



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

JOINT MEETING
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES
September 17, 2020
Virtual Meeting

EASEMENT PROGRAM
BOARD PACKET

PART II of II

BOARD PRESENTATION

**Provided to the
Virginia Board of Historic Resources**

September 4, 2020



Virtual Meeting of the Virginia Board of Historic Resources:

EASEMENTS

September 17, 2020



Easement Offers for Consideration

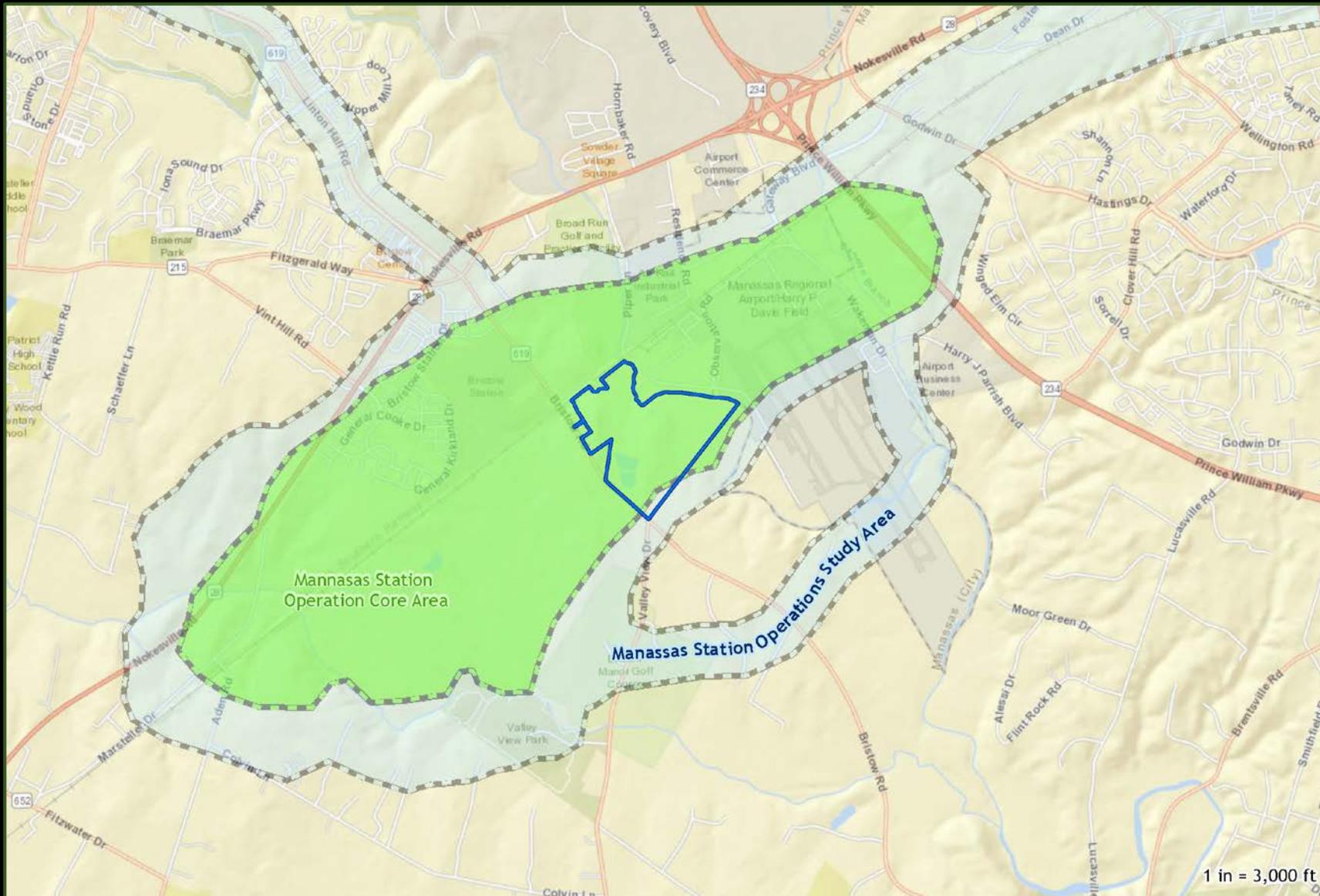


**Bristow Manassas LLC Tract, Bristoe Station Battlefield, Prince William County
Easement Applicant: American Battlefield Trust**

2017 Aerial Image (via VGIN)



152.53 acres over four parcels



**Property is partially within the core and entirely within the study areas for
Manassas Station Operations Battlefield - August 25-27, 1862, Northern Virginia Campaign
CWSAC Preservation Priority Rating: IV.1, Class B**



Broad Run at northern boundary.



Unnamed stream.



Ponds on southern parcel.

Property Interior



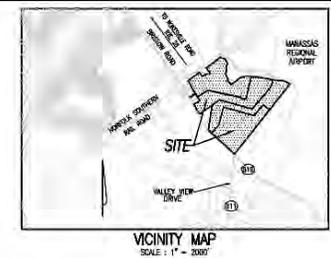
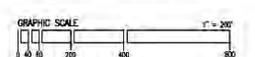
March 2020 Boundary Survey

CURVE	RADIUS	LENGTH	CHORD	CHL. SPC.	DELTA	TANGENT
C1	866.50	144.74	131.80	343.13	6.22	25.38
C2	176.07	44.13	44.70	162.93	5.74	7.82

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N30°19'00"W	174.03	L31	S11°31'37"E	21.73
L2	N89°47'50"E	85.95	L32	S22°38'40"E	140.80
L3	N30°41'00"E	85.97	L33	S11°31'37"E	45.46
L4	N89°54'50"E	28.40	L34	S24°24'43"E	84.19
L5	S24°24'43"E	1.86	L35	S11°31'37"E	77.50
L6	N37°50'00"E	21.73	L36	S11°31'37"E	84.70
L7	S89°48'00"E	22.94	L37	S11°31'37"E	43.20
L8	N30°41'00"E	43.57	L38	S11°31'37"E	23.20
L9	N30°20'40"E	27.85	L39	N37°50'00"E	28.81
L10	N30°41'00"E	244.47	L40	S11°31'37"E	159.40
L11	S33°28'30"E	53.56	L41	S38°12'56"E	245.77
L12	S71°24'00"E	178.00	L42	S11°31'37"E	177.20
L13	S30°11'11"E	178.81	L43	S38°24'21"E	209.14
L14	S16°27'10"E	78.84	L44	S71°24'00"E	101.80
L15	S30°41'00"E	63.82	L45	S38°12'56"E	183.14
L16	S15°58'11"W	85.25	L46	S37°52'00"E	85.80
L17	S33°02'00"W	198.17	L47	S30°41'00"E	201.41
L18	S27°02'23"W	83.84	L48	N37°54'23"W	22.67
L19	S30°19'00"W	54.14	L49	N37°30'26"E	205.69

- TITLE REPORT DISPOSITION**
- THE FOLLOWING IS THE DISPOSITION OF SCHEDULE D - SECTION II DESCRIPTIONS AS SHOWN IN A TITLE REPORT BY STEWART TITLE GUARANTY COMPANY, COMMITMENT NUMBER 83264, EFFECTIVE DATE MAY 23, 2019 @ 8:00 AM
- Reservation set forth in Deed recorded in Deed Book 71 of Page 83.
 - DEED BOOK 71, PAGE 83 - DEED NOT APPLICABLE TO SUBJECT PROPERTY.
 - Essements to Virginia Public Service Company recorded in Deed Book 84 at Page 405, in Deed Book 84 at Page 431 and in Deed Book 103 at Page 480.
DEED BOOK 84, PAGE 405 - SHOWN HEREIN
DEED BOOK 84, PAGE 431 - DEED NOT APPLICABLE TO SUBJECT PROPERTY
DEED BOOK 103, PAGE 480 - DESCRIPTION VAGIL, THEREFORE NOT PLATABLE
 - Essements to Virginia Electric and Power Company recorded in Deed Book 121 at Page 298, in Deed Book 121 at Page 345, in Deed Book 194 at Page 135 and in Deed Book 220 at Page 248.
DEED BOOK 121, PAGE 298 - DESCRIPTION VAGIL, THEREFORE NOT PLATABLE
DEED BOOK 121, PAGE 345 - DESCRIPTION VAGIL, THEREFORE NOT PLATABLE
DEED BOOK 194, PAGE 133 - SHOWN HEREIN
DEED BOOK 220, PAGE 248 - SHOWN HEREIN
 - Essements to The Commonwealth of Virginia recorded in Deed Book 144 at Page 158 and in Deed Book 146 at Page 580.
DEED BOOK 144, PAGE 158 - DESCRIPTION VAGIL, THEREFORE NOT PLATABLE
DEED BOOK 146, PAGE 580 - DESCRIPTION VAGIL, THEREFORE NOT PLATABLE
 - Terms, conditions and conditions of Agreement recorded in Deed Book 259 at Page 410
DEED BOOK 259, PAGE 410 - AGREEMENT - NOT A SURVEY MATTER
 - Motors shown on Plat attached to Deed recorded as Instrument # 200209180172361 and Plat recorded as Instrument # 200209180172362.
INSTRUMENT NUMBER 200209180172361 - BOUNDARY SURVEY - SHOWN HEREIN
INSTRUMENT NUMBER 200209180172362 - BOUNDARY SURVEY - SHOWN HEREIN
 - Deed of Essement for Divisely recorded as Instrument # 200403300054165.
INSTRUMENT NUMBER 200403300054165 - SHOWN HEREIN
 - Memorandum of Water Line Essement Agreement recorded as Instrument # 201703300023674.
INSTRUMENT NUMBER 201703300023674 - WATER LINE AGREEMENT - NOT A SURVEY MATTER
 - Memorandum of Water Line Essement Agreement recorded as Instrument # 201702100063360.
INSTRUMENT NUMBER 201702100063360 - WATER LINE AGREEMENT - NOT A SURVEY MATTER
 - Deed of Essement and Subdivision recorded as Instrument # 201702010083363.
INSTRUMENT NUMBER 201702010083363 - SHOWN HEREIN
 - Deed of Boundary Line Adjustment recorded as Instrument # 201702010083361 and Plat recorded as Instrument # 201702010083362.
INSTRUMENT NUMBER 201702010083361 - SHOWN HEREIN
INSTRUMENT NUMBER 201702010083362 - SHOWN HEREIN
 - Corrective Deed of Boundary Line Adjustment recorded as Instrument # 201712280004091 and Plat recorded as Instrument # 201712280004091.
INSTRUMENT NUMBER 201712280004091 - SHOWN HEREIN
INSTRUMENT NUMBER 201712280004091 - SHOWN HEREIN
 - Property line runs along Broad Run and Flood Hazard Area and Drive Back Inundation Zone Line of the Lake Meadows Farm. Subject to the right of issue and lesser riparian owners to the free and unobstructed flow of the water of Broad Run, which forms the boundary of the subject land, without diminution or pollution, to the consequence of any spill or future change in the location of Broad Run, to any spill or future change in the location of the bed of Broad Run, title to that portion of subject property here shown shall remain in the original owners, or any successors thereof, to the extent of said land so originally conveyed and the present boundary thereof as now used and occupied.
NOT A SURVEY MATTER
 - Title to that portion of the subject property constituted access land is specifically excepted from the coverage of this policy.
NOT A SURVEY MATTER
 - Notwithstanding and all other statutory, regulatory and federal rights and powers of the United States of America, Commonwealth of Virginia, the County of Prince William, and any other governmental entity and the public own lands comprising the beds of streams, gullies, rills, runs and their shore lands adjoining to the ordinary high-water line, the lands beyond the line of the bed or banked flow, flood-in lands, submerged lands or artificial lands.
NOT A SURVEY MATTER

- NOTES:**
- THE PARCEL IDENTIFICATION NUMBERS (P.I.N.) FOR THE PROPERTY SHOWN HEREIN ARE 7594-95-1801, 7594-17-0726 & 7594-86-8530.
 - CURRENT ZONING IS PFD.
 - PORTIONS OF THE WOODSHIRES SWANN HERON ARE LOCATED WITHIN THE FEMA FLOOD ZONE A6. FEMA FLOOD ZONE A6: THE DELINEATION OF THE 100-YEAR FLOODPLAIN LIMITS (FLOOD HAZARD AREA) SHOWN IS PER FLOW 51130-D WHICH BECAME EFFECTIVE ON 08-21-02.
 - THE RPA BASED ON AN APPROVED PWS # 07-00087.



