 CFR Part 800: "Protection of Historic Properties"

Section 110 (54 U.S.C. § 306101, formerly 16 U.S.C. § 470h-2)

- * *National Trust for Historic Preservation vs. Blanck*, 938 F. Supp. 908 (D.D.C. 1996), *aff'd*, 203 F.3d 53 (D.C. Cir. 1999). In course materials.

Section 110 of the National Historic Preservation Act

Court Opinions on Compliance with Section 110:

<https://www.achp.gov/sites/default/files/2018-10/Section%20106%20Casebook%201966%20through%202000.pdf>

Class 3: Wednesday, 8. September

NEPA (42 U.S.C. § 4321 *et seq.*)

- * *Watch v. Harris*, 603 F.2d 310 (2d Cir.), *cert. denied*, 444 U.S. 995 (1979). In course materials.
- * *Protect Key West v. Cheney*, 795 F. Supp. 1552 (S.D. Fla. 1992). In course materials.

36 CFR Part 805: Procedures for Implementation of National Environmental Policy Act

Class 4: Wednesday, 15. September

Transportation Projects and Section 4(f) review

- * *Citizens of Overton Park v. Volpe*, 401 U.S. 402 (1971). In course materials.
- * *Benton Franklin River-Front Trailway and Bridge Committee v. Lewis*, 701 F.2d 784 (9th Cir. 1983). In course materials.

Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*)

Section 12204 of the ADA and Section 4.1.7 of the Accessibility Guidelines promulgated by the U.S. Architectural & Transportation Barriers Compliance Board specifically govern historic properties. See 42 U.S.C. § 12204; 36 C.F.R. 1191.2 (1997).

- * Thomas Jester & Sharon Park, *Making Historic Properties Accessible*, PRESERVATION BRIEF NO. 32 (Washington, D.C., NPS, 1993), available online at: <https://www.nps.gov/tps/how-to-preserve/briefs/32-accessibility.htm>
- * *Gathright-Dietrich v. Atlanta Landmarks, Inc.*, 452 F.3d 1269 (11th Cir. 2006). In course materials.
- * *Speciner v. NationsBank, N.A.*, 215 F.Supp.2d 622 (D. Md. 2002). In course materials.

U.S. Dept. of Justice, Civil Rights Div., Disability Rights Section, ADA, Title III Technical Assistance Manual Covering Public Accommodations & Commercial Facilities (Nov. 1993). § III-6.4000 Alterations: Hist. Pres., available online at: <https://www.ada.gov/taman3.html>

Class 5: Wednesday, 22. September

Archeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469-469c)

Historic and Archeological Data Preservation Act of 1974 (16 U.S.C. § 469)

Archeological Resources Protection Act of 1979 (16 U.S.C. § 470)

Abandoned Shipwreck Act of 1987 (43 U.S.C. § 2101)

* *California v. Deep Sea Research, Inc.*, 523 U.S. 491 (1998). In course materials.

* *Northeast Research LLC v. One Shipwrecked Vessel*, 729 F.3d 197 (2d Cir. 2013). In course materials.

* *Cobb Coin Co. v. Unidentified, Wrecked & Abandoned Sailing Vessel*, 525 F. Supp. 186 (S.D. Fla. 1981).

* *Sea Hunt v. Unidentified Shipwrecked Vessel*, 221 F.3d 634 (4th Cir. 2000). In course materials.

* Christopher R. Bryant, *The Archaeological Duty of Care: The Legal, Professional, and Cultural Struggle over Salvaging Historic Shipwrecks*, 65 ALB. L. REV. 97 (2001). On Canvas.

Mary Ann Becker, *Regulating the Business of Culture: The Abandoned Shipwreck Act—Can Preservationists, Salvors, and Divers Sail in Calmer Waters?*, 51 DEPAUL L. REV. 569 (2001). On Canvas.

