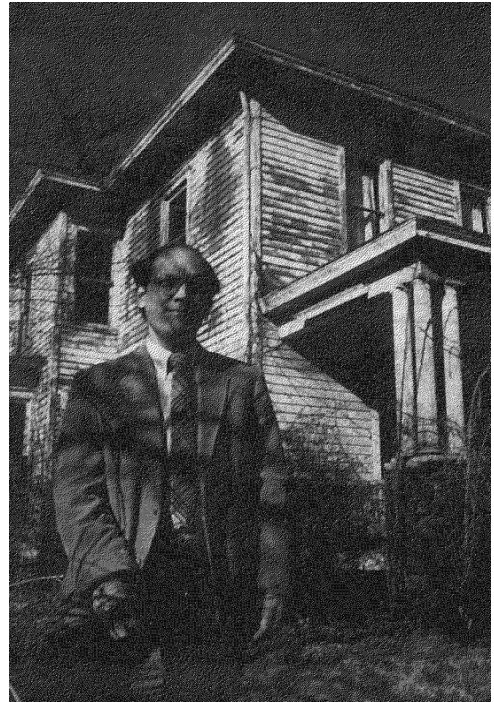


An Early History of LPA, 1984-1990

After 34 years as a local non-profit promoting local architectural history, the Lawrence Preservation Alliance has achieved a history of its own. And what a history it is: a number of pivotal events in LPA history are also important moments in city history. Lawrence today would not be the same if LPA had not existed, and every day we work to ensure that statement continues to remain true.

We reached out to the first president of LPA, Oliver Finney, and asked him to search his files and memory to write an early history of LPA. At LPA's inception in 1984, there was no organized preservation effort in Lawrence. The Old West Lawrence Historic District was in existence, but there was no preservation ordinance, no Historic Resources Commission, and no Historic Resources Administrator. There was a strong sentiment among Lawrence leaders that individual property rights far outweighed historic or cultural concerns. If those early LPA Boards wanted to accomplish something, they had to band together and do it themselves (often putting up their own money), and they had to expect resistance. We are certainly glad that they did, and very pleased that Oliver has recounted these important historic events that follow. Thanks Oliver!



Oliver Finney

By Oliver Finney

It began with a phone call. I can't remember if I called Marci Francisco or she called me, but we were both fed up with the replacement of many older Lawrence houses with monolithic apartments. The initial issue was not, as some mistakenly believe, the destruction of houses in the 800 block of Tennessee/Kentucky (the Douglas County Bank block) which happened several years later. Nor was it a threat to a landmark historic structure. In fact, the catalyst for the birth of the LPA was more like a straw breaking the camel's back: the dilapidated two-story Greenlee House on the top of the hill at 947 Louisiana just happened to be the next in line to be threatened with demolition.

I had jogged past this house almost daily and had often thought it had great potential for someone willing to put in the proverbial sweat equity. The Oread Neighborhood Organization (ONA) had identified this house as one whose loss would likely presage the destruction of many older houses on the block. The conversation Marci and I began was not about starting a preservation organization, but to save this particular house. That meant we'd have to buy it. The question then became, "who is this 'we'?" We needed an organization to take on the project.



947 Louisiana — before rehabilitation

Marci and I decided that we'd try to raise money from the community to buy the house and hold it until we could find someone to take it on as a project. Marci knew that there was a Kansas Preservation Alliance, so the name "Lawrence Preservation Alliance" seemed logical. Marci also pointed out that there had been a Lawrence Preservation Fund, but we decided for reasons now unclear to me that rather than building on the previous organization's work, we'd start a new one. I'm pretty sure that we appropriated some of the earlier organization's legal verbiage. The May 14, 1984 edition of the *Lawrence Journal-World* carried the following notice: "The Lawrence Preservation Fund, an organization dedicated to conserving neighborhood resources, will meet at 10 a.m.....Oliver Finney, 821 Ohio, organizer of the group said."