ADVANCE COPY
03/09/20

AREA TABULATION

PARCEL	AREA (ACRES)
PARCEL A - G.P.N. 7594-95-1801	41.7732 ACRES
PARCEL B - G.P.N. 7594-87-8514	34.64183 ACRES
PARCEL C - G.P.N. 7594-17-0726	32.0000 ACRES
PARCEL D - G.P.N. 7594-86-8530	41.1289 ACRES
TOTAL	154.53214 ACRES

EXHIBIT SHOWING THE LINES OF AMERICAN BATTLEFIELD TRUST
INSTRUMENT NUMBER 2018022000801
INSTRUMENT NUMBER 2018022000802
BRENSVILLE MANORIAL DISTRICT
PRINCE WILLIAM COUNTY, VIRGINIA
SCALE: 1" = 200' DATE: DECEMBER 3, 2019

Dewberry
Dewberry Engineering, Inc.
1035 HUNTERS LANE, SUITE 100
UNIONVILLE, VIRGINIA 22089
PHONE: 703.488.2211
FAX: 703.488.2212

Bristow-Manassas, LLC Tract Recommendation

The Easement Acceptance Committee recommends approval of the Bristow-Manassas, LLC Tract easement offer subject to the following conditions:

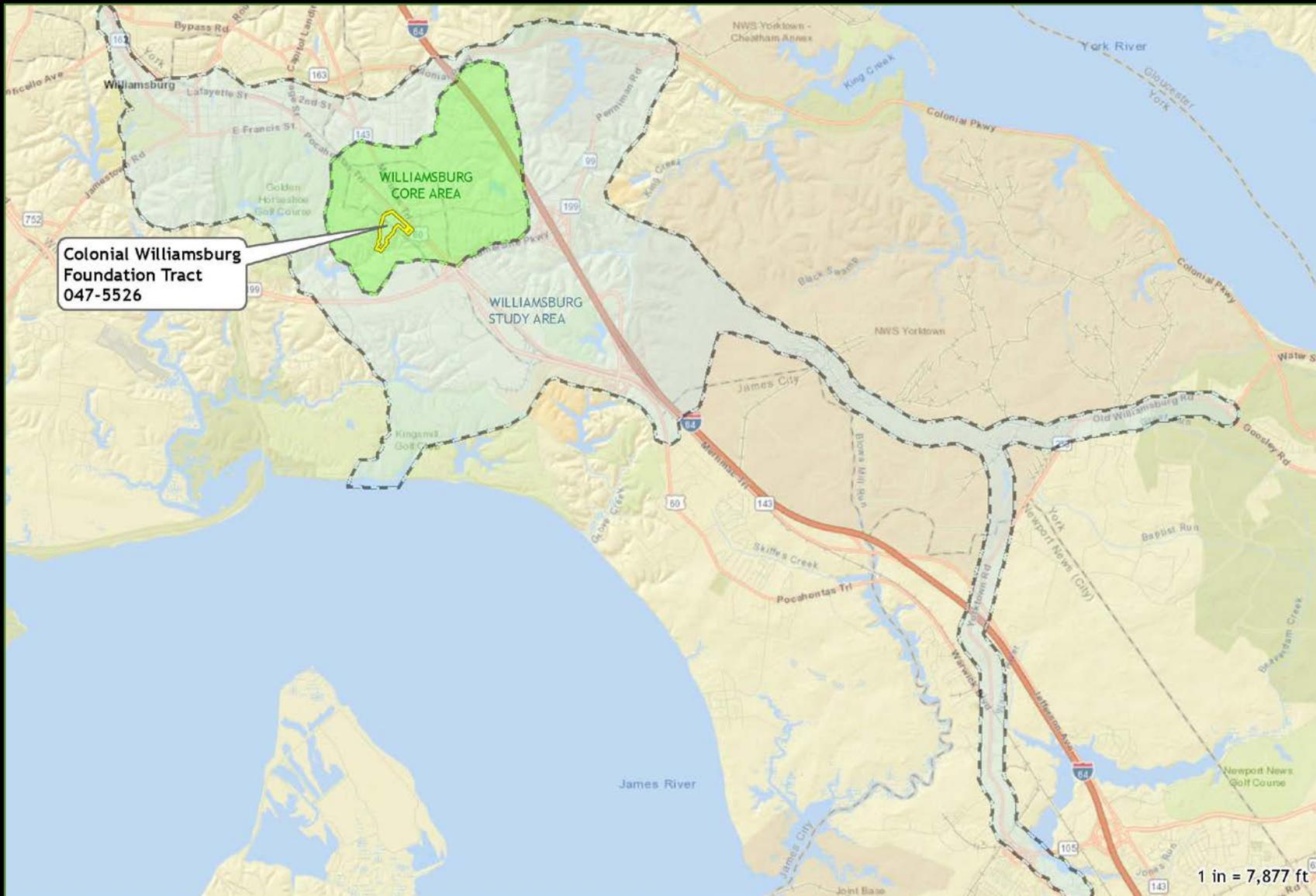
- 1. Removal of the existing development proffers on the Property.**
- 2. Termination of Water Line Easement Agreements (Instruments 201703290023674 and 201708210063360) and removal from title commitment exceptions and surveys.**
- 3. Removal of Deed of Easement and Subordination (Instrument 201708210063363) from title commitment exceptions and survey.**
- 4. Removal of encroaching fence along Wallace property line.**
- 5. Receipt of a new electrical easement or a containment letter for the undocumented utility line in Parcel A.**
- 6. Receipt of a revised survey.**
- 7. Receipt of a revised title commitment.**
- 8. Review of all title work, title commitment, survey and draft easement by the Office of the Attorney General.**



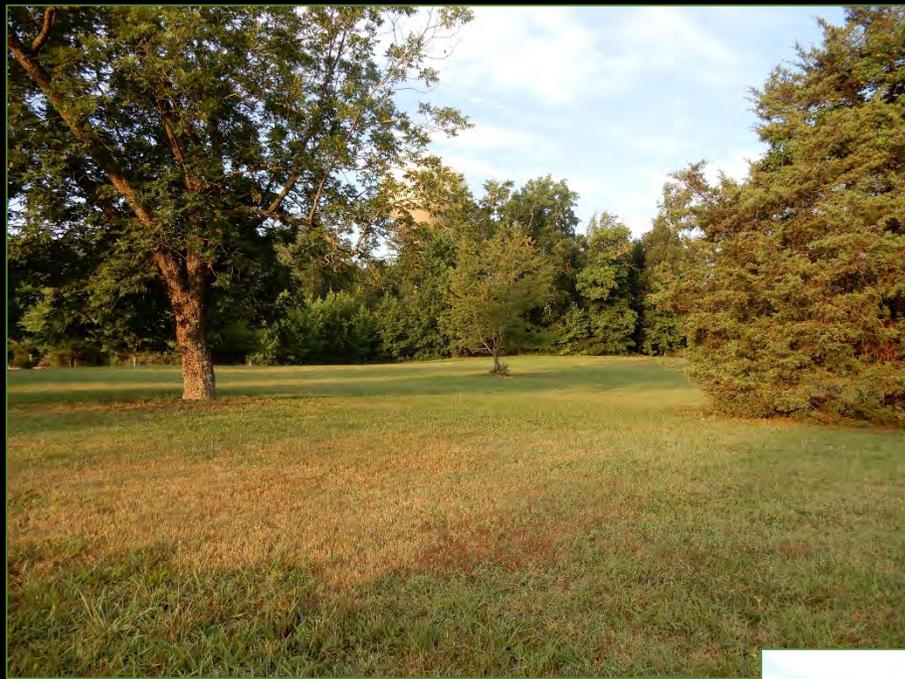
**Colonial Williamsburg Tract, Williamsburg Battlefield,
James City County and City of Williamsburg
Easement Applicant: American Battlefield Trust**



Aerial View – 29.33 acres over four parcels



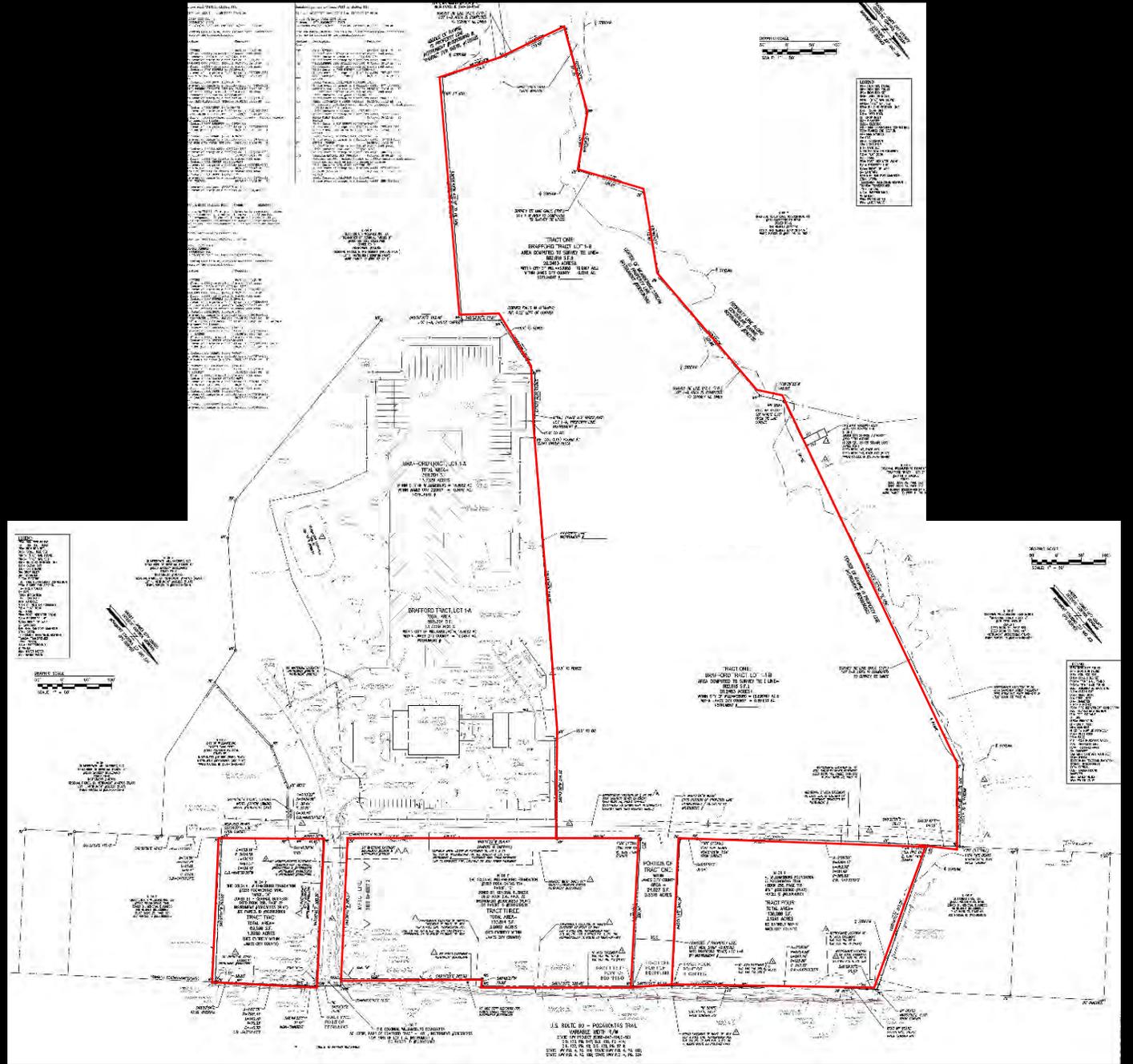
**Property is entirely within the core and study areas of the Williamsburg Battlefield
May 5, 1862, Peninsula Campaign
CWSAC Preservation Priority Rating: III.2, Class B**



**James City County
Parcels**



July 2020 ALTA Survey



Colonial Williamsburg Tract Recommendation

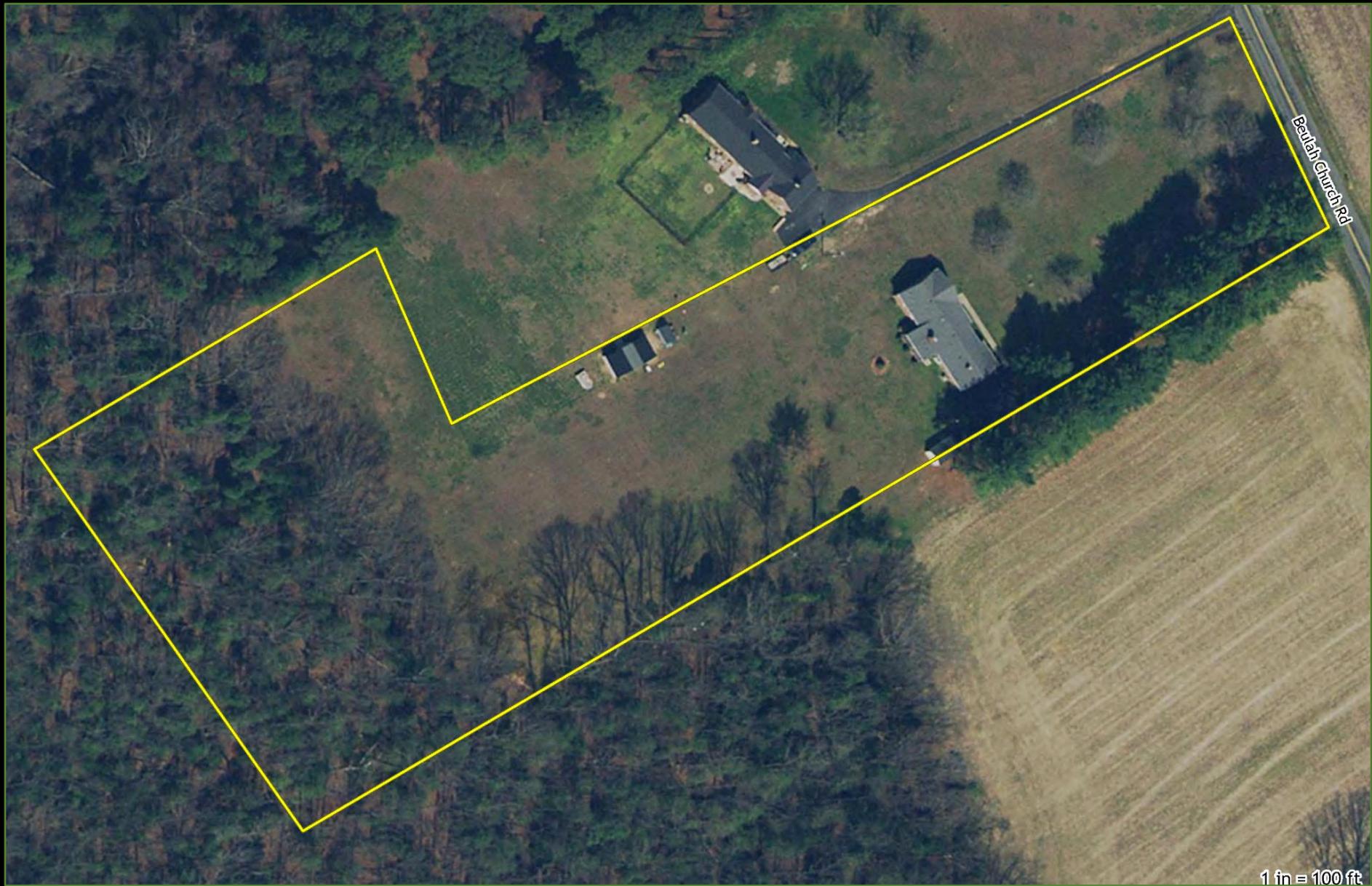
The Easement Acceptance Committee recommends approval of the Colonial Williamsburg Tract easement offer subject to the following conditions:

