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SEP 14 1956

Mr. Harland Bartholomew
Chairman, National Capital Planning Commission
7013 Interior Building
Washington, D. C.

Dear Mr. Bartholomew:

I wish to thank you for your letter of August 24 in which you informed us of action presently being taken by the Commission concerning the Langley tract. Your close cooperation in all stages has been much appreciated by both the Director and myself.

In your letter you made reference to the dedication of a part of the former Leiter Estate as part of the George Washington Memorial Parkway, expressing the thought that this might prevent use for non-park purposes.

Knowing that you would not have raised this point unless you felt it had some merit, I have had the substance of the various instruments of conveyance checked very carefully by members of my staff, and I felt that you would be interested in knowing our findings.

As I am sure you are aware, the Leiter Estate was conveyed to the United States by two deeds. The first, a deed of gift, is dated August 6, 1936; the second, a deed of purchase, is dated October 14, 1940. It is only in the 1936 deed that any dedication for park purposes was made; the 1940 deed involved an unconditional purchase of land.

The site which would be occupied by a CIA building, were this Agency to locate at Langley, would be a portion of the land purchased in 1940 and, as a result, would not be subject to any conditions or restrictions in the 1936 deed.

The 1936 deed conveyed two parcels of land. The first, a sizeable parcel lying along the Potomac River, is, of course, the land still contemplated as the route for the extension of the George Washington Memorial Parkway. The second parcel is the right-of-way

for an access road which, at the time of gift, connected the Leiter Estate with the Leesburg Road and which was intended eventually to connect the Estate with the Parkway when completed; the grantor agreed perpetually to refrain from constructing any buildings within twenty feet on either side of this right-of-way. Reciprocally, the United States agreed, whenever a parkway was constructed, to provide access thereto from the remaining portion of the Leiter Estate.

The 1940 deed was extremely broad in its terms and explicitly has the effect of merging in the Government all rights on both sides of the two premises listed above.

It appears to us, then, that even if a proper party in interest existed (and the 1936 deed contains no reversionary clause), no legal objection could be made to the use by this or any other Government agency of any portion of the land granted by the 1940 deed or Parcel 2 of the 1936 deed.

It is, of course, possible that opponents of the establishment of this Agency at Langley could make some capital of a public charge that the original purposes of the deed of gift were being perverted. We feel, however, that such a charge might be most effectively answered by pointing out that the parkway strip along the River is not intended to be used for any but its dedicated purpose and that, in fact, the location of this Agency at Langley would be accompanied by an appropriation of funds for completing this section of the George Washington Memorial Parkway a good deal sooner than might otherwise have been expected.

Let me thank you again for having brought this possible cloud in title to our attention so that we might investigate it now rather than at some less propitious time. I trust that your Commission's examination of the several title papers will lead them to conclusions similar to our own.

Sincerely,

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L. K. White
Deputy Director

OGC/KFB:ms

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