Wednesday, 29. September - No Class

Class 6: Friday, 1. October - at Florida Museum of Natural History

Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001)

<https://www.nps.gov/subjects/nagpra/index.htm>

<https://repatriationfoundation.org/>

<http://www.friendsofpast.org/>

* *United States v. Corrow*, 119 F.3d 796 (10th Cir. 1997), *cert. denied*, 522 U.S. 1133 (1998). In course materials.

* *Bonnichsen v. United States*, 367 F.3d 864 (9th Cir. 2004). In course materials.

- * 43 CFR § 10.11: Disposition of culturally unidentifiable human remains. In course materials

Wednesday, 6. October - No Class

Class 7: Friday, 8. October - Field Trip to Dudley Farm (west of Gainesville on Newberry Road)

- * Dudley Farm National Register Application. On Canvas.
- * Dudley Farm State Park website:
<https://www.floridastateparks.org/parks-and-trails/dudley-farm-historic-state-park>

II. The Role of State Government

- * Michael Mantel, *State Preservation Law*, in A HANDBOOK ON HISTORIC PRESERVATION LAW (Christopher J. Duerksen, ed., Washington, D.C.: Conservation Found. & Nat'l Ctr. for Preservation Law, 1983). On Reserve.
- * Sandra G. McLamb, *Preservation Law Survey 2001: State Preservation Law*, 8 WIDENER L. SYMP. J. 463 (2002). On Canvas.
- * FLA. STAT. ch. 267. In course materials.

Florida Department of State, Division of Historical Resources,
<http://www.flheritage.com/>

Class 8: Wednesday, 13. October - meet at Thomas Center downtown with Jason Simmons, City of Gainesville planning staff, with short walking tour to follow.

II. Local Historic Preservation Laws

Timothy McLendon, *Summary of Florida Historic Preservation Law* (Section III), in ENVIRON. & LAND USE LAW TREATISE (Florida Bar 2000, 2008). On Canvas & on reserve.

- * CONSTANCE EPTON BEAUMONT, *A CITIZEN'S GUIDE TO PROTECTING HISTORIC PLACES: LOCAL PRESERVATION ORDINANCES* (Nat'l Trust, 1992). In course materials.
 - * Margaret F. England, *Regionalism and Historic Preservation: How History is Given Greater Weight in Different Regions of the Country*, 8 WIDENER L. SYMP. J. 347 (2002). In course materials.
 - * George B. Abney, *Florida's Local Historic Preservation Ordinances: Maintaining Flexibility While Avoiding Vagueness Claims*, 25 F.S.U. L. REV. 1017 (Summer 1998). On Canvas & available online at: <https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1422&context=lr>
- John K. McPherson, *Public & Private Land Use Controls*, in *HISTORIC PRESERVATION IN FLORIDA* (E.L. Roy Hunt et al., eds., 1988). On reserve.
- Caryl Brinson, *Establishing a Local Government Historic Preservation Program*, in *HISTORIC PRESERVATION IN FLORIDA* (E.L. Roy Hunt et al., eds., 1988). On reserve.
- Christopher J. Duerksen, *Local Preservation Law*, in *A HANDBOOK ON HISTORIC PRESERVATION LAW* (Christopher J. Duerksen, ed., Cons. Found. & Nat'l Ctr. for Preservation Law, 1983). On reserve.
- E.L. Roy Hunt, *Owner Consent to Landmark or Historic District Designation: Citizen Veto of Comprehensive Planning*, 6 GROWTH MGMT. STUDIES NEWSL. 1 (1991). Handout.
- * GAINESVILLE, FLA., CODE §§ 30-79, 30-112, 30-355. In course materials.