- 1. Resolution of title and survey issues to DHR staff's satisfaction.**
- 2. Final review of title work, title commitment, survey and draft easement by the Office of the Attorney General.**

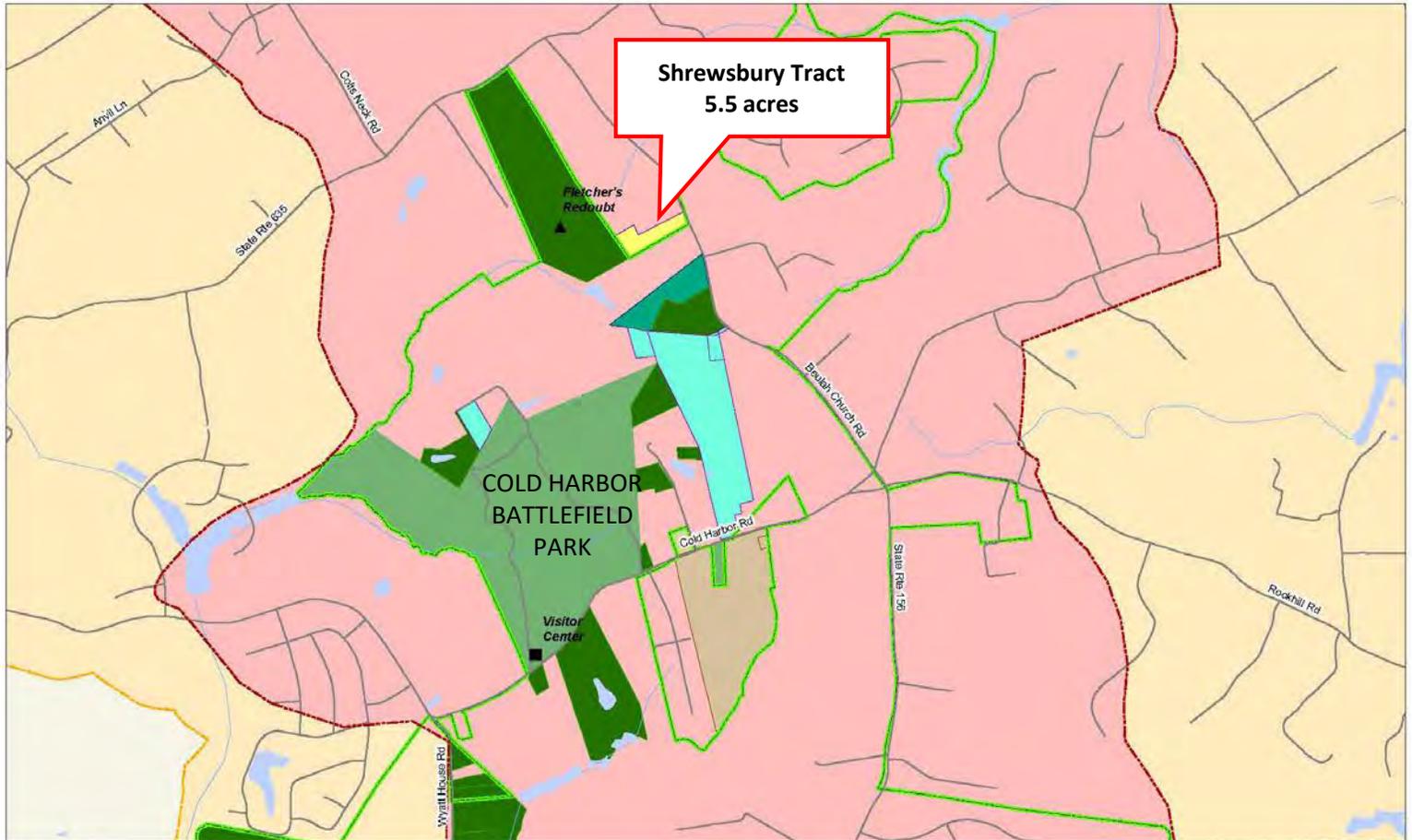




**Shrewsbury Tract, Cold Harbor Battlefield, Hanover County
Easement Applicant: American Battlefield Trust**



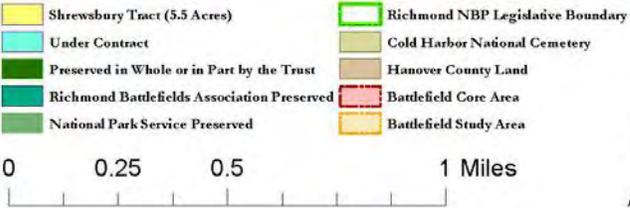
Aerial View, 5.498 acres over a single parcel



Prepared by the American Battlefield Trust

Shrewsbury Tract at Cold Harbor Battlefield (Hanover County, VA)

Created on 5/8/18 by JM

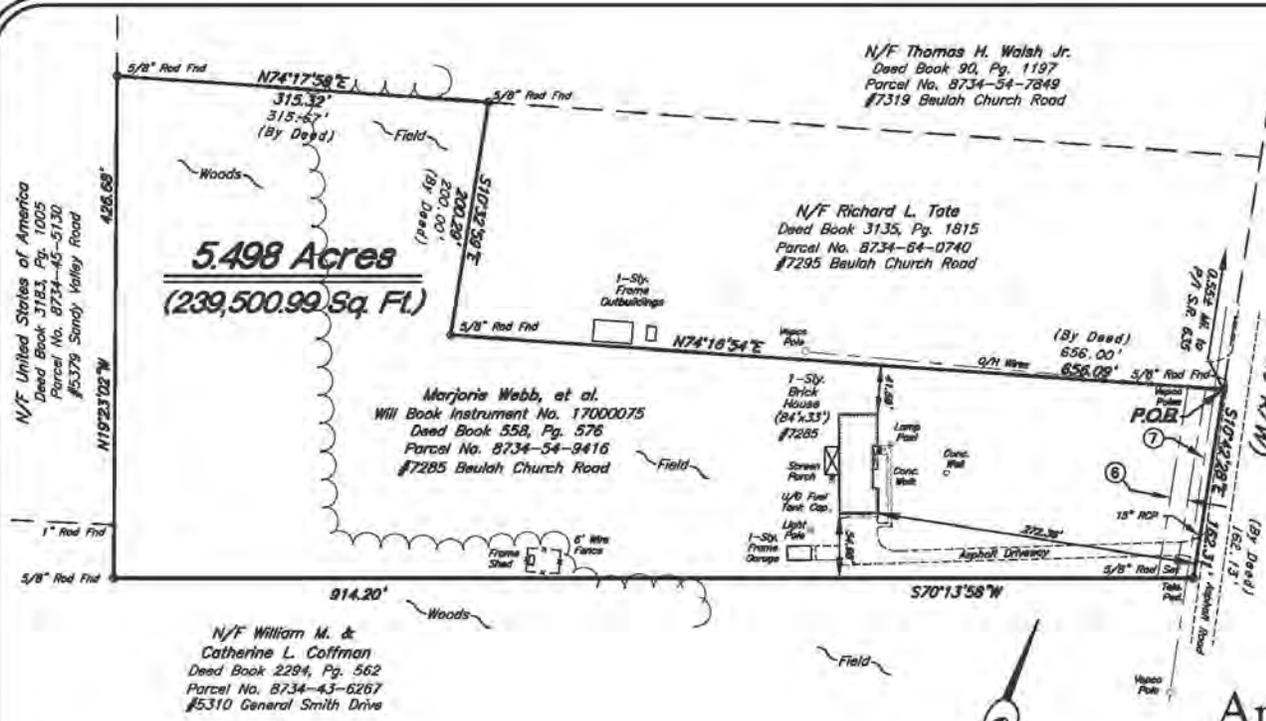


**Property is entirely within the core and study areas of the Cold Harbor Battlefield
CWSAC Preservation Priority Rating: III.2, Class B**

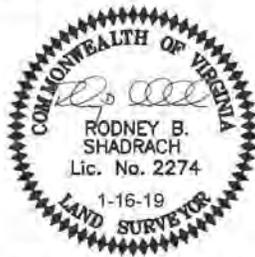


Existing Buildings and Structures

January 2019 Boundary Survey

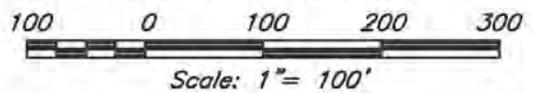


I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



- Notes:**
1. The subject property shown hereon are not located within the limits of the 500 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Plan #51085C-0435-B, effective date: December 2, 2008 (Zone X).
 2. This survey plat represents a current and accurate field transit survey of the premises shown hereon. Date of last physical survey: December 7, 2018
 3. This survey was made with the benefit of a Title Report issued by Fidelity National Title Insurance Company dated January 9, 2019 (Commitment No. 093108838).

Boundary Survey
American Battlefield Trust
 Showing Existing Improvements to
 a 5.498 Acre Parcel of Land Situated
 on the West Line of Beulah Church Road
 Cold Harbor District, Hanover County, Virginia
 Date: January 16, 2019



Shadrach & Associates LLC
 LAND SURVEYING
 430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23258
 Phone: (804)378-9300 • Fax: (804)378-9301

Fidelity National Title Insurance Company
 Schedule B - Commitment No. 093108838
 (Referenced by corresponding letter in Commitment)

- ④ Intentionally Deleted
- ⑤ Intentionally Deleted
- ⑥ Easement granted to Chesapeake and Potomac Telephone Company, dated July 8, 1976, recorded August 5, 1976, in Deed Book 404, page 253. Plotted and shown hereon.
- ⑦ Easement granted to Virginia Electric and Power Company, dated August 18, 1971, recorded December 3, 1971, in Deed Book 324, page 542. Portion of easement with overhead wires plotted and shown hereon. No evidence of overhead wires from existing poles to dwelling.
- ⑧ Intentionally Deleted



Shrewsbury Tract Recommendation

The Easement Acceptance Committee recommends approval of the Shrewsbury Tract easement offer subject to the following conditions:

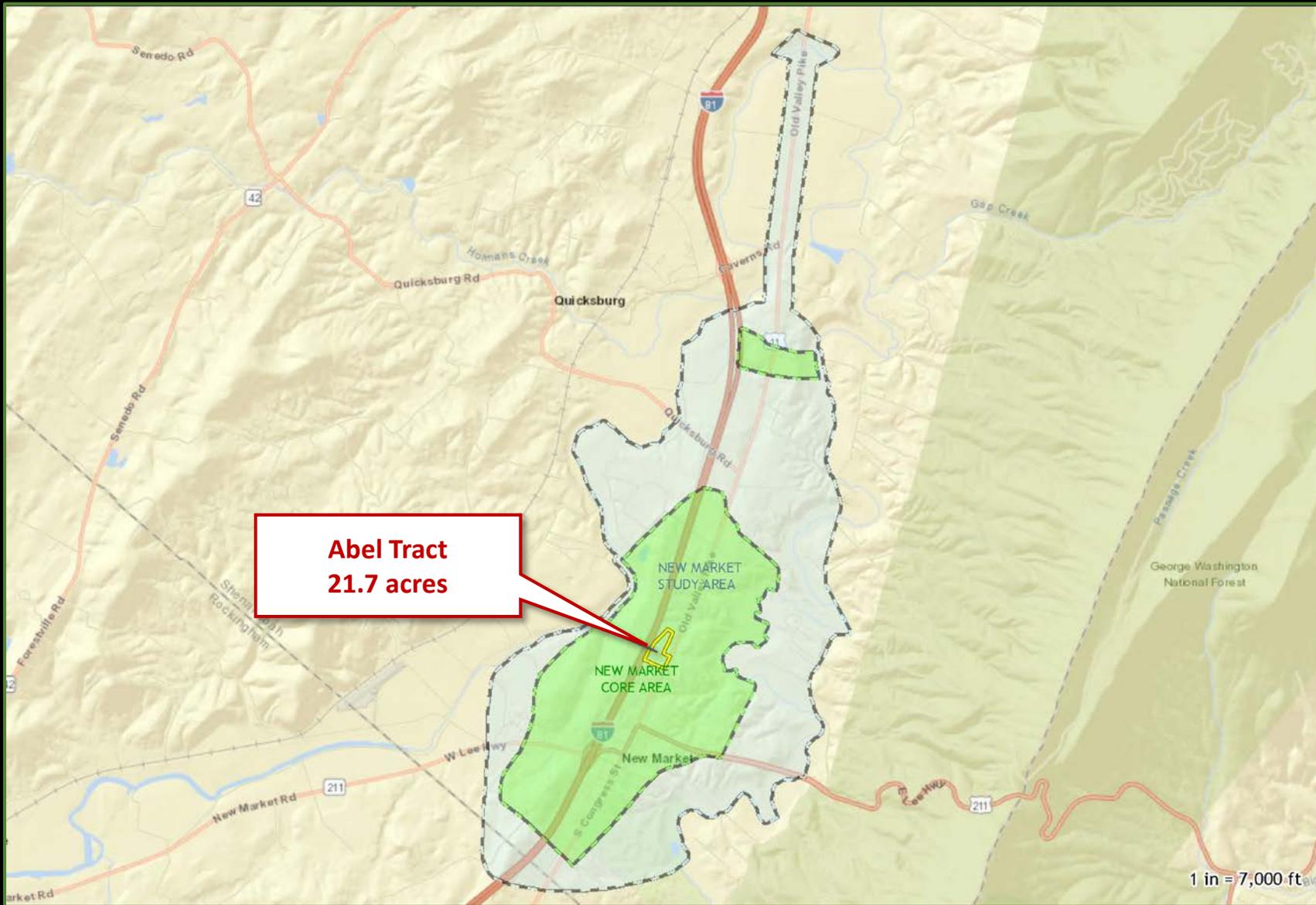
- 1. The Trust provides a title commitment and policy insuring the Commonwealth of Virginia, Board of Historic Resources.**
- 2. Any residential lease in effect at the time the easement is recorded must contain subordination language approved by DHR.**
- 3. Demolition and removal of existing non-historic buildings and structures shall be completed within five (5) years of the date of easement recordation according to a written management plan negotiated jointly by the Trust and DHR, and such plan shall be incorporated into the easement either directly or by reference.**
- 4. Final review of title work, survey, title commitment and draft easement by the Office of the Attorney General.**