While Marci and I had agreed that "something must be done," we had no concrete plan for what that "something" should be. We scheduled a meeting with Duane Schwada, the owner of the property at 947 Louisiana. Going into the meeting our plan was long on ambition but short on specifics.

The meeting was cordial, but his reply was very clear: "I'm not in business to lose money." We had suspected as much. He was very upfront about what he had in the property: \$21,000. His "offer" to us was that if we could come up with that amount within the week, he would sell us the house.

Our first step was to see if the house had realistic potential as a renovation project, so Glenn Kappelman, a principal in the real estate firm Calvin, Eddy and Kappelman, arranged for about six of us to tour the house. I cannot remember everyone who went on the tour, but Richard Kershenbaum was there, along with Glenn. Mary Hickam was a Realtor who provided much valuable help with this and the later projects we were involved with. It's very likely that Nancy Shontz was there as well.



947 Louisiana — after rehabilitation

Satisfied that renovation of the house was feasible, we needed to make ourselves a legal entity. Karen Kressin was essential in getting the organization set up as quickly as possible. Amazingly, within a week Karen had us duly incorporated with the state and getting our tax-exempt status with the IRS moving. The Lawrence Preservation Alliance was incorporated on May 17, 1984. The original Board of Directors was Oliver Finney, President; Betty Alderson, Vice-President; Karen Kressin, Secretary; Marci Francisco, Treasurer; Glenn Kappleman and Richard Kershenbaum. On May 24, there was a first meeting of the LPA board to consider presenting an offer to Mr. Schwada. Present at the meeting were Oliver Finney, Glenn Kappelman, Richard Kershenbaum, Marci Francisco and Karen Kressin.

We began contacting friends and neighbors with a goal of getting a \$1,000 loan from 21 people. At the time, it seemed like a staggeringly large amount of money. I came up with the name “Louisiana Purchase,” for the project, and the name stuck well enough that it was later appropriated by the developers of a strip mall at 23rd and Louisiana.

One of our earliest lenders was Jessie Branson, a nurse turned politician in the State House. I had described the house and given her the address. Shortly after receiving her check I received a phone call. She asked if I had given her the wrong address, because she had driven by the house, of which she was about to become part-owner, and declared it to be “in terrible shape.” When I verified the address, her only comment was “I’m going to have to hide the checkbook from Vern [her husband and pediatrician Dr. Vernon Branson] because if he sees what I’ve spent our money on, he’ll be very upset.”

We were thrilled to be met with the enthusiastic support of so many people. We procured a total of \$19,500 in loans from 24 people for a project that could only be described as sketchy. I cannot account for the additional \$1,500, which we must have raised. But by June 7, 1984, we had bought our first house. Paul Caviness did a thorough documentation of the house, which helped establish its historical context in the neighborhood.

We had no additional source of funds to do anything for the house, so we were hoping that we’d be able to find someone to take it on as a project. We held cleanups at the house to make it at least somewhat inviting. Todd and Colleen Pederson, two of our lenders, eventually became interested in taking on the project. Todd was a carpenter and co-owner of a custom cabinet shop, so he wasn’t deterred by the considerable amount of work the project would require.

On August 29, 1984, we sold the house to the Pedersons for \$21,750. The Pedersons eventually completed a thorough rehabilitation. I never passed by the house again without feeling pride in our community and in the beginning of an official historic preservation organization in Lawrence.

840 W. 21st St.

Our next project followed the Greenlee House on Louisiana almost immediately. It was the Dudley Wiggins house, a brick farmhouse at 840 W. 21st St. LPA hadn't had time to repay lenders for the Greenlee project, and we hoped that our "investors" would agree to roll over their loans to our second project. According to a *Journal-World* article from June 30, 1985, Martha Ann Dubois, owner of the property, was selling the house to someone who intended to raze it. As with the Greenlee House, it wasn't a grand architectural masterpiece. In researching the house, Dale Nimz determined that it was probably built between 1863 and 1867, making it an important structure in the early development of Lawrence.



