

**Robert Latane Montague III  
1007 King Street  
Alexandria, Virginia 22314**

**May 14, 2019**

**Mayor and City Council  
City Hall, Alexandria, Virginia**

The home of the late Justice Hugo Black of the US Supreme Court, also known as the Vowell-Snowden House, and featured in *Seaport in Virginia, George Washington's Alexandria*, published in 1949 by my aunt Gay Montague Moore, is subject to a preservation and open space easement given to the Virginia Department of Historic Resources ("VDHR") by Justice and Mrs. Black in 1969. The intent of the Blacks to preserve the garden grounds of the property as open space is quite clear from that easement. The fact that the property was included in this book was a private sector reflection of its historic importance before there was a public register of historic landmarks.

It is the largest private garden in Old Town Alexandria comprising the equivalent of 12 town house lots, some of which were cleared of existing structures when the Blacks created their garden to include a swimming pool and a tennis court. The open space surrounding 619 S. Lee Street is rarer and more significant as a landmark than the house itself because of its design and ownership history.

Easements are an integral part of the system for historic preservation as it exists in Alexandria, Virginia and indeed in the United States. At the most expensive level of public investment are the museum houses (Carlyle House), Lloyd House, which was acquired with a grant of 50% of its \$430,000 purchase price from HUD because of its garden open space, the Lyceum, which is a publicly owned museum and meeting hall, and Gadsby's Tavern. For a much smaller but continuing level of public investment, easements held by public and private agencies protect dozens of private properties in Alexandria, and elsewhere in Virginia. The Alexandria Historic District Ordinance provides further protection of the public interest in private historic properties by use of the police power.

The VDHR has previously rejected less invasive and space consuming proposals to alter the character and amount of open space at 619 S. Lee by other owners of the property. Without public participation the VDHR has chosen to preliminarily approve the proposed substantial alteration to the house and garden by the present owners.

The City of Alexandria has a substantial financial interest in this matter because it has foregone substantial real estate taxes that would have applied to the property had it not been subject to the easement since 1969. This fact and Virginia law gives the city legal standing to

intervene in the matter and seek enforcement of the terms of the easement as specified by Virginia law. The failure to do so will seriously damage the ability to preserve open space through the use of easements in the City of Alexandria and the entire state of Virginia.

Alexandria has a public policy in support of the protection of historic sites and urban open space. This policy is further reflected in Article XI of the Constitution of Virginia which expressly includes historic sites.

I write as a past President of the Historic Alexandria Foundation, the Old Town Civic Association, the Northern Virginia Conservation Council, Conservation Council of Virginia and as a 12-year Chairman of the Alexandria Historical Restoration and Preservation Commission, which is the local government agency holding easements preserving open space associated with properties in Old Town. The Northern Virginia Conservation Council specializes in advocating for public and private open space preservation throughout Northern Virginia. It is the civic organization which fought to secure the establishment of the Alexandria Waterfront Park System beginning with Founders' Park in 1973.

Allowing this proposal to go forward will jeopardize the future of the easement program in Alexandria and the rest of Virginia. The proposed demolition and new construction for 619 S. Lee Street must be rejected and enforcement of the easement must be insisted upon by the City of Alexandria.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert L. Montague III". The signature is written in a cursive style with a small "III" at the end.

Robert Latane Montague III

Vice President,

Northern Virginia Conservation Council

(703) 609-0744