Abel Tract, New Market Battlefield, Shenandoah County
Easement Applicant: Shenandoah Valley Battlefields Foundation

Aerial View
21.7 acres over a single parcel





**Abel Tract
21.7 acres**

**Property is entirely within the core and study areas of the New Market Battlefield
May 15, 1864, Lynchburg Campaign
CWSAC Preservation Priority Rating: IV.1, Class B**



Entrance from Route 11



Barn, Sheds

**Frame Dwelling (circa 1900),
front (east) elevation**





Sheds

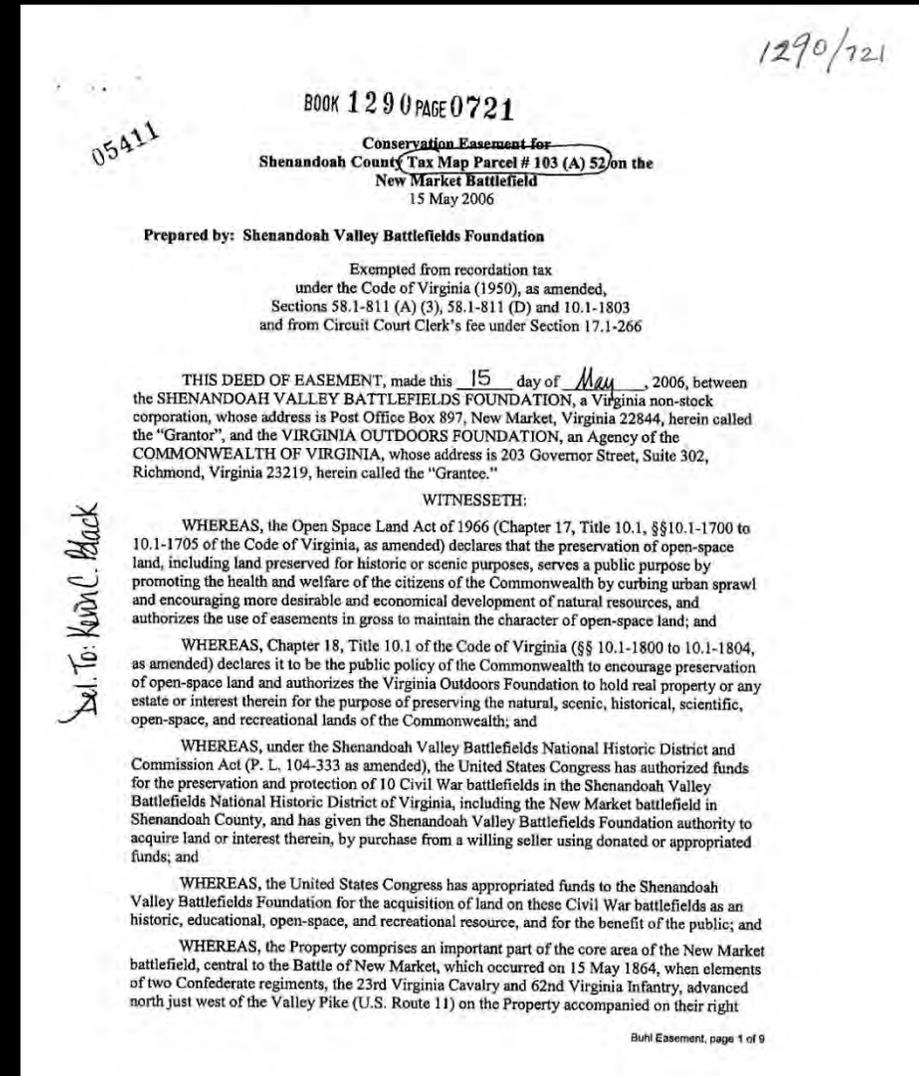


Property Interior



I-81 Frontage

- Property is subject to a conservation easement held by the Virginia Outdoors Foundation (VOF) and recorded in 2006.
- VOF will assign the Easement to the Board of Historic Resources.
- The Easement will then be Amended and Restated.
- Proposed enhancements to be included in the Amended and Restated Easement:
 - 1% (or less) cap on all construction (depending on footprint of existing buildings/structures)
 - Remove right to construct a new dwelling
 - Require review and approval for all new construction or alterations to existing buildings/structures
 - Expanded archaeological protections such as archaeological survey, review and approval prior to ground disturbing activities, treatment of artifacts or human remains, prohibition on relic hunting
 - Require a minimum of 2 days of public access
 - More restrictive signage provisions
 - Include approvals, standards for review, and inspection provisions
 - Updated Baseline Documentation Report and associated provision
 - General administrative provisions regarding insurance, conversion/diversion, amendment, assignment, etc.



Abel Tract Recommendation

The Easement Acceptance Committee recommends approval on the Abel Tract easement offer subject to the following conditions:

- 1. The current owners of the property and/or SVBF formally request that the Virginia Outdoors Foundation assign their existing easement to the Board of Historic Resources.**
- 2. Final review of all title work, title commitment, survey, draft deed of assignment, and draft amended and restated deed of easement by the Office of the Attorney General.**

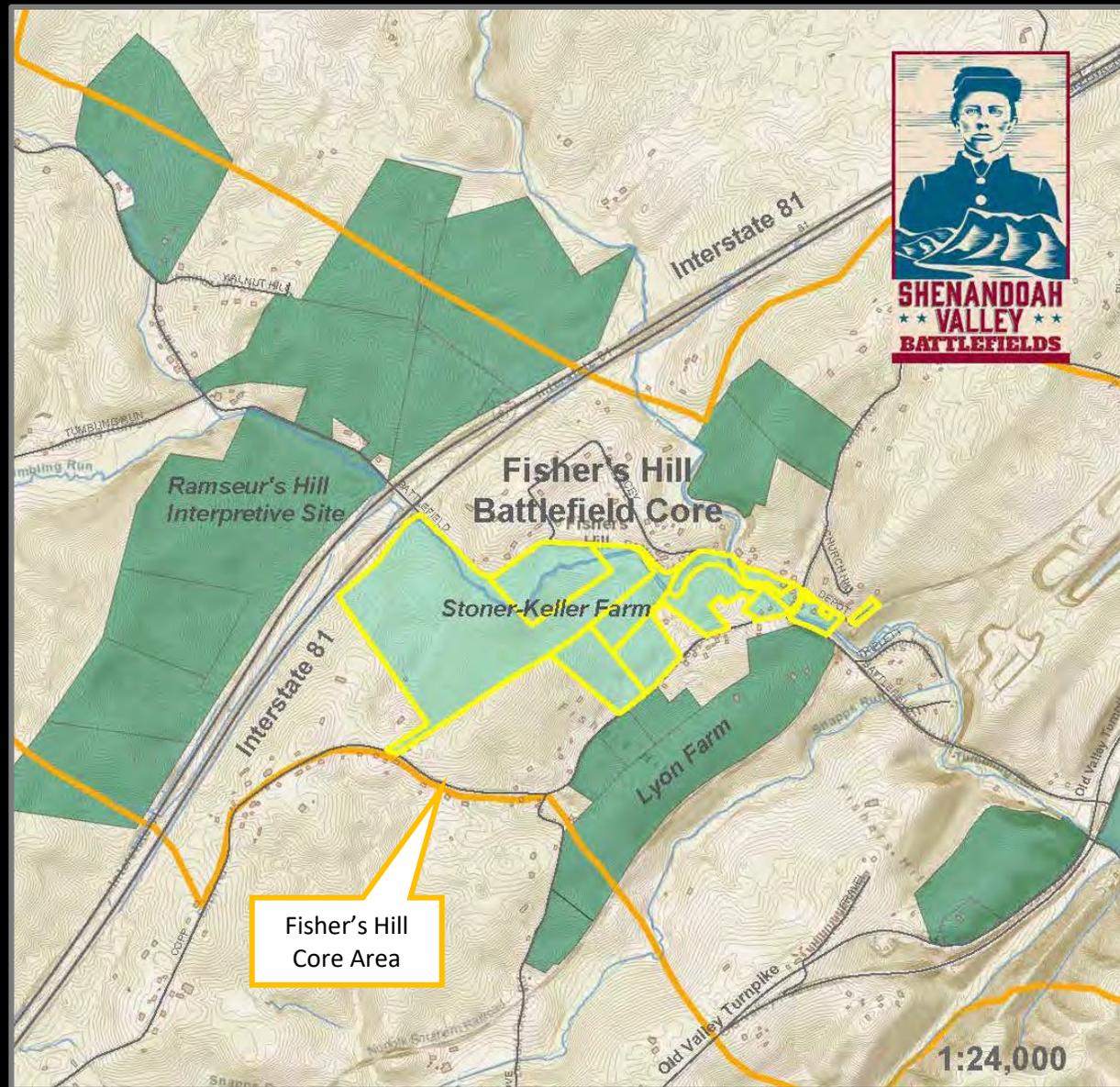




Stoner-Keller Farm, Fisher's Hill Battlefield, Shenandoah County
Easement Applicant: Shenandoah Valley Battlefields Foundation
Property Owner: Erbach Enterprises, LLC



Aerial View = 118.21 acres over 12 parcels



**Property is located entirely within the core and study areas of the Fisher's Hill Battlefield
CWSAC Preservation Priority Rating: I.3, Class B**