840 W. 21st St.

We bought the house in April 1985 for \$25,000, using loans from 33 LPA members. Eventually we found buyers: Randy and Wanda Breeden. The newspaper article recounts an intimidating tour of the house with the Breedens getting an education from many city inspectors regarding the significant amount of work it would take to bring the house up to code. It also includes a comment from the ever-optimistic Marci Francisco, who helpfully pointed out a black raspberry patch and a cherry tree on the property.

The house was placed on the Register of Historic Kansas Places in May 1986. Facebook lists "Randy Breeden Design" as currently living at the address, so I guess it worked out well for all of us.

Revolving Fund

In the spring of 1985 the LPA requested a \$20,000 Community Development Block Grant from the city to be used as seed money for a Revolving Fund. The agreement was that any amount of the initial grant could be reused repeatedly for subsequent projects. We received this grant for use in 1986. There is a hand-written agenda dated March 18, 1986, that clearly marked the beginning of LPA's Revolving Fund. The CDBG money was first used to help purchase the Priestly House and subsequently the Benedict House.

1505 Kentucky

Unlike our first two projects, the Priestly House at 1505 Kentucky was habitable. The house had an adjacent empty lot to its north that was part of the property. The house had been owned by the Priestly family for 100 years, but when it passed to Martha Buller and her sister, they attempted to sell the house with protective covenants.

According to the *Journal-World* (January 4, 1987), when it didn't sell, the sisters tried their hands at being landlords. A year later they agreed to sell it to Mr. McGrew, a developer and owner of a successful real estate company. While he may have been considering a plan of demolition followed by construction of two sixplexes on the two lots, he eventually decided to build a sixplex on the northern lot. This would have saved the house from immediate destruction, but access to the house would have been via a 20-foot driveway that would snake from the street entrance around the southern side of the house.



1505 Kentucky St.

LPA made an offer to McGrew of \$80,000 cobbled together from the CDBG money, \$20,000 in LPA member loans and a \$60,000 short-term loan (I believe from Petey Cerf). McGrew required that the sale close by the end of 1986. We later obtained a mortgage and repaid the short-term loan. Nancy Shontz and Betty Alderson worked very quickly to get the financing in place by the deadline. Mary Hickam worked on the sale and donated her commission to the LPA. On April 7, 1987, we sold the property to Bill Haw. The property was listed on the National Register of Historic Places in 1988.

I had contacted Bill Haw, who was president of National Farms, after reading a newspaper article about him. In addition to his livestock business, he owned both a big chunk of the Kansas City Stockyards and a large ranch in the Flint Hills. I remember thinking that he might be the sort of person who wouldn't think our preservation endeavors were crazy. I contacted him and described our past and projected projects, and met with him in his office just off the Kansas City Board of Trade trading floor.

Haw ended up playing a crucial role in two of our house rescues. LPA was not interested in being a landlord, and accumulating houses was not our mission. We were very relieved to have found in Mr. Haw a buyer who wanted to save the house. Eventually he contracted with Dan Rockhill to build more "cottages" similar in scale to those he designed for the Benedict House, the next project for LPA.

Heart of Oread Survey

LPA partnered with ONA to produce this survey in 1986. ONA was preparing to request a downzoning of an area between 9th and 11th streets. The goals of the survey were to inventory approximately 200 structures within that area and prepare nominations to the National Register of Historic Places for some of them. The project was budgeted at \$10,000 and included \$5,000 from a Kansas Historic Society

grant, \$3,500 from the Community Block Development program, and \$900 in donations. Many LPA volunteer hours were allocated to this project.

LPA also spent considerable effort identifying what we felt were threatened houses, both in Oread and other historic core neighborhoods. Several of those lists still exist. As president, I sent letters to some of these property owners. Despite my best effort to be tactful, I do have a copy of one subsequent apology letter to an offended party in which I contended that even though their house was falling down due to neglect, we meant to convey no judgement about their character.

