

This document was prepared by Anna Readling, Senior Planner, Town of Cary, then reviewed and edited by the State Historic Preservation Office – December, 2019

RE: Potential Move of National Register-listed Ivey-Ellington House, Cary, Wake County

According to Federal regulations, properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment. If an individually-listed National Register property is moved without prior approval by the State Review Board/SHPO/NPS, deletion from the National Register will be automatic.

If there is no feasible alternative to moving an individually-listed National Register property, and you wish the property to remain in the National Register during and after the move, in accordance with **36 CFR 60.14(b)**, prior approval by NPS is required. After the move, an amendment to the nomination documenting the new location, any physical changes to the resource, and how it meets the National Register criteria must be submitted to NPS for their review. If approved by NPS, the property will remain listed in the Register. If a property is moved without prior approval, the property would need to be relisted.

Keeping a property individually listed in the National Register during and after a move

Prior to the move:

1. A prior approval application must be submitted to the State Historic Preservation Office. This application is reviewed by State Historic Preservation Office (HPO) National Register Staff, the Certified Local Government (if applicable), NC National Register Advisory Committee (NRAC), and the State Historic Preservation Officer (SHPO) and all legal notification procedures must be met. The application, prepared by the Town of Cary must include the following documentation:
 - Reasons for the move;
 - The effect on the property's historical integrity;
 - The new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archeological significance that would be adversely affected by the intrusion of the property; and
 - Photographs showing the proposed location.
2. The applicant works with NC State Historic Preservation Office National Register staff to determine whether the new orientation, immediate setting, and general environment of the new location still meet the National Register Criterion (i.e. whether the property would still retain requisite historic integrity to convey its historic significance). When the application contains complete and correct information, any such proposal with respect to the new location shall follow the usual National Register legal notification procedures and shall be presented to the State Review Board for their consideration. If the State Historic Preservation Officer believes the new orientation, immediate setting and general environment of the new location still meet National Register criteria, then the SHPO will

submit the application for the move to the Keeper of the National Register (Dept. of the Interior, National Park Service).

3. The Keeper shall also follow the required notification procedures for nominations and shall respond to a properly documented request within 45 days of receipt from the SHPO concerning whether or not the move is approved.

After the move:

An amendment to the nomination documenting the new location, any physical changes to the resource, and how it meets the National Register criteria must be submitted to the State Historic Preservation Office for review. Once there is a complete and correct amendment, the SHPO will forward to the Keeper for review. The additional documentation submitted to the Keeper shall contain:

- A letter notifying him or her of the date the property was moved;
- Photographs of the property on its new site; and
- Revised maps, including a U.S.G.S. map,
- Acreage, and
- Verbal boundary description.

The Keeper shall respond to a properly documented submittal within 45 days of receipt with the final decision on whether the property will remain in the National Register. If the Keeper approves the move, the property will remain in the National Register during and after the move unless the integrity of the property is in some unforeseen manner destroyed. If the Keeper does not approve the move, the property will be automatically deleted from the National Register when moved.

Relisting an individually listed National Register property moved without prior approval

If the above process isn't followed before the house is moved, then the house will automatically be deleted from the National Register when it is moved. If the property has already been moved, it is the responsibility of the HPO, Federal agency, or person or local government which nominated the property to notify the National Park Service of a relocated property.

After being moved, if someone wishes to list the house in the National Register, the house would need to be re-nominated. First, a Study List application must be submitted to the HPO for consideration by the NC NRAC. If the NC NRAC believes it is potentially National Register eligible, they will place it on the NC Study List. Then a new nomination, citing how the property meets National Register Criteria Consideration B for moved properties, may be prepared and submitted to the State Historic Preservation Office for review. Once a complete and correct final draft is achieved, all legal notification procedures must be met prior to the State Board (NRAC) consideration. The nomination is reviewed by the CLG (if applicable), National Register Advisory Committee (NRAC), and the State Historic Preservation Officer (SHPO). If approved by the State Historic Preservation Officer, it is subsequently submitted to the Keeper of the National Register for review and listing.

The National Register nomination must include the following information:

- The reasons for the move
- The effect of the move on the property's historical appearance, integrity, and significance; How the nominated property meets National Register Criteria Consideration B: Moved Properties.
 - Criteria Consideration B: Moved Properties – A property removed from its original or historically significant location can be eligible if it is significant primarily for architectural value or it is the surviving property most importantly associated with a historic person or event.
- Information about the new setting and general environment, including evidence that the new site does not possess historical or archaeological significance that would be adversely affected by intrusion of the property. Note: archaeological testing of the new site is not required for buildings moved into districts.
- Acreage and verbal boundary description
- New photographs – survey photographs, two sets of NPS photos, and a CD with tiff photos (see North Carolina Digital Photo Policy)
- USGS scale map showing the resource at its new location
- North Carolina HPO also requires a tax map showing the new location

If Federal Funding, Licensing, or Permitting is involved:

Properties moved in a manner consistent with the comments of the Advisory Council on Historic Preservation, in accord with its procedures (36 CFR part 800), are granted as exception to § 60.12(b). Moving of properties in accord with the Advisory Council's procedures should be dealt with individually in each memorandum of agreement. In such cases, the State Historic Preservation Officer or the Federal Preservation Officer, for properties under Federal ownership or control, shall notify the Keeper of the new location after the move including new documentation as described above.

*****Also check whether the property is designated as a Local Historic Landmark through local ordinance and what local regulations may be required.**