Stoner-Keller House and Mill National Register Boundary



Mill and Mill Race ca. 1778



Keller House ca. 1844



Tenant House ca. 1880



Barn ca. 1880



1977 Copp Road House, ca. 1878



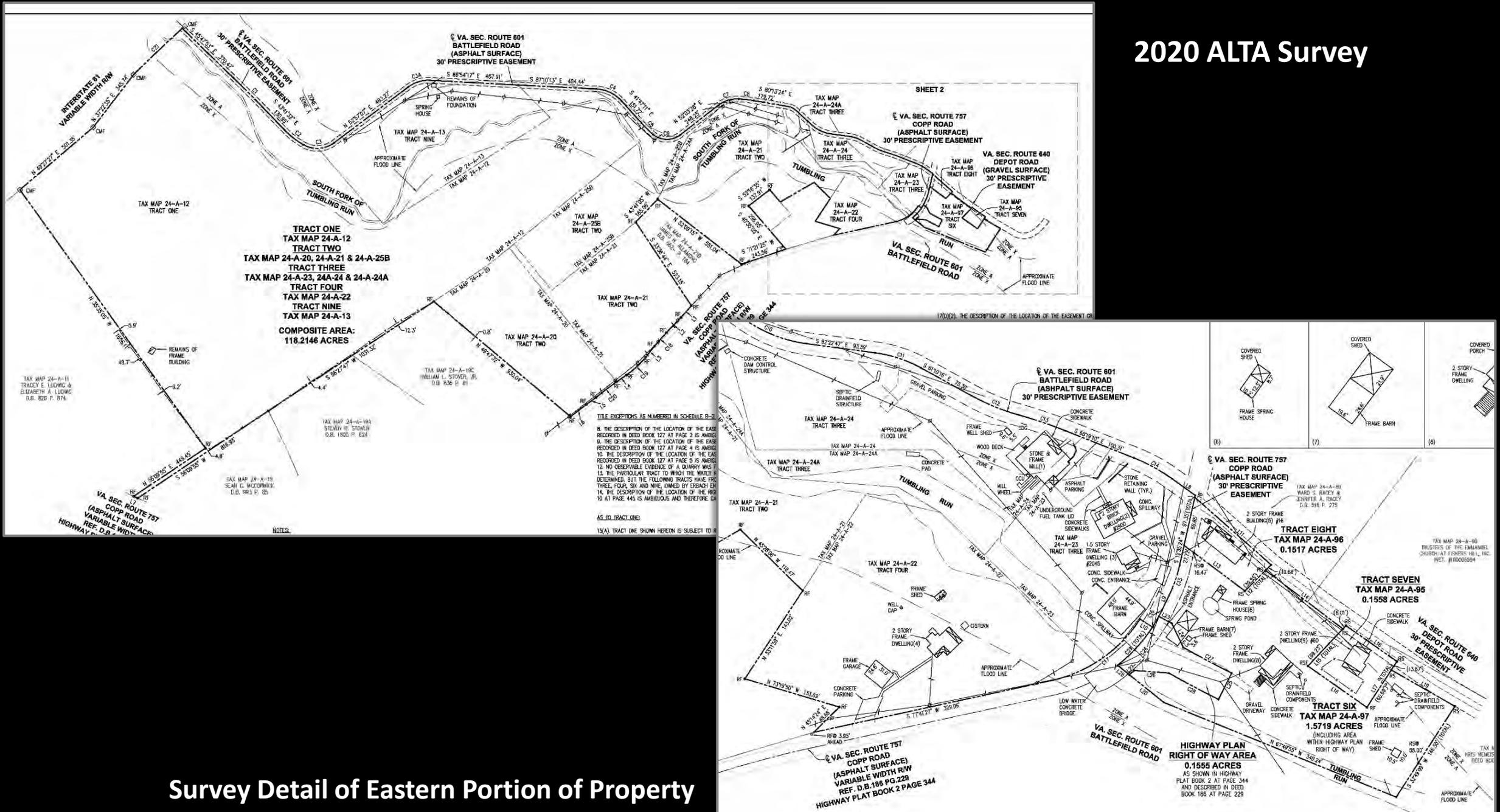
16 Depot Road ca. 1920



60 Depot Road ca. 1920



2028 Copp Road ca. 1900



Stoner-Keller Farm Recommendation

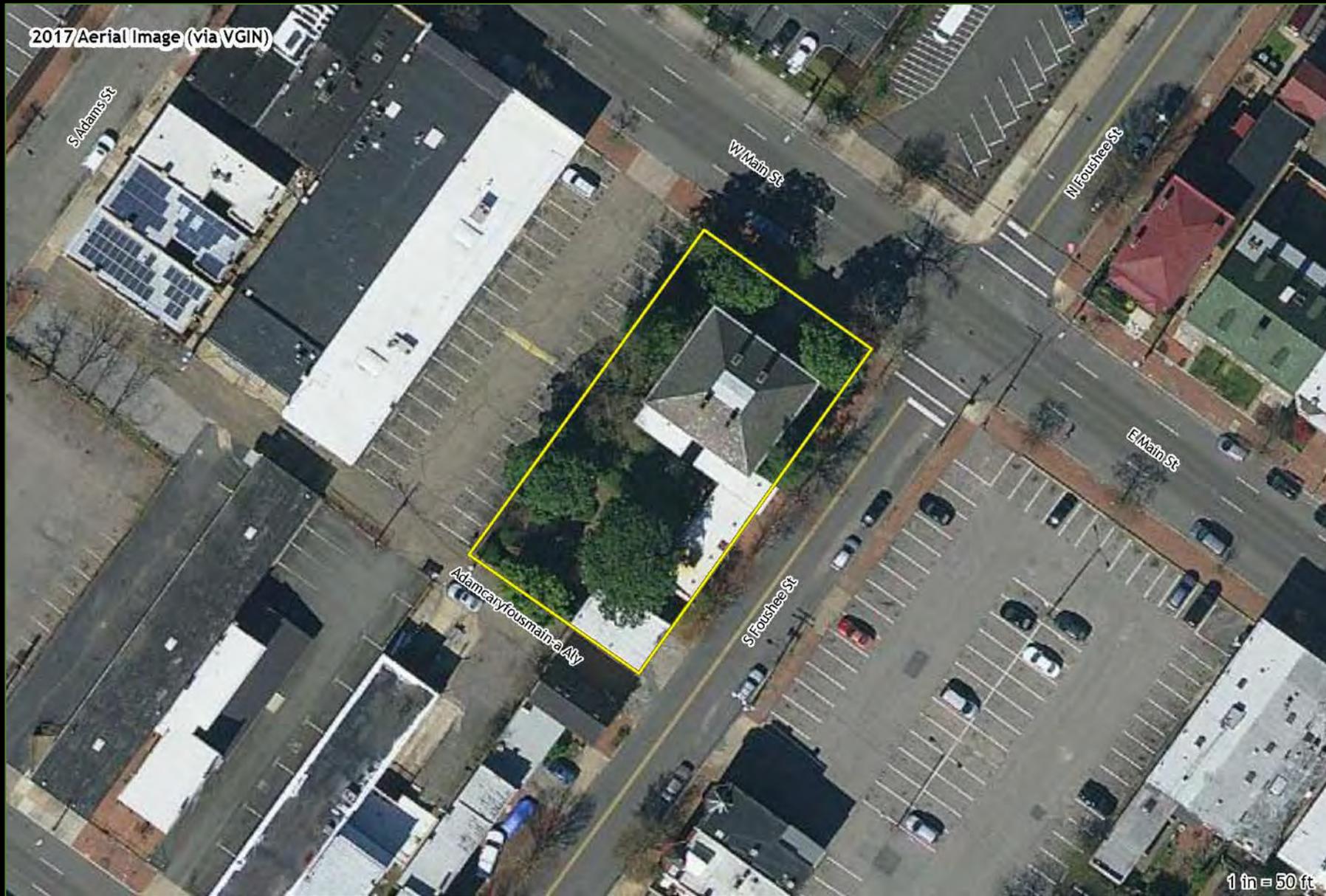
The Easement Acceptance Committee recommends approval of the Stoner-Keller Farm easement offer, subject to the following conditions:

- 1. The Board of Historic Resources is the sole easement holder.**
- 2. Receipt of a revised title commitment insuring only the Commonwealth of Virginia, Board of Historic Resources.**
- 3. Resolution of title and survey issues to DHR's satisfaction, including review and possible release of the covenants assigned by the Sacharuna Foundation (deed book 562, page 199 and deed book 1760 page 460).**
- 4. Final review of trust documents, title work, title commitment, survey and draft easement by the Office of the Attorney General.**





Ellen Glasgow House, City of Richmond
Easement Applicant: John Pearsall, III and Patricia Pearsall



Aerial View, 0.288 acres over a single parcel



Exterior



Front Hall

Front Parlor looking
to Back Parlor



Library



**Front East
Bedroom**



Rear Wing Kitchen



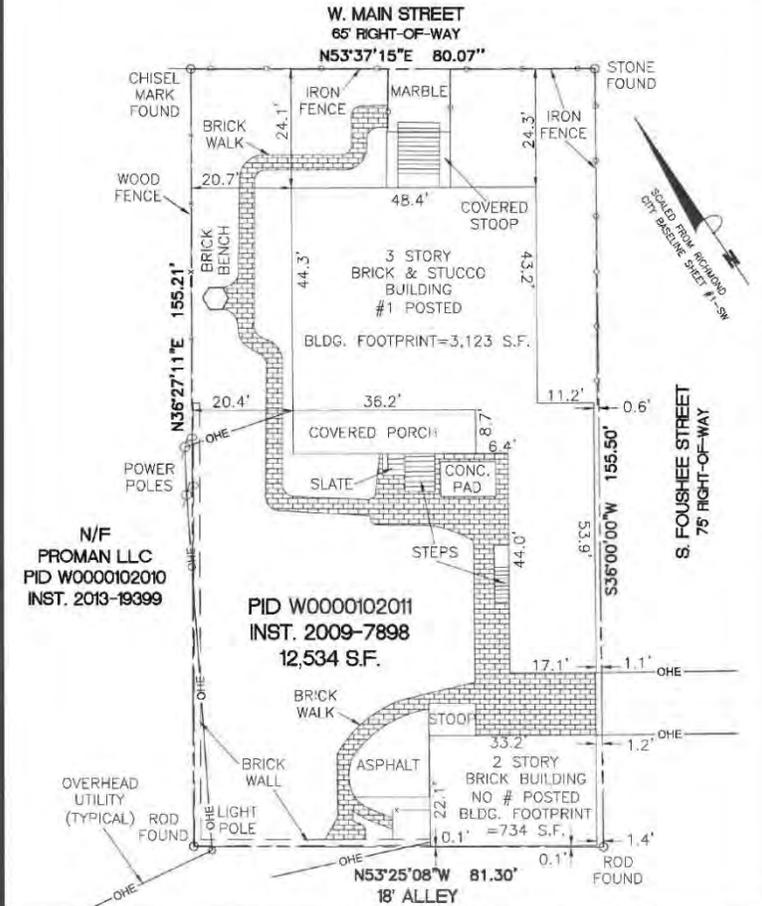
**Front West
Bedroom
(Glasgow Study)**



English Basement

June 2020 Survey

NOTES:
 THIS SURVEY MEETS THE MINIMUM STATE STANDARDS FOR A "PHYSICAL IMPROVEMENT SURVEY".
 ON JUNE 8, 2020, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON. ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON. THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS FROM THE SUBJECT PREMISES OR FROM THE ADJOINING PREMISES OTHER THAN AS SHOWN HEREON.
 ALL UNDERLYING EASEMENTS OR ENCUMBRANCES OF RECORD MAY NOT BE SHOWN HEREON.
 THIS PROPERTY IS IN ZONE X (AREA OF MINIMAL FLOOD HAZARD), AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MAP #5101290037D, DATED 4-2-2009.



HOUSE LOCATION SURVEY			1 WEST MAIN STREET CITY OF RICHMOND, VIRGINIA	
PN: PR58793	DATE: 6-15-20		BURGESS & NIPLE	
DRAWN: GE	CHECK: JB		5101 COX ROAD STE 150 GLEN ALLEN, VIRGINIA 23060	
SCALE: 1" = 20'			PHONE: (804) 320-2667 FAX: (804) 323-5131	
SHEET: 1 OF 1				
NO TITLE REPORT FURNISHED				

Ellen Glasgow House Recommendation

The Easement Acceptance Committee recommends approval of the Glasgow House easement offer, subject to the following conditions:

1. Receipt of subordination documents for any deed(s) of trust that encumber the Property when the easement is recorded.
2. Release of APVA/Preservation Virginia's covenants; right of first refusal to be retained by Preservation Virginia.
3. Continued negotiation of easement terms and provisions to the satisfaction of DHR staff.
4. Review of all title work, title commitment, survey and the draft easement by the Office of the Attorney General.