923 Tennessee

The Benedict House at 923 Tennessee was the most ambitious project LPA had undertaken. We made a successful offer for this house on the same day we closed on the Priestly House. The house was a white frame house some called “The Enchanted Cottage.” This was another example of an unpretentious house, which nonetheless held an important place in the social fabric of the neighborhood. It was owned by Dan and Marge Ragle, who lived at 805 Ohio in the large brick house that had served as the Lawrence Hospital in the 19th century. Dan worked, I believe as a volunteer, at the Watkins Community Museum, and he would walk past our house on Ohio Street several times a day, smoking his characteristic pipe. I would regularly ask him if he'd consider selling it, and always his answer was that he couldn't afford to sell it. So we were all surprised to learn one day that the house, with its adjoining lot, had been sold. I asked him later why he hadn't let me know it was for sale, and his answer taught me something about real estate: he said, if you want something, don't ask about it; make an offer.



923 Tennessee — before rehabilitation

The property was destined to become another apartment complex, and the Benedict House would be torn down. We were dealing initially with Robert Gould of the architectural firm Gould/Evans, who was working on behalf of Duane Schwada's Mastercraft company.

As with the Priestley House, the property was too expensive (\$53,500) to be bought by member loans alone. We funded the initial purchase with promissory notes from LPA members and another short-term loan from Petey Cerf. As with our previous projects, we just wanted to hold it while we looked for a buyer. This time a buyer did not

miraculously appear, and by 1989 we were actively considering managing the work ourselves. That meant developing an entirely new financial mindset.

We utilized significant research and documentation by Paul Caviness and by February 1988 the house was listed in the Register of Historic Kansas Places. In January 1989, the property was listed on the National Register of Historic Places. We also used Paul's work in approaching all sources of financial support.

While we did not find a buyer to do our work for us, we continued our string of good luck by gaining the interest of a builder who would be committed to developing the lot in a way that complemented the house. Dan Rockhill was on the KU architecture faculty. He and his assistant David Sain had experience working with novel materials and innovative and environmentally friendly designs. Our project seemed like a perfect fit. I believe his vision from the very start consisted of renovating the existing house and building three two-story cottages on the site.

Our next task was to raise money for the project. Loans from our members wouldn't be nearly enough, although a financial commitment from individuals made obtaining money from more conventional sources easier.

One of our first moves was to approach the National Trust for Historic Preservation. Barbara Pahl of the Mountain/Plains Office and Martha Hagedorn-Krass in the State Office had worked with us previously on an organizational project, and both had been very supportive of LPA. On February 22, 1989, I wrote a formal request to the National Trust for a \$100,000 loan for the rehabilitation of the historic house portion of the project.

Negotiations with the National Trust were complicated because of the limited partnership ownership of the project. Lawrence attorney Web Golden spent many hours clarifying issues with the National Trust. Web's legal advice was critical to getting the financing established, and he donated many hours to our cause.

The National Trust ended up approving a loan for \$70,000—\$30,000 less than requested. This created a significant hole in what was already a strained pro forma. There were a couple of other conditions to the loan, one of which was that although the loan was limited to rehabilitation of the house, the Trust reserved the right to consider the entire project as collateral. And finally, the Trust required that the loan be guaranteed by the city. I clearly recall the evening we made our pitch to the City Commission. After the Commission agreed to the request, Dave Penny, one of the commissioners who voted against the loan, grumbled “The city will never see this money again.” His remark strengthened my resolve to ensure that the loan would be repaid. I don't know if Mr. Penny noticed when we repaid the loan, but I certainly did!¹

On May 18, 1989, I wrote to Mr. Haw inviting him to “roll over” his \$45,000 ownership in the house. What followed was the first of two Limited Partnerships. Members of the first partnership were Bill Haw, Barbara Waggoner, and Petey Cerf. The General Partner was the LPA. We obtained a loan from the First National Bank through Vickie Randel, who had a history of close involvement with civic projects in Lawrence. The interest on the loan was 12.5%, and we had to pay 2 points! Still we were glad to get the backing of anyone.

