



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

JOINT MEETING
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES
March 18, 2021, 10:00 a.m.
Virtual Meeting

EASEMENT PROGRAM
BOARD PACKET

DRAFT AGENDA
and
PROJECT SUMMARIES

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

March 12, 2021



COMMONWEALTH OF VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

DRAFT AGENDA

JOINT MEETING

STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES

10:00 a.m. March 18, 2021

This meeting will take place online.

BOARD of HISTORIC RESOURCES

This meeting will take place online.

Call to Order.....Colita N. Fairfax, Chair, Board of Historic Resources

Introduction by Chair

HIGHWAY MARKERS.....presented by Jennifer Loux

EASEMENTS

Easement Offers for Consideration Joanna Wilson Green and Wendy Musumeci

- 1. Grafton Ponds, Yorktown Battlefield (Civil War), York County**
Easement Applicant: City of Newport News Waterworks
Offer for 552.743 acres
Grant Funding: Surry-Skiffes Creek Grant Fund
- 2. Elkwood Ranch, LLC Tract, Kelly's Ford Battlefield, Culpeper County**
Easement Applicant: American Battlefield Trust
Offer for 71.54 acres
Grant Funding: ABPP (pending)
- 3. Mair Tract, Great Bridge Battlefield, City of Chesapeake**
Easement Applicant: American Battlefield Trust
Offer for 0.6648 acres
Grant Funding: ABPP