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Landmarking battle between city, church heats up

Michael O'Malley Religion News Service | Jan. 26, 2010

CLEVELAND -- Rebuffing the concerns of church leaders over the fate of shuttered church buildings, the city's Landmarks Commission is recommending that six more Catholic churches be designated as historical city landmarks.

The designation, which would give the buildings some protection against demolition or structural changes, is opposed by the Diocese of Cleveland, which is in the midst of closing some 50 parishes.

The City Council would need to adopt legislation to implement the Commission's recommendations, and in a letter sent to the commission and council members, the diocese called the proposals "extremely offensive."

"We do not seek nor do we approve of landmark designation ..." said the letter from John Maimone, a finance officer with the diocese.

Councilman Anthony Brancatelli, who is sponsoring five of the six designations, said he found the church's response "a tad unusual."

"These are absolutely beautiful churches architecturally. Whether they like it or not, this is the step we have to take. We're going to hear it in council and we're going to pass it."

The six proposed landmark-designated churches -- four have been closed or ordered closed -- would be added to a list of 31 Catholic churches already designated by the council as landmarks.

As landmarks, it could be difficult for the diocese to sell the empty buildings because the restrictions might narrow the number of possible buyers.

A landmark structure cannot be demolished or structurally reconfigured without permission from the Landmarks Commission.

The designations come at a time of increased tension between shrinking dioceses in Cleveland and Springfield, Mass., which has filed suit against the City Council's move to landmark one or more churches.

In suburban Lakewood, Ohio, the City Council last month adopted legislation aimed at protecting both the interior and exterior of St. James Catholic Church from the wrecking ball after it closes in June.

Landmark laws protecting interiors of churches are rare and could draw a legal battle over private-property rights.

"It's a little unusual," said Lakewood Mayor Ed FitzGerald. "It's an additional layer of protection. We made sure in the legislation that the diocese or any other owner of the property will have due process. I feel confident."

Similar legislation has been introduced in Cleveland City Council, but seems to have little support. "With

interiors it gets a little dicey," said Brancatelli. "It opens up a gray area."

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