Here's what our sources of funding looked like at the outset of construction:

National Trust @ 9.5%	70,000
Commercial loan @ 12.5%	133,000
Equity from private investors	70,000

Total value of the project	\$273,000
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¹ LPA Officers for 1989-90 were Dave Billings, President; Mary Elliott, Vice-President; marci francisco, Newsletter Editor; Sondra McCoy, Treasurer; Michel Loomis, Secretary; Betty Alderson, Benedict Cottages Project Manager; Oliver Finney, Chair Revolving Fund; Nancy Shontz, Past-President

Our financial projection gave us very little flexibility. The amount of money we could raise, the usual expenses of a rental property, the interest we'd have to pay on our loans, and finally an estimation of the amount of rent we'd be able to receive when the project was completed, were all constrained by "reality." The project would have to be financially attractive if we expected to find a buyer. The only variable was the cost of the project. That was entirely up to Rockhill, and it put him in a very bad spot, which we were to discover as the project proceeded.

What followed was a seemingly endless exchange of designs and spreadsheets involving Rockhill and me. Mary Hickam, Glenn Kappleman, Sondra McCoy, Betty Alderson, Nancy Shontz, and Dave Billings also put in an astonishing amount of time and effort throughout the project. The pattern was that I would create a spreadsheet that incorporated Dan's designs and projected costs as well as projected rents. Then when the numbers turned out to be awful, Dan would go back to the drawing table and work on reducing costs. We eventually came up with a proposal that seemed to make financial sense: renovation of the existing house into two apartments and construction of three new two-story "cottages." We built in a laughably small contingency amount of less than \$11,000. The cottages were projected to be constructed for, again, a laughably small \$40 per square foot. Our projections included a net income of roughly \$1,600 per year. The actual net income for 1993 was \$1,393.

On August 2, 1989, 10:00 a.m. we held a groundbreaking ceremony. By December 1990, Bill Haw had bought out the interests of Barbara Waggoner and Petey Cerf with the LPA continuing as the General Partner.

While reducing costs, Rockhill managed to produce remarkable results. The design of the cottages was intentionally "modern," to differentiate the new from the 19th-century house. Rockhill also anticipated the "industrial" look of later warehouse and loft modernizations. The exterior of the new houses recalled historical "fish scales," but Rockhill fabricated a modern version on the upper exteriors by making his fish scales out of galvanized metal. They were made at his farm near Lecompton by students hired for the job. Each shingle was hand-bent over a form to create the fish scale geometric shape. I found them to be an exceptionally clever way to remind viewers of the old design by making something which clearly was quite modern. Not everyone agreed, and several aspects of the project were quite controversial. At a meeting at which both the Benedict House and George and Betty Allen's property, the Stephens House, were being considered for, I believe, the Lawrence Register of Historic Places, Betty Allen referred to our project as "a blight." And George Allen, hopefully a more moderate person when dealing with less inflammatory issue than historic preservation, referred to me as "Beelzebub."

In addition to fabricating many items for the project at his shop, Rockhill also relied on as many recycled materials as possible. The greenstone that was used for the lower half of the cottage exteriors was recycled from the old Summerfield business school. One recycling attempt didn't end so well. The story, which was related to me by David Sain, Rockhill's assistant, involved obtaining doors from the renovation of KU's Snow Hall. The story was that Rockhill got a phone call from someone working on the KU project asking if one of the doors about to become a cottage front door had "WOMEN" stenciled on it. When Rockhill answered "Yes," the response was, "Bring it back!"

As often happens with projects, we were creeping over our budget as time went on. This was a difficult time for everyone, since we had tapped every money source we could find. You have to remember that the best- case scenario for everyone who contributed to this project was only to get their money back, so it was understandably difficult to interest people in investing in such an altruistic endeavor. Just as one example, since the foundation of the existing house was in poor shape, Mr. Rockhill had to move the house a small distance so a new foundation could be poured.