Constitutional Issues

- * James A.R. Nafziger, *The Underlying Constitutionalism of the Law Governing Archaeological and Other Cultural Heritage*, 30 WILLAMETTE L. REV. 581 (1994). In course materials.
- Antonio Rossman, *The Contribution of Historic Preservation to Constitutional Law*, 6 ENVIRON. L. NEWS 13 (Cal. Bar, Environ. L. Section, 1997). On Canvas

Class 9: Wednesday, 20. October

Takings:

- * *Penn Central Transportation v. City of New York*, 438 U.S. 104 (1978). In course materials.
- * *District Intown Properties Ltd. Partnership v. District of Columbia*, 198 F.3d 874 (D.C. Cir. 1999), *cert. denied*, 531 U.S. 812 (2000). In course materials.
- * *Estate of Tippett v. City of Miami*, 645 So. 2d 533 (3d DCA 1994), *rev. dismissed*, 652 So. 2d 819 (Fla. 1995)—Concurring opinion of Judge Gersten. In course materials.

Thomas W. Logue, *Avoiding Takings Challenges While Protecting Historic Properties from Demolition*, 19 STETSON L. REV. 739 (1990). In course materials.

- * FLA. STAT. ch. 70, Bert J. Harris Private Property Rights Protection Act. In course materials.
- * Roy Hunt, *Property Rights and Wrongs: Historic Preservation and Florida's 1995 Private Property Rights Protection Act*, 48 FLA. L. REV. 709 (1996). In course materials.

Class 10: Wednesday, 27. October

Due Process:

- * *Metropolitan Dade County v. P.J. Birds, Inc.*, 654 So. 2d 170 (Fla. 3d DCA 1995). In course materials.
- BRADFORD J. WHITE & PAUL W. EDMONDSON, *PROCEDURAL DUE PROCESS IN PLAIN ENGLISH: A GUIDE FOR PRESERVATION COMMISSIONS* (Nat'l Trust, 1994). On reserve.
- * *Hanna v. City of Chicago*, 907 N.E.2d 390 (Ill. App.), *appeal denied*, 910 N.E.2d 1127 (Ill. 2009). In course materials.
 - * *Hanna v. City of Chicago*, 2013 WL 5436642 (Ill. App., Sept. 26, 2013).
 - * *Conner v. City of Seattle*, 223 P.3d 1201 (Wash. App. 2009).

Establishment Clause:

- * *Vestry of St. Bartholomew's Church v. City of New York*, 914 F.2d 348 (2d Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). In course materials.
- * *City of Boerne v. Flores*, 521 U.S. 507 (1997). In course materials.
- * *American Legion v. American Humanist Ass'n*, 139 S.Ct. 2067 (2019). In course materials.

Ira C. Lupu & Robert W. Tuttle, *Historic Preservation Grants to Houses of Worship: A Case Study in the Survival of Separationism*, 43 B.C. L. REV. 1139 (2002). On Canvas.

Class 11: Wednesday, 3. November

IV. Tax Incentives

- * Rehabilitation Tax Credit, Internal Revenue Code, § 47, 26 U.S.C. § 47. In course materials.
- * STEPHEN L. KASS ET AL., REHABILITATING OLDER & HISTORIC BUILDINGS: LAW, TAXATION, STRATEGIES (2nd ed., 1993), Chapter 1 (“Federal Income Tax Incentives for Rehabilitation”). On reserve.
- * *Amoco Prod. Co. v. U.S. Dept. of the Interior*, 763 F.Supp. 514 (N.D. Okla. 1990). In course materials.
- * *Nalle v. Comm’r of Internal Revenue*, 990 F.2d 1134 (5th Cir. 1993). In course materials.

Historic Boardwalk Hall LLC v. Comm’r of Internal Revenue, 694 F.3d 425 (3d Cir. 2012), *cert. denied*, 569 U.S. 1004 (2013).

- * IRS Revenue Proc. 2014-12 (2014) - safe harbor rules for when IRS will not challenge partnership allocations of rehabilitation tax credits.

36 CFR, Part 67, Historic Preservation Certifications Pursuant to Sec. 48(g) and Sec. 170(h) of the Internal Revenue Code of 1989, and 36 CFR Part 68, The Secretary of the Interior's Standards for Historic Preservation Projects

National Park Service, Technical Preservation Services. Interpreting the Secretary of the Interior's Standards for Rehabilitation. Case Numbers 81-012, 81-020, and 87-090.