Photographs by Frances Benjamin Johnston, courtesy of the Library of Congress

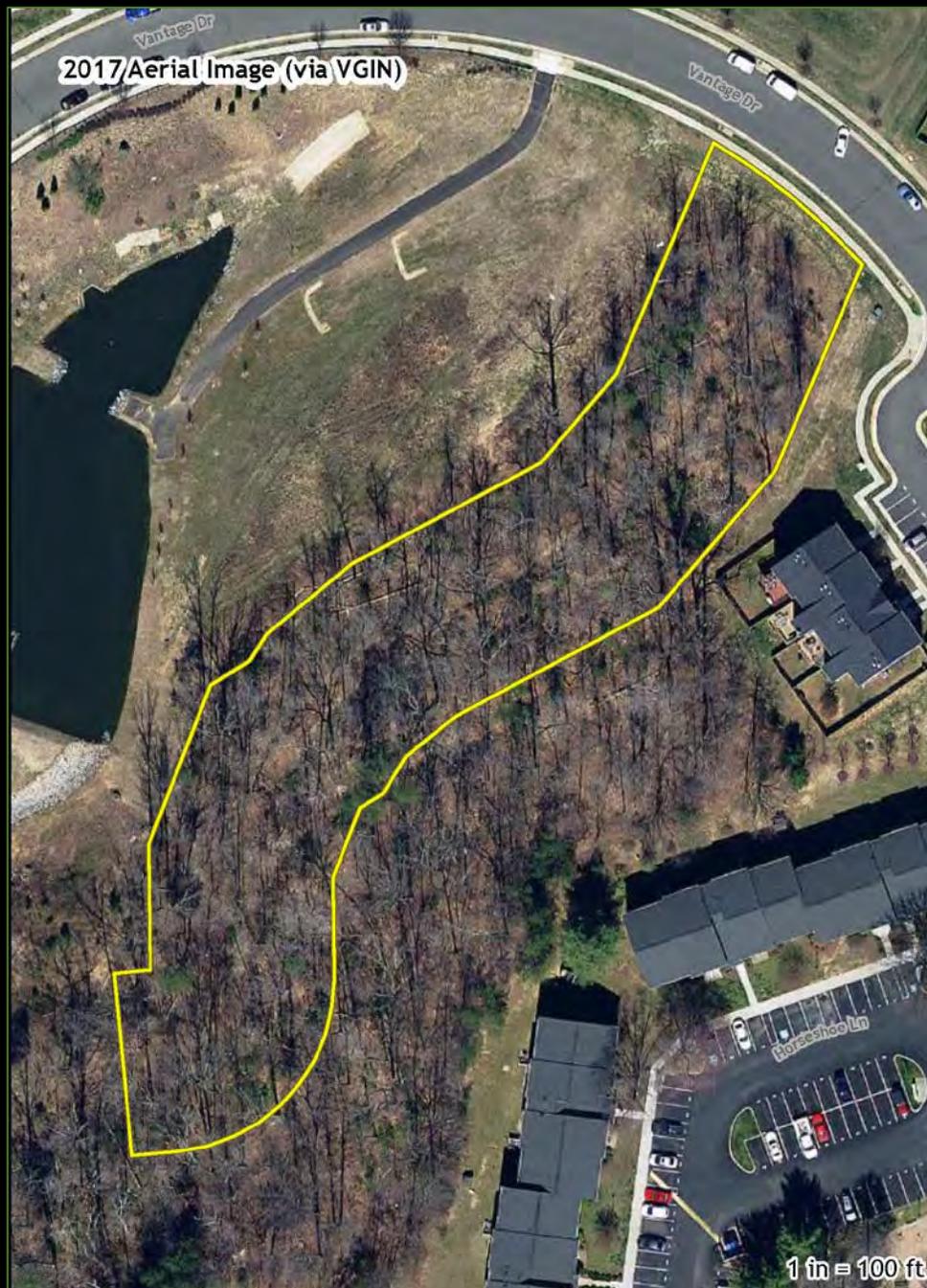


Easement Offers for Reconsideration

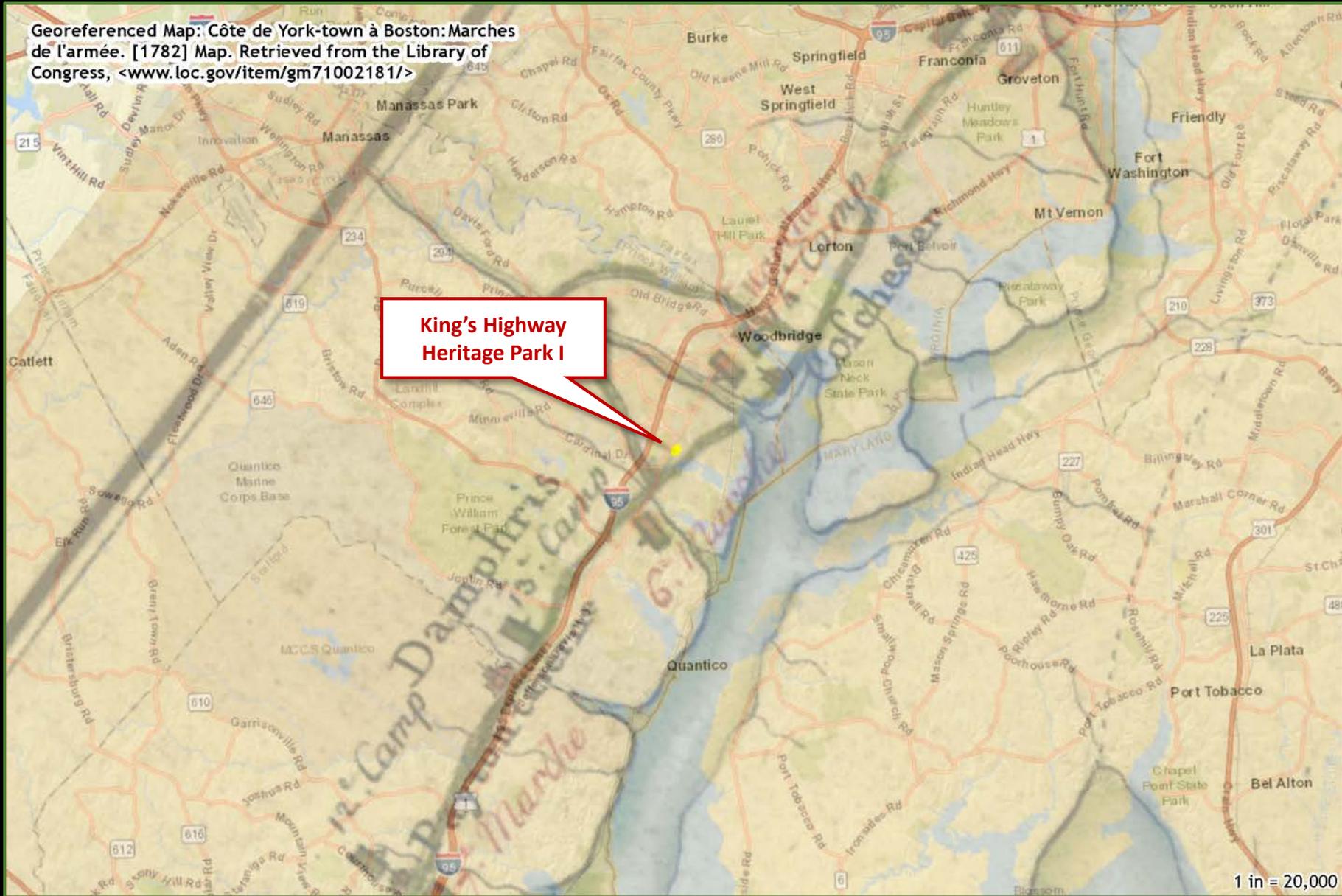


King's Highway Heritage Park I Tract, Prince William County
Easement Applicant: Prince William County

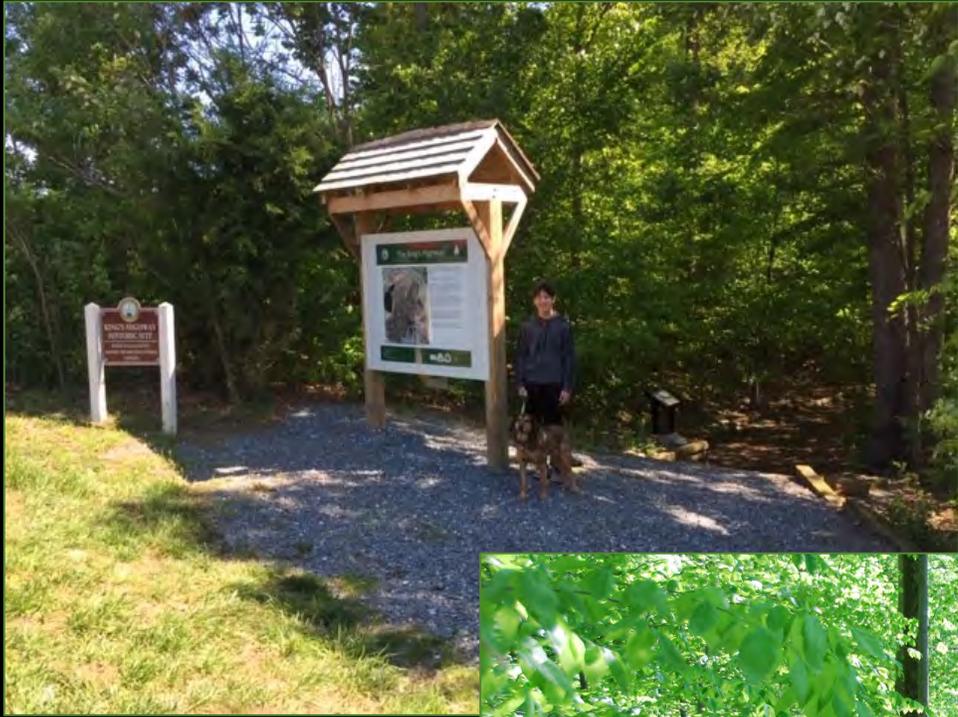
Aerial Image
1.4778 acres over a single parcel



Georeferenced Map: Côte de York-town à Boston: Marches de l'armée. [1782] Map. Retrieved from the Library of Congress, <www.loc.gov/item/gm71002181/>



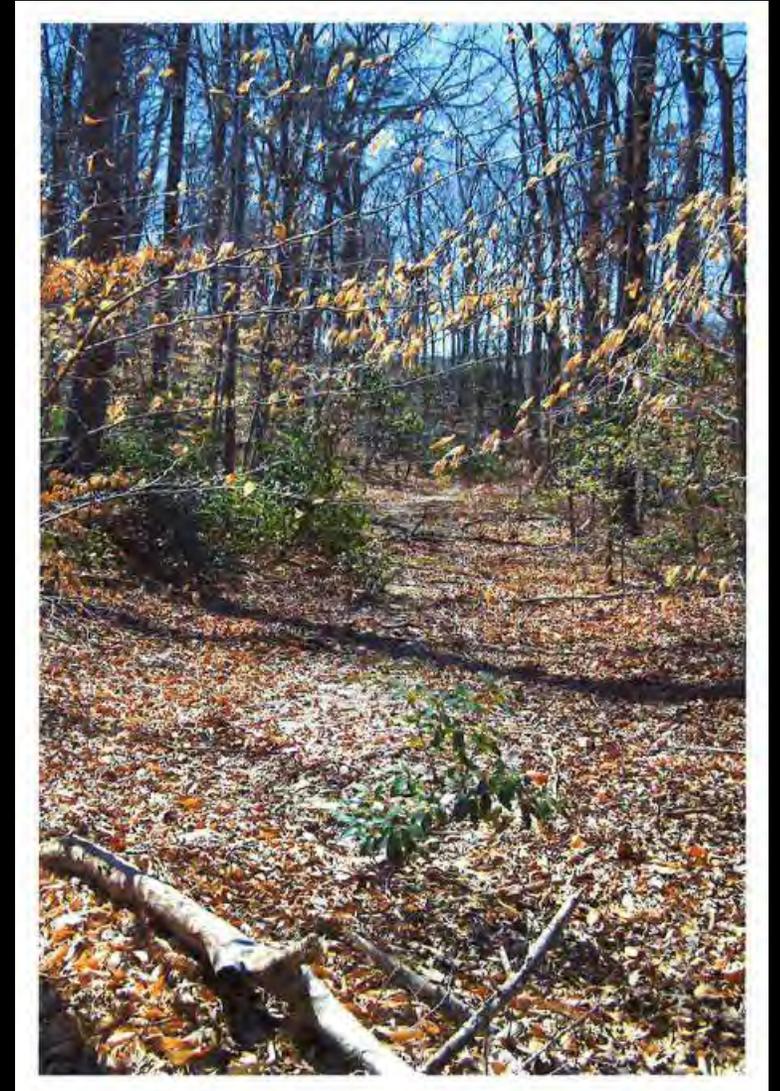
Historic Washington-Rochambeau Route





Update to Board Approval:

- **The Board of Historic Resources approved the easement offer at its June 16, 2016 meeting, subject to specific conditions.**
- **Since that time, the nature of the transaction and ownership of the property has changed. DHR received an updated easement application form in 2020.**
- ***Per Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of Board approval. Because the Board's approval expired on June 16, 2018, staff is presenting the easement offer again to the Board for its reconsideration.**
- **The property may be subject to covenants placed on it by the former owner and developer D.R. Horton related to development of the surrounding residential community. DHR staff has asked Prince William County if the parcel is still subject to these covenants and, if so, whether D.R. Horton and other applicable parties would consider releasing the Property from all or portions of these covenants.**



King's Highway Heritage Park I Recommendation

The Easement Acceptance Committee recommends reauthorization of the King's Highway Heritage Park I easement offer, subject to the following revised conditions:

- 1. Prince William County confirms if the covenants are still applicable, and if so, works with DHR to facilitate release or partial release of the covenants by the developer and the homeowner's association as necessary.**
- 2. Final review of the title work, title commitment, survey and draft easement by the Office of the Attorney General.**





McGeath Log Cabin, Waterford Historic District, Loudoun County
Easement Applicant: David Barr Crowe



Aerial View, 0.1556 acre over a single parcel

Update to Board Approval:

- **The Board of Historic Resources approved the easement offer at its September 20, 2018 meeting, subject to specific conditions.**
- **An access easement has been negotiated with the adjoining property owner and is anticipated to be signed and recorded in August 2020, satisfying Condition #1.**
- **DHR received a title commitment insuring the Board in October 2018, satisfying Condition #2.**
- **The draft easement, survey, and title work are being reviewed by the OAG, satisfying Condition #4.**
- **Baseline documentation site visit and report still need to be completed.**
- **Pending recordation of the access easement and subordination of the lien by the bank, the easement can be recorded.**

***Per Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of Board approval. Because the Board's approval will expire on September 20, 2020, staff is presenting the easement offer again to the Board for its reconsideration.**

McGeath Cabin Recommendation

The Easement Acceptance Committee recommends reauthorization of the McGeath Log Cabin easement offer, subject to the following revised conditions:

- 1. Receipt of documents authorizing the existing Deed of Trust that encumbers the property to be subordinated to the easement. These documents include:**
 - Written documentation from the lender indicating their willingness to subordinate the lien to the easement.**
 - Name and position of individual who will be signing on behalf of the lender and document identifying that individual as authorized to sign on behalf of the lender.**
 - Name of Trustees who will be signing on behalf of the lender.**
 - Recorded Appointment of Substitute Trustee document (as applicable).**

- 2. Final review of title work, survey, title commitment and draft easement by the Office of the Attorney General.**





**Josephine School, Clarke County
Easement Applicant: Clarke County
Amended & Restated Easement
0.1567 acres**

2018 Aerial Image (via VGIN)

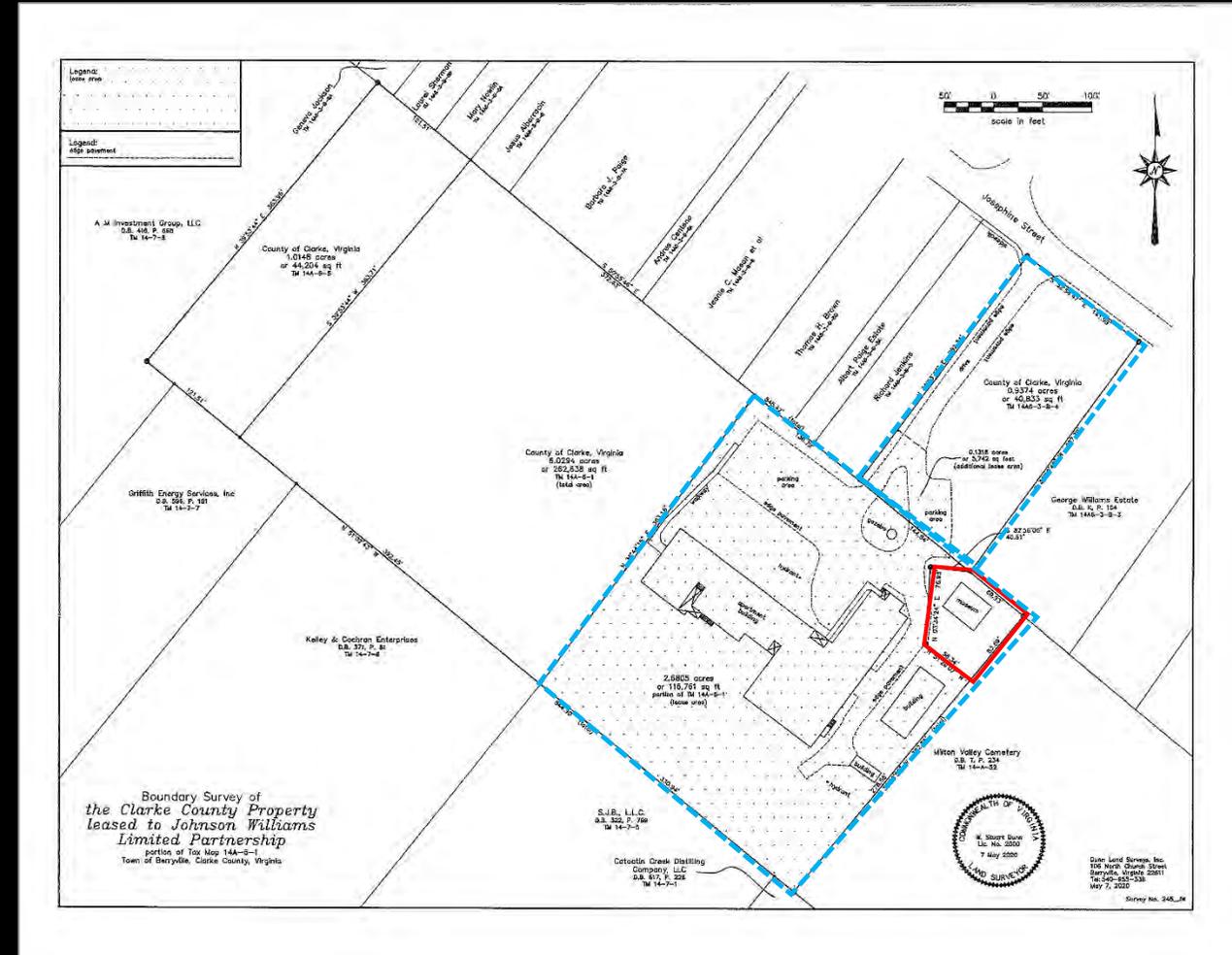


1 in = 50 ft

Aerial View

Update to Board Approval:

- The Board approved the offer for the Amended & Restated Easement at its June 21, 2018 meeting without conditions.
 - Amendment necessary to meet requirements of 2018 NPS grant for new roof.
 - In consultation with OAG, DHR has worked with Clarke County to address issues related to the title work.
 - ❖ New boundary survey commissioned.
 - ❖ The County's existing leases with the museum and adjoining apartment complex are being updated and amended.
 - NPS, OAG, DHR, & County have approved the final draft Amended & Restated Easement.
 - Baseline Documentation Report is complete.
 - County to conduct a title rundown and possibly procure a title insurance policy



Josephine School Recommendation

The Easement Acceptance Committee recommends reauthorization of the proposed Amendment and Restatement of the Josephine School Easement as approved by the Board at its June 21, 2018 meeting.