**Preparing the house to be moved to pour a new foundation
(Lawrence Journal-World photo)**

It was clear that Rockhill was at risk of losing an increasing amount of money. I had to continually worry about the budget. I found this aspect of the project to be the most difficult. I have a letter from Rockhill dated October 4, 1990, cataloging the many unforeseeable surprises. However, through it all, Rockhill clearly fulfilled his obligations in an entirely professional and intelligent manner. He maintained very high standards even when he had strong motivations to cut corners. I still think the community owes him a great deal of appreciation for his perseverance in the face of an increasingly bleak situation and for producing something that stands in stark contrast to the standard apartment designs of the period. I still feel regret that at the time I, at least, was unable to find additional funds.

We did manage to find other resources for some tasks. Landscaping for the courtyard, for example, was done by LPA volunteers and the Senior Girl Scout Troop #652, who were awarded a \$748 grant to pay for improving the grounds. LPA members also participated in at least one gardening project.

Our project did result in considerable national as well as local publicity for Rockhill. His work on the Benedict Cottages was written up in *Fine Homebuilding* and *Architecture*. He has gone on to introduce creative approaches to design, energy conservation, and innovative materials. Haw was very impressed with his work and hired him to build new cottages at 1505 Kentucky.

The day of reckoning came when we needed to sell the complex. We were exceedingly anxious that the asking price needed to pay back everyone who had loaned us money would be too high for the market. As it turned out, Haw thought the project was promising, and in 1994 he bought LPA's interest in the Limited Partnership. City records indicate that he still owns the property. Carol Francis was the LPA president at this time. Betty Alderson faithfully sent in every quarterly report to the National Trust until the loan was eventually repaid. In her Final Report, Ms. Alderson wrote, "The project has no doubt drained the enthusiasm of several of our members."

Douglas County Bank and the 800 blocks of Tennessee and Kentucky

A pivotal event in the early years of the LPA was the destruction of the houses in the 800 block of Tennessee/Kentucky by the Douglas County Bank.

This miserable exhibition of violence perpetrated on the Old West Lawrence neighborhood began with Douglas County Bank buying the eight remaining houses in the 800 block of Tennessee/Kentucky. Paul Caviness had written an informative history of the block as of 1986. He wrote: "Given the value of the land, these buildings are near the threshold of economic obsolescence; any value they hold for the community lies in the architectural merit and historical importance. Together the houses are not lacking in either."

Douglas County Bank acquired the properties with the goal of building a larger bank building with an extensive parking lot covering the entire block. That required a zoning change. In September 1986, Barbara Waggoner sent a three-page hand-written letter to Ross Beach, the owner of the bank, asking him to respect the importance of the boundary between OWL and the downtown commercial district. OWL residents John and Katy Nitcher sent a letter in January 1987, on behalf of the Old West Lawrence Association opposing the proposed zoning change.

By early March, 1987, the bank had obtained the RO zoning it requested, but Steve Lopes of OWL, along with legal help from Jim Postma, contested whether a "bank" should be considered a type of "financial institution" which would be permissible under the RO zoning. Around the same time, Don and Sherill Bushell filed an appeal with the Lawrence Board of Zoning Appeals that again challenged the permissibility of a "bank" in RO zoning. Steve Lopes also appealed to our state representative Jessie Branson. Finally Lopes requested a review by the Kansas State Historical Society, because the block in question was within the environs designation of the Old West Historic District. His argument was that preservation issues should be addressed as part of the rezoning request. The result was that Mayor Sandy Praeger, the assistant city manager, and Director of Planning Price Banks all visited with the state historic preservation office "to discuss the applicability of state preservation law to situations in Lawrence in order to assure compliance in the future."

David Evans, of the architecture firm Gould/Evans, wanted the houses gone with the least amount of opposition from the neighbors, and initiated a series of meetings to discuss the bank's plans. Steve Lopes and I ended up on the negotiating team for the neighborhood. Richard Kershenbaum also participated in some of the discussions.

The bank held out the possibility of allowing some of the houses to be moved into the adjoining neighborhood. The brick Italianate house facing east was deemed the most promising of the lot, and it was at this time I believe that we watched a video of the Fairmont Hotel in San Antonio being moved, so we knew a brick house could be moved. That knowledge didn't help at all in enticing someone with the interest and resources to take on such a large project.

