



VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Historic Preservation Easement Program

POLICY #2

Acceptance of Easements

By placing a property under easement the Commonwealth has determined that the historic character and the public benefit added by protecting the property warrant its protection—in roughly its current form and condition—in perpetuity. Holding an easement is a costly and time-consuming venture.

While many properties are historically significant, an easement places permanent restrictions on property, and should therefore be used to protect only those resources which are of enduring significance. An easement imposes on the Commonwealth the responsibility to monitor and enforce the terms of the easement, and creates a permanent relationship between the Commonwealth and a property's current and future owners. It is the policy of the Board and the Department to accept only easements of perpetual duration.

It is the policy of the Board and the Department not to accept easements which conflict with other known interests of the Commonwealth, including public works projects, except under very unusual circumstances which would otherwise result in loss of the resource or degradation of the characteristics for which the property is listed in the Virginia Landmarks Register (VLR), such that it would be removed from the VLR.

Offer of an easement is first considered by the staff of the Department. In formulating its recommendation to the Board, the staff will evaluate a number of factors including:

1. The level of historic and cultural significance of the property, including its status in the VLR.
2. The degree to which the public has access to the resources that are protected by the easement. To some extent, photos of the property and access provided for research can constitute public access.
3. The ability of the Department to monitor the features of the property that contribute to the public benefit of the citizens of the Commonwealth. The policy of the Department is to consider the range of public interests in the property

(historic, open space, ecological) and work with other state agencies to develop a plan that best serves that interest.

4. The complexity of conservation issues. The Department will take into consideration features that are vulnerable to deterioration or will otherwise require a high level of monitoring by DHR staff.
5. The Department will consider the likelihood of the property being able to remain economically viable if placed under easement.
6. The degree to which other state goals and the mission of the Department are met.
7. The Department will consider whether proposed easement properties are adjacent to other protected properties.
8. The degree to which property is an intact set of features or a complex of inter-related features.
9. The Department will also consider negative factors, such as any work that appears necessary to stabilize or rehabilitate the property.

The Easement Acceptance Committee may use worksheets or other guidance forms. Although these worksheets or guidance forms may assign numerical designations to various factors, these ratings do not represent an official eligibility score. They merely assist staff in evaluating diverse factors when formulating recommendations for the Board's consideration. All of the relevant facts and circumstances will determine whether an easement offer is accepted or rejected, regardless of the numerical "score" reflected on the worksheet. Easement Staff will present the Board with the recommendation of the Easement Acceptance Committee to accept or reject an offer of easement.

Easement staff will apprise the property owner of the Board's decision in writing.