Internal Revenue Service. "Rehabilitation Tax Credit Law Provisions. Internal Revenue Code and Treasury Regulation Sections Presented in a Topical Format"

Section 170(h), Internal Revenue Code of 1986: Qualified Conservation Contributions, 26 U.S.C. 170(h)

26 CFR Part 1.170A-14: Qualified Conservation Contributions

Ad Valorem Tax Incentive for Historic Preservation in Florida

- * FLA. CONST. art. VII, §§ 3(e) & 4(d); art. XII, § 22
FLA. STAT. §§ 193.503, 193.505
FLA. STAT. §§ 196.1961, 196.1997 & 196.1998
In course materials.
- * GAINESVILLE, FLA., CODE §§ 25-61 - 25-66. In course materials.
- * Roberta F. Mann, *Tax Incentives for Historic Preservation: An Antidote to Sprawl?*, 8 WIDENER L. SYMP. J. 207 (2002).

V. Development Strategies Transferable Development Rights Preservation Easements and Covenants

- * Jessica Owley, *The Future of the Past: Historic Preservation Easements*, 35 ZONING & PLANNING L. REP. No. 10, Nov. 2012, available online from SSRN at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2186923.

Thomas A. Coughlin, *Easements and Other Legal Techniques to Protect Historic Property in Private Ownership*, 6 PRES. L. REP. 2031 (1987-88). On reserve.

Timothy McLendon, *Summary of Florida Historic Preservation Law (Sections IV (B) & (C))*, in ENVIRON. & LAND USE LAW TREATISE (Florida Bar 2000, 2012). On Canvas & on reserve.

THOMAS S. BARRETT & STEFAN NAGEL, MODEL CONSERVATION EASEMENT AND HISTORIC PRESERVATION EASEMENT (Land Trust Alliance, 1996). On reserve.

VI. International and Comparative Preservation Law

International Council of Monuments and Sites. ICOMOS Charters and other instruments, available online at:

<https://www.icomos.org/en/resources/charters-and-texts>

- * "International Charter for the Conservation and Restoration of Monuments and Sites" (The Venice Charter of 1964), in course materials & available online at: https://www.icomos.org/charters/venice_e.pdf

- * UNESCO, Convention for the Protection of the World Cultural and Natural Heritage (1972). In course materials

Captain Joshua E. Kastenberg, *The Legal Regime for Protecting Cultural Property During Armed Conflict*, 42 A.F. L. REV. 277 (1997). On Canvas and available online at:

https://digitalrepository.unm.edu/law_facultyscholarship/421/

- * *United States v. An Antique Platter of Gold*, 184 F.3d 131 (1st Cir. 1999), *cert. denied sub nom. Steinhardt v. U.S.*, 528 U.S. 1136 (2000). In course materials.

- * *R.M.S. Titanic v. Wrecked & Abandoned Vessel*, 435 F.3d 521 (4th Cir. 2006). In course materials.

Historic Preservation in Foreign Countries (Robert E. Stipe, ed., US/ICOMOS, 1982). On Reserve

U.S. State Department International Cultural Property Protection:

<http://eca.state.gov/cultural-heritage-center/cultural-property-protection>

William Chapman, 'The Best Laid Schemes...': *Land-Use Planning and Historic Preservation in Cambodia*, 7 PAC. RIM L. & POL'Y 529 (1998).

Class 12/13: Wednesday, 10. November & Wednesday, 17. November

Student Presentations

Other Reference & Supplementary Materials - on reserve:

THE AMERICAN MOSAIC: PRESERVING A NATION'S HERITAGE (Robert E. Stipe & Antoinette J. Lee, eds., US/ICOMOS, 1987).