Lopes and I proposed perhaps moving the brick Italianate to close proximity to the white farmhouse on the northwest corner of the block, thereby giving the bank a large open space for its bank and parking lot. The bank, through Evans, gave no indication that it would allow any of the houses to remain on the block, and on June 8 the bank's attorney, John Lungstrum, wrote to Lopes and me indicating that the bank would give the houses to anyone wanting to move them but wouldn't contribute any money toward the cost of moving. I looked into moving one or both houses to nearby vacant lots in Old West Lawrence, although the challenges of moving a brick building were more formidable than a wooden frame house.



A t-shirt depicting one of the Kentucky Street houses being torn down

The bank had been adamant that saving any house on the block could only be accomplished by relocation. Relocation of historic properties is always a last resort, and we had no one making serious plans to move any of the houses.

On June 14, Lopes wrote a letter that, after discussing the possibility of moving some of the houses, included the following: "Until OWL has exhausted all legal options for protecting the endangered houses, we are unwilling to cooperate with any movement projects."

My observation is that the Lopes letter did nothing to change the outcome of this issue; only maybe the timing. As I stepped out of my back door early on Saturday, June 27, 1987, I could hear the sound of heavy machinery. I knew immediately that the block was gone.

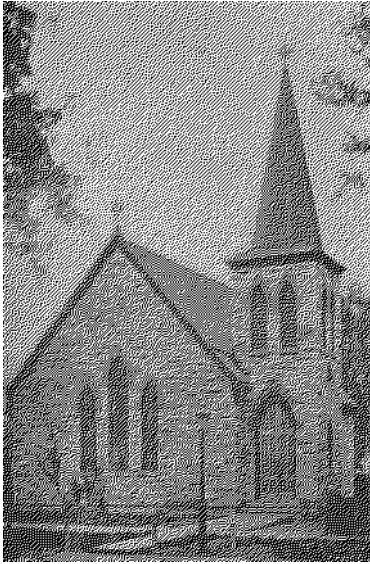
Later that day I walked down 8th St. and watched a bulldozer flatten the last house directly across from the swimming pool. This particular house had asbestos shingles on its exterior, and the dozer was driving back and forth over the debris, creating a plume of dust and undoubtedly friable asbestos. I observed that the wind, being from the south, was carrying the airborne debris directly toward the children's swimming pool across the street. I called a city commissioner to describe the situation, but there wasn't anything she could think of to do to halt what I believed was a health hazard. It was all over by mid-afternoon.

A Local Preservation Ordinance

The day following the razing of the block, there was an ad hoc meeting of concerned citizens in our home. After some discussion about marches and demonstrations against the bank, we decided that the best response would be to push for a preservation ordinance in Lawrence. Susan Gurley, John Nitcher, Sherry Kay, Mary Lee Robbins, Mary Lou Humphrey, and Dale Nimz agreed to serve on a committee to study model ordinances and to work with the city to further the goal of an ordinance. The following people were appointed to the committee, chaired by Ron Schneider, to draft the ordinance: Mary Lee Robbins, Paul Wilson, Katy Nitcher, Mary Hickam, Paul Caviness, Rob Phillips, Ed Church, Sherry Kay, Dick Edmondson, Arly Allen, Steve Jansen, George Heckman, Larry McElwain and Toni Dudley. On November 29, 1988, the Lawrence City Commission passed the preservation ordinance (Chapter 22 of the City Code) on a 5-0 vote.

Old English Lutheran Church

This was an interesting case that, though complicated, had important implications for historic preservation law in Kansas. In the spring of 1988, Allen Realty (Arly Allen, principal) applied for a demolition permit for the Old English Lutheran Church at 1040 New Hampshire, which it had owned since 1976. As now legally required, because of legal decisions in the Douglas County Bank case, the city forwarded the proposal to the State Historic Preservation Officer for a determination of the impact a demolition would have on the environs of the Douglas County Courthouse, which is within the line of sight of the church and listed on the Register of Historic Kansas Places. The church was an early work by John Haskell, who later designed the Douglas County Courthouse.