Easement Amendments for Consideration



**Yeates Tract, Second Manassas Battlefield, Prince William County
Amendment Applicant: American Battlefield Trust**



**Easement Recorded on January 5, 2017
Aerial View, 2.579 acres over a single parcel**



Existing Dwelling and Carport



Existing Easement:

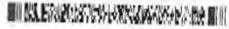
Section II, Paragraph 2.6(d) (Alterations and New Construction) of the Easement states:

- d) The existing non-historic buildings and structures permitted in Section II, Paragraphs 2.3(b)(1)-2.3(b)(8) shall be demolished and removed from the Property within three (3) years of the termination of the Residential Lease identified in Section V, Paragraph 5.1 (Residential Lease) below.

Section V, Paragraph 5.1 (Residential Lease) of the Easement states:

- a) The Property is subject to a written residential lease agreement between Grantor as Lessor and Marvin D. and Jana W. Yeates, husband and wife, as Lessees, dated July 1, 2016 and amended September 26, 2016 (hereinafter collectively the "Residential Lease"). The Residential Lease grants to Lessees rights to the use, occupancy and maintenance of the Property as a private residence for a term of four (4) years. Such rights are exclusive to Marvin D. and Jana W. Yeates and may not be assigned or transferred as set forth in the Residential Lease.
- b) The Residential Lease shall endure only until such time as the Residential Lease is terminated as provided therein or until June 30, 2020. Under no circumstances shall the Residential Lease be renewed or extended beyond June 30, 2020 nor shall any subsequent or new residential lease agreement be entered into concerning or affecting the Property.
- c) Grantor shall provide written notice to Grantee within ten (10) business days following receipt of any written notice required pursuant to the Residential Lease that would affect the duration of the Residential Lease and/or continued use and occupancy of the Property by the Lessees pursuant to such Residential Lease.

201701050001290
Prince William County, VA
01/05/2017 12:09 PM Pgs: 43
Michelle B. McGuigg, Clerk



NOTE TO TITLE EXAMINERS: This perpetual conservation easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

Prepared by and when recorded, please return to:
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Title Insurance: None

GPIN No.: 7597-48-9011

Exempted from recordation taxes
under the Code of Virginia (1950), as amended,
§§ 58.1-811(A)(3) and 58.1-811(D)
and from Circuit Court Clerk's Fees under § 17.1-266

DEED OF CONSERVATION EASEMENT

YEATES TRACT

Second Manassas Battlefield

Prince William County

VDHR EASEMENT FILE NO. 076-0271-0011_ep

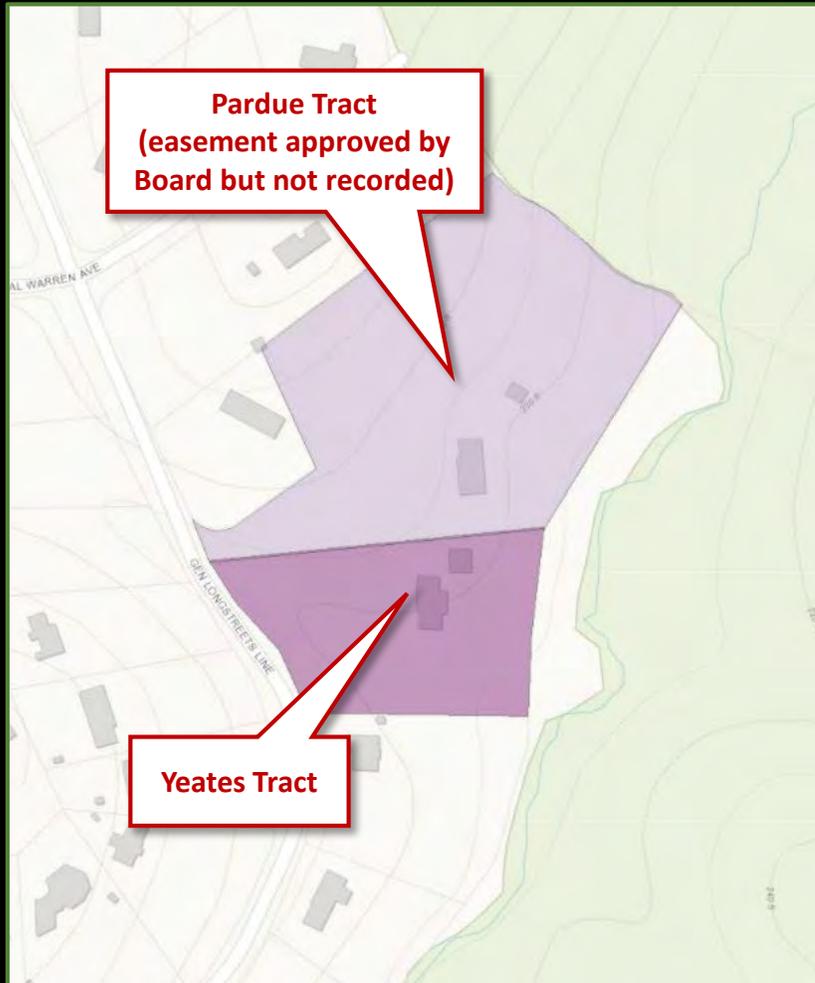
THIS DEED OF CONSERVATION EASEMENT made this 27th day of December, 2016, by the CIVIL WAR PRESERVATION TRUST, a Virginia non-stock corporation and nonprofit doing business as the Civil War Trust, whose address is: 1156 15th Street, N.W., Suite 900, Washington, D.C. 20005 ("Grantor"), and the COMMONWEALTH OF VIRGINIA, BOARD OF HISTORIC RESOURCES ("VBHR"), whose address is: Virginia Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221 ("Grantee") (the designations "Grantor" and "Grantee" refer to Grantor and Grantee and their respective successors or assigns), and MARVIN D. AND JANA W. YEATES ("Lessees"), for the purpose of consenting to and subordinating to the Easement described herein and to effect subordination of their interests in the Property, as described below, to this Easement.

RECITALS:

R-1 Grantor is the owner in fee simple of real property (the "Property") commonly known as the Yeates Tract, located on the Second Manassas Battlefield, situated in Prince

Proposed Amendment:

- The Trust requests an amendment to the Easement to allow for an additional residential lease until the house and structures are demolished by June 30, 2023 as required in Section II, Paragraph 2.6(d) of Easement.
 - Amend Paragraph 5.1(b) to permit Grantor to enter into a new residential lease agreement affecting the property.
 - Amend Paragraph 2.6(b) to state that the existing non-historic buildings and structures shall be demolished and removed from the Property no later than June 30, 2023.



Evaluation of Proposed Amendment:

- The residential lease with Marvin and Jana Yeates ended on June 30, 2020.
- The house is in exceptionally good condition and suitable to rent.
- The presence of a tenant on the Property will help protect its conservation values and historic resources.
- The Trust also proposes to demolish all of the buildings and structures on the adjacent Pardue Tract by June 30, 2023, completing this requirement two years sooner than required. The Pardue Tract will also be subject to an easement held by the Board.
- As proposed, the amendment would be consistent with Paragraph 5.7 of the Easement and Easement Program Policy #6: *Easement Amendments*.
 - The amendment will be “preservation neutral” because the non-historic buildings and structures will be demolished and removed from the property and the battlefield landscape restored no later than the date required in the original Easement.

Yeates Tract Amendment Recommendation

The Easement Acceptance Committee recommends acceptance of the proposed amendment, subject to the following conditions:

- 1. All non-historic buildings and structures located on the Yeates and Pardue Tracts are to be demolished by June 30, 2023, and in a manner consistent with the individual easement provisions.**
- 2. Final review of the draft amendment by the Office of the Attorney General.**





**Schooley Mill Barn & Meadow, Waterford, Loudoun County
Amendment Applicant: Waterford Foundation**



**VOF Easement Assigned to DHR and Recorded on May 8, 2013
Aerial View, 20.012 acres over a single parcel**



Barn Exterior



Barn Exterior



Barn Interior



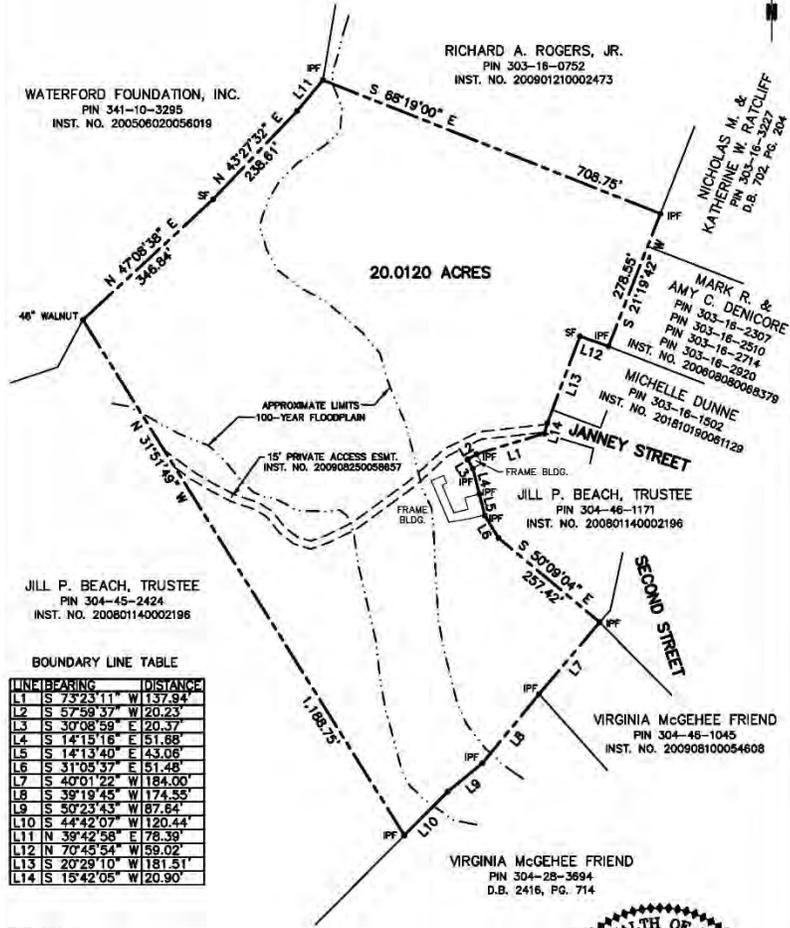
Barn Interior



**Property
Interior**

May 2020 Boundary Survey

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
 ACCORDING TO COMMUNITY-PANEL NO. 5110700115 E OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR LOUDOUN COUNTY, VIRGINIA, DATED FEBRUARY 17, 2017, THE PROPERTY SHOWN HEREON APPEARS TO BE WITHIN ZONE "X".
 IPF = IRON PIPE FOUND
 SF = STONE FOUND



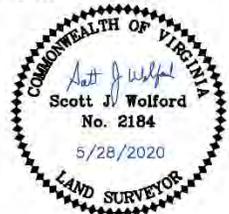
BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 75°23'11" W	1137.84'
L2	S 57°59'37" W	20.23'
L3	S 30°08'59" E	20.37'
L4	S 14°15'16" E	51.88'
L5	S 14°13'40" E	43.06'
L6	S 31°03'37" E	51.48'
L7	S 40°01'22" W	184.00'
L8	S 39°19'45" W	174.53'
L9	S 50°23'43" W	187.64'
L10	S 44°42'07" W	120.44'
L11	N 39°42'58" E	78.39'
L12	N 70°45'54" W	59.02'
L13	S 20°29'10" W	181.51'
L14	S 15°42'05" W	20.90'

SURVEY
 PROPERTY OF
WATERFORD FOUNDATION, INC.
 (PIN 304-45-5972)
 VILLAGE OF WATERFORD
 CATOCTIN ELECTION DISTRICT
 LOUDOUN COUNTY, VIRGINIA
 SCALE: 1" = 200' DATE: MAY 28, 2020

WOLFORD LAND SURVEYING, LLC
 P.O. BOX 1105 ~ PURCELLVILLE, VA. 20134
 (540) 539-8490 WOLFORDLS@YAHOO.COM

PREPARED FOR: WATERFORD FOUNDATION, INC.



The Waterford Foundation has requested the following provisions be included in the amended easement. DHR will continue to negotiate the terms and provisions of the easement amendment with the Foundation.