CONTRIBUTIONS OF HISTORIC PRESERVATION TO THE QUALITY OF LIFE IN FLORIDA (Timothy McLendon & JoAnn Klein, eds., 2006).

Executive Summary, *available online at:*

<http://www.law.ufl.edu/cgr/pdf/UF-Historic-report-final-2006.pdf>

Technical Document, *available online at:*

http://www.law.ufl.edu/cgr/pdf/historyPreservation_techreport.pdf

ECONOMIC IMPACTS OF HISTORIC PRESERVATION IN FLORIDA (Timothy McLendon & JoAnn Klein, eds., 2002).

Executive Summary, *available online at:*

https://www.law.ufl.edu/_pdf/academics/centers-clinics/centers/historic_report.pdf

Technical Document, *available online at:*

<http://www.law.ufl.edu/cgr/technical-report.shtml>

ECONOMIC IMPACTS OF HISTORIC PRESERVATION IN FLORIDA, UPDATE 2010 (Timothy McLendon & JoAnn Klein, eds., 2010).

Executive Summary, *available online at:*

https://www.law.ufl.edu/law/wp-content/uploads/2015/12/executive_summary_2010.pdf

Technical Document, *available online at:*

http://www.law.ufl.edu/cgr/pdf/technical_report_2010.pdf

A HANDBOOK ON HISTORIC PRESERVATION LAW (Christopher J. Duerksen, ed., Conservation Found. & Nat'l Ctr. for Preservation Law, 1983).

HISTORIC PRESERVATION IN FLORIDA (E.L. Roy Hunt et al., eds., 1988).

SHERRY HUTT ET AL., HERITAGE RESOURCES LAW: PROTECTING THE ARCHEOLOGICAL AND CULTURAL ENVIRONMENT (Nat'l Trust for Hist. Preservation, 1999).

STEPHEN L. KASS ET AL., REHABILITATING OLDER & HISTORIC BUILDINGS: LAW, TAXATION, STRATEGIES (2nd ed., 1993).

David Listokin et al., *The Contributions of Historic Preservation to Housing and Economic Development*, 9 HOUSING POL'Y DEBATE 431 (1998). On Canvas.

TIMOTHY McLENDON, FLORIDA HISTORIC PRESERVATION LAW & MODEL HISTORIC PRESERVATION ORDINANCE (1995, 1997).

Timothy McLendon, *Summary of Florida Historic Preservation Law*, in ENVIRON. & LAND USE LAW TREATISE (Florida Bar 2000, 2021).

WILLIAM J. MURTAUGH, KEEPING TIME: THE HISTORY & THEORY OF PRESERVATION IN AMERICA (Pittstown, N.J, Main Street Press, 1988).

Marilyn Phelan, *A Synopsis of the Laws Protecting Our Cultural Heritage*, 28 NEW ENG. L. REV. 63 (1993).

PRESERVATION LAW REPORTER (Washington, D.C., Nat'l Trust for Hist. Preservation).

READINGS IN HISTORIC PRESERVATION: WHY? WHAT? HOW? (Norman Williams et al., eds., Ctr. for Urban Policy Research, 1983).

RICHARD J. RODDEWIG, PREPARING A HISTORIC PRESERVATION ORDINANCE (APA, Planning Adv. Svc. Rep. 374, 1983).

Carol M. Rose, *Preservation and Community: New Directions in the Law of Historic Preservation*, 33 STAN. L. REV. 473 (1981).

Joseph L. Sax, *Heritage Preservation as a Public Duty: The Abbé Grégoire and the Origins of an Idea*, 88 MICH. L. REV. 1142 (1990).

BRADFORD J. WHITE & RICHARD J. RODDEWIG, PREPARING A HISTORIC PRESERVATION PLAN (APA, Planning Adv. Svc. Rep. 450, 1994).

WITH HERITAGE SO RICH (Albert Rains & Laurence G. Henderson, eds., Preservation Press, 1966, rev. ed., 1983).