The Old English Lutheran Church

The State Historic Preservation Office (SHPO) is part of the Kansas Historical Society. Dr. Ramon Powers had just become the director of the Historical Society and State Historic Preservation Officer. I alerted Powers about this situation. When he visited Lawrence and had a look at the exterior of the church, he recognized the importance of the building to its environs, and issued a ruling that the proposed demolition would encroach upon and damage the environs of the courthouse.

The City Commission, having received Powers' finding, denied the demolition permit on June 29, 1988. Allen Realty sued the city in District court. The District Court dismissed the appeal. Allen Realty appealed that judgment to the Court of Appeals, which then reversed the District Court's ruling and found in favor of Allen Realty.

In May, 1990, Allen Realty sent a letter to the city requesting a hearing about the proposed demolition before the City Commission. The city set the hearing for June 12. On June 6, Dave Billings, then president of the LPA, sent a letter to the City expressing LPA's interest in the building and requesting a 60-day deferment of the demolition permit to allow LPA to access the building in order to explore a feasible and prudent alternative to demolition of the church.

At the June 12 hearing, Allen Realty presented information to the City Commission in support of the demolition request, including a 1988 fire department inspection, a summary of three separate building inspections finding the structure to be dangerous and unsafe, and a cost estimate of \$300,000 to rehabilitate it. None of the information presented, nor a notice that the public hearing was being held, was provided to the State Preservation Officer. On a 3-2 vote, the City Commission ruled that no feasible or prudent alternative existed to demolition.

Because of the passage of the Preservation Ordinance, there was now in place a city-wide 30-day wait on all non-emergency demolition permits. On June 19, the LPA filed a motion in District Court seeking review of the city's decision. LPA was represented by attorney Ron Schneider, working at a greatly reduced rate. The Kansas Historical Society also filed a request seeking a temporary restraining order, which was granted, against issuance of the demolition permit. The court then ruled that the city had acted "arbitrarily and capriciously" in not notifying the Kansas Historical Society of the June 12 meeting, and in its denial of allowing LPA access to the building to study alternatives.

Allen Realty, now joined by the city, appealed to the Court of Appeals, which upheld the ruling of the District Court and remanded it back so that the District Court could order that the Kansas State

Historical Society and the LPA be allowed to access the structure. Three LPA members—Dennis Domer, Craig Patterson and John Lee—along with three University of Kansas architecture students, took on the task of making measured drawings of the building. In addition, a number of structural engineers examined the building, and the LPA developed a plan for a “reasonable and prudent” alternative to demolition.

While this legal back-and-forth was going on, a family largely unknown in the preservation community was expressing an interest in purchasing the Old English Lutheran Church property, but not getting very far in their negotiations with Allen Realty. Arthur (Tripp) Anderson, along with his wife Mary and mother-in-law Olive Stanford, were interested in rehabilitating the building, and Olive had the financial ability to fund it. Olive remembered the building from her days as a student at KU. Tripp was introduced to Dennis Domer, and LPA suddenly had a qualified buyer as well as a feasible and prudent alternative.

The family purchased the property and undertook a sensitive rehabilitation for reuse as professional office space. 1040 New Hampshire celebrated a grand opening in November 1993, and was placed on the National Register of Historic Places in 1995. The project has received multiple preservation and architectural awards.

This was an extremely complicated issue and many LPA members contributed countless hours in the successful preservation of this historic building, and in establishing a stronger legal foundation for Kansas preservation law.

Note: For another great source on the saving of the Old English Lutheran Church, and the demolitions in the 800 block of Kentucky by Douglas County Bank, please consult the chapter “Considering Context in Urban Redevelopment: The Douglas County Bank and its Legacies,” by Noel Rasor, in the book “Embattled Lawrence, Conflict & Community.”