- Maintain the existing historic barn with protections for both exteriors and interiors.
- Should the barn be destroyed or damaged to the point where it is compromised, the Waterford Foundation will not be obligated to reconstruct it or return it to its prior documented condition.
- Permit construction of water wells, wellheads and underground cisterns.
- All light fixtures will be full cutoff and fully shielded, and shall be directed inward and downward and designed to prevent glare on adjacent properties and roadways.
- Any new utilities will be placed underground.
- Prohibit accumulation and/or burial of trash, refuse or junk materials on the property.
- Include riparian buffers extending at least 50' from either bank of the stream with a 15' wide area for a natural footpath and fencing to exclude livestock. Livestock management must be in accordance with an approved conservation plan from the local Natural Resources Conservation Service Office of the U.S. Department of Agriculture.
- Allow for ingress and egress across the property for farm, maintenance and emergency equipment that might be needed for the adjacent Phillips Farm property also owned by the Waterford Foundation. Allow ingress and egress for pedestrian trail access for historic interpretation.
- Permit trail markers and interpretive signage no larger than six square feet and allow temporary signage in excess of six square feet for Waterford Foundation activities. The Foundation also reserves the right to install a historic marker recognizing the role of the site in Waterford's history.
- No residential, industrial or commercial activities with the exception of farming and activities associated with the Waterford Fair that can be conducted without alteration of the external appearance of the barn. The property may not be used as a winery, cidery, distillery, brewery or restaurant. Events for which a fee is charged (weddings, parties, etc.) would also be prohibited.

Schooley Mill Barn & Meadow Recommendation:

The Easement Acceptance Committee recommends approval of the amended and restated Schooley Mill Barn & Meadow offer, subject to the following conditions:

- 1. Existing agricultural lease must be amended to include DHR's approved subordination language.**
- 2. Negotiation and agreement on the terms and provisions of the Amended and Restated Easement by DHR and the Waterford Foundation.**
- 3. Review of all title work, title commitment, survey and draft amended and restated easement by the Office of the Attorney General.**

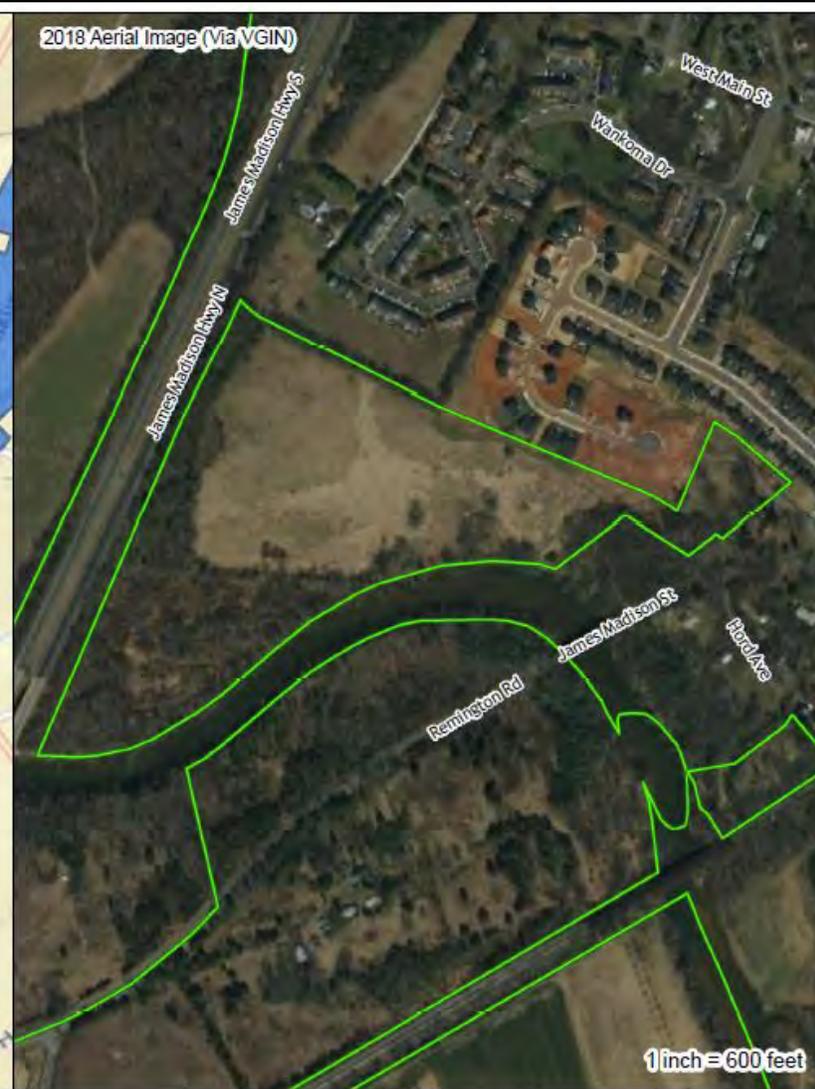




Utility Easement For Reconsideration

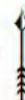


Rappahannock Station Battlefield Park, Fauquier County



Rappahannock Station Battlefield Park
Fauquier County, Remington Quad
DHR ID: 030-5504

- ▭ DHR Easements
- ▭ Architecture Resources



Created By: B. McDonald March 06, 2019
 Sources: VDMR 2015, ESRI 2015, VDOT 2015, VGIN 2017
 Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually.



DHR
 Department of Historic Resources

(Brief) Easement & Project History

2005: Danforth-Remington, LLC plans a by-right residential subdivision over 44.95 acres

- Includes portions of core and study areas of Rappahannock Station I & II battlefields

2008: County used American Battlefield Protection Program (ABPP) grant matched by VLCF grant and PEC donation (\$500,000) to buy 24.5 acres

2008: Danforth-Remington, LLC records a deed:

- Conveys 24.5 acres to Fauquier County
- Reserves numerous stormwater management easements over 24.5 acres for benefit of subdivision

2008: Phase I archaeological survey conducted on 24.5 acres

- Identified 4 sites; only 1 (44FQ0248: Woodland/19th century domestic) recommended potentially eligible for listing

2009: Fauquier County conveyed conservation easement to Board of Historic Resources and Piedmont Environmental Council

- No review of title work at that time

2016: County contacts DHR regarding change to subdivision plans and proposed extinguishment of existing stormwater utility easements in favor of new utility easement

- Receives conditional BHR and ABPP approval

2017: Project proceeds without meeting BHR or ABPP conditions

- Violation of easement
- Conditions established for remediation of violation

2018: BHR conditional approval expired (June)

2019 – 2020: DHR and County work together to “restore” landscape and remediate the violation

- DHR confirmed previous activities had little to no adverse impacts on existing battlefield landscape or previously recorded archaeological sites
- Vacation of existing stormwater utility easements and recordation of new utility easement remains outstanding

August 2020: ABPP provides determination that these previous activities do not constitute conversion and overall provide a net benefit to the preservation of the battlefield landscape

Legend

-  Archaeological Resources
-  Archaeology Labels
-  DHR Easements
-  County Boundaries



Feet

0 200 400 600 800

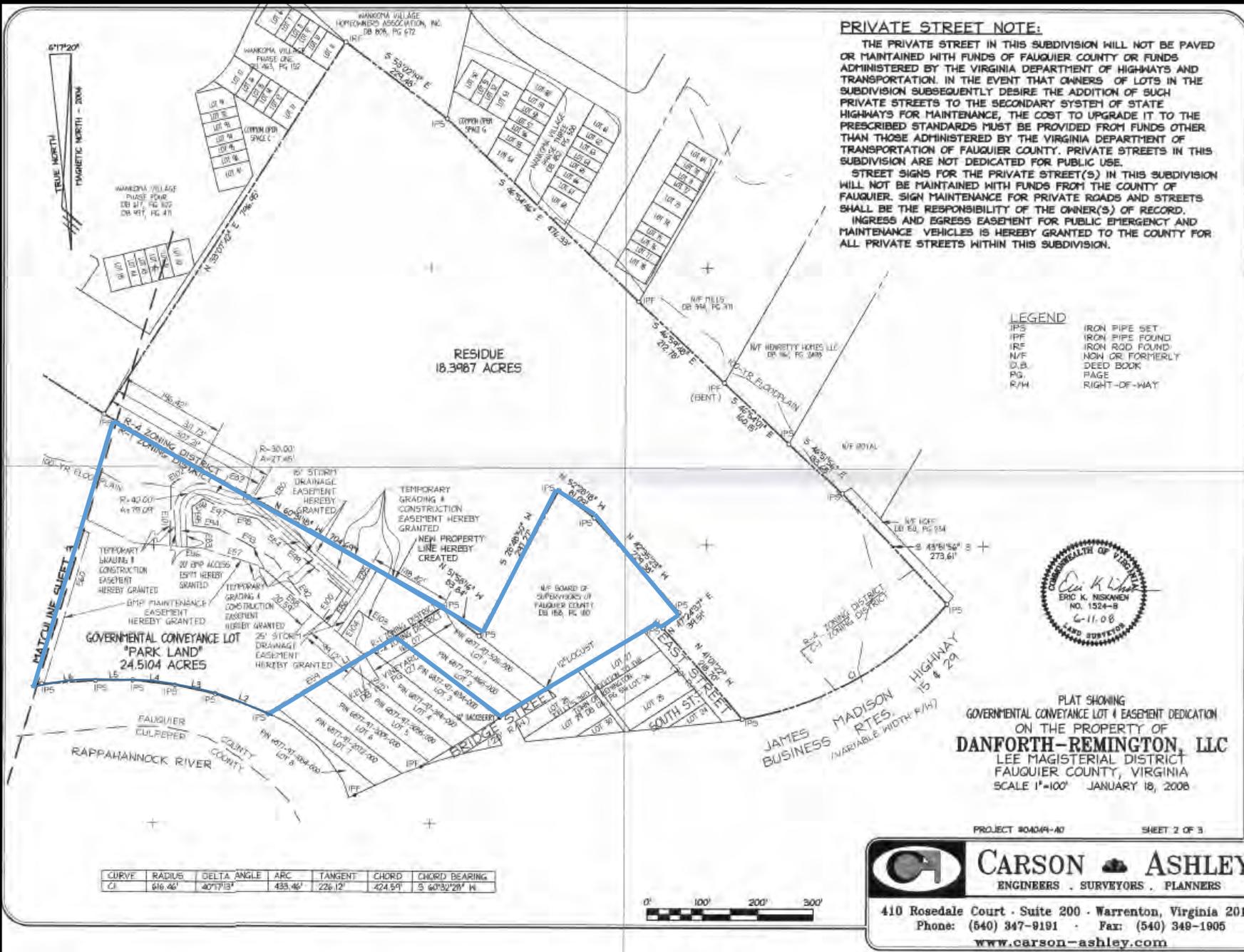
1:9,028 / 1"=752 Feet

Title: RSBP-Archaeological Sites

Date: 8/31/2020

DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Notice if AE sites: Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3703.7 (10). Release of precise locations may threaten archaeological sites and historic resources.



PRIVATE STREET NOTE:

THE PRIVATE STREET IN THIS SUBDIVISION WILL NOT BE PAVED OR MAINTAINED WITH FUNDS OF FAUQUIER COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION. IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREETS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OF FAUQUIER COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED FOR PUBLIC USE.

STREET SIGNS FOR THE PRIVATE STREET(S) IN THIS SUBDIVISION WILL NOT BE MAINTAINED WITH FUNDS FROM THE COUNTY OF FAUQUIER. SIGN MAINTENANCE FOR PRIVATE ROADS AND STREETS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF RECORD.

INGRESS AND EGRESS EASEMENT FOR PUBLIC EMERGENCY AND MAINTENANCE VEHICLES IS HEREBY GRANTED TO THE COUNTY FOR ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.

LEGEND

- IPS IRON PIPE SET
- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- N/F NON OR FORMERLY
- DB DEED BOOK
- P/B PAGE
- R/W RIGHT-OF-WAY



PLAT SHOWING
 GOVERNMENTAL CONVEYANCE LOT 4 EASEMENT DEDICATION
 ON THE PROPERTY OF
DANFORTH-REMINGTON, LLC
 LEE MAGISTERIAL DISTRICT
 FAUQUIER COUNTY, VIRGINIA
 SCALE 1"=100' JANUARY 18, 2008

CURVE	RADIUS	DELTA ANGLE	ARC	TANGENT	CHORD	CHORD BEARING
C1	616.40'	40°17'13"	455.46'	226.12'	424.59'	S 60°32'28" W



PROJECT ROAD/4-A-01 SHEET 2 OF 3

CARSON & ASHLEY
 ENGINEERS . SURVEYORS . PLANNERS

410 Rosedale Court - Suite 200 - Warrenton, Virginia 20186
 Phone: (540) 347-9191 - Fax: (540) 349-1905
 www.carson-ashley.com

Proposal

- Vacate the existing easements for the stormwater management facilities including the 2 temporary silt traps, the bioretention and infiltration facility and 20' access road.
- Convey a new easement for the installation of the drain pipe and outfall (within the same areas subject to the 2008 easement for the bioretention and infiltration facility).
- Convey additional areas under easement to allow for a wider trench for deeper installation of the drain pipe to create proper grade for water flow.

Benefits:

1. Significant reduction in the overall impact on the County Park Property.
2. Elimination of the need for substantial excavation and grading for the bioretention and infiltration facility.
3. Reduced visual impact through replacement of man-made wetland with underground pipe and outfall will be on a steeper grade and less obtrusive.
4. Greater preservation of integrity of battlefield landscape.
5. Elimination of 20' access road

Staff Recommendation

Reapproval of proposed vacation of existing stormwater management easements and recordation of new non-perpetual utility easement, with the following conditions:

1. Vacation of existing SWM easements prior to recordation of new easement.
2. Express language with reference to a plan or plat prepared by civil engineer or surveyor distinguishing between the areas encumbered by 2008 easements and the new areas being conveyed as a result of the new easement.
3. Language limiting duration of the new easement as it affects the areas being newly encumbered such that it is less than perpetual.
4. Requirement that the easement as it affects the newly encumbered areas be extinguished or vacated should the state or local government agency charged with enforcement of stormwater management regulations determine it is no longer needed.
5. Review and approval by PEC and DHR, on behalf of Board, of any deeds of vacation, deeds of easement and plans or plats to accomplish this modification.
 1. OAG has reviewed and is satisfied with draft deeds; final review will be necessary.
6. Inclusion of any conditions or requirements provided by ABPP.



Easements Recorded since the June 2020 Meeting



**Rock Tract, Chaffin's Farm/New Market Heights Battlefield, Henrico County
Easement Applicant: American Battlefield Trust**



Wyoming Farm, King William County
Easement Applicant: The Estate of Dorothy F. Atkinson