



VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Historic Preservation Easement Program

POLICY #1

Mission, Purpose, and Legal Authority of Easement Program

The mission of the Easement Program is to ensure the preservation—in perpetuity—of the historic landmarks that immeasurably enhance the quality of our lives and the character of our Commonwealth

The easement program is the Commonwealth of Virginia's most effective tool for the protection of diverse historic landmarks at minimal cost to the taxpayers. The Commonwealth's long-standing policy is to confirm the importance of historic resources and to support their private stewardship. The easement program identifies important landmarks and encourages their voluntary preservation in private ownership. It enables owners to ensure the permanent preservation of significant historic, architectural, archaeological, or cultural properties.

In addition to this support of private stewardship of historic properties, the easement program protects the Commonwealth's investment in historic properties that receive state grants or other public funding. By requiring that easements be placed on properties that receive a certain threshold level of public funding, the Commonwealth ensures that the public's investment in historic resources will not be compromised.

The legal authority for the Department of Historic Resources' Historic Preservation Easement Program is derived from the following sources:

CONSTITUTIONAL AUTHORITY:

CONSTITUTION OF VIRGINIA, Article XI:

Section 1. Natural resources and historical sites of the Commonwealth.

To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.

Section 2. Conservation and development of natural resources and historical sites.

In the furtherance of such policy, the General Assembly may undertake the conservation, development, or utilization of lands or natural resources of the Commonwealth, the acquisition and protection of historical sites and buildings, and the protection of its atmosphere, lands, and waters from pollution, impairment, or destruction, by agencies of the Commonwealth or by the creation of public authorities, or by leases or other contracts with agencies of the United States, with other states, with units of government in the Commonwealth, or with private persons or corporations. Notwithstanding the time limitations of the provisions of Article X, Section 7, of this Constitution, the Commonwealth may participate for any period of years in the cost of projects which shall be the subject of a joint undertaking between the Commonwealth and any agency of the United States or of other states.

LEGISLATIVE AUTHORITY

Va. Code §10.1-2204: Duties of the Board of Historic Resources include “Acquire by purchase or gift designated landmarks and sites, or easements or interests therein.”

Va Code §10.1-1701, Open Space Land Act: “To carry out the purposes of this chapter, any public body may (i) acquire by purchase, gift, devise, bequest, grant or otherwise title to or any interests or rights of not less than five years' duration in real property that will provide a means for the preservation or provision of open-space land and (ii) designate any real property in which it has an interest of not less than five years' duration to be retained and used for the preservation and provision of open-space land. Any such interest may also be perpetual.”

Va Code §10.1-1700: “Open-space land” means any land which is provided or preserved for (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) historic or scenic purposes, (iv) assisting in the shaping of the character, direction, and timing of community development, or (v) wetlands as defined in § [28.2-1300](#).

[Adopted by the Virginia Board of Historic Resources on March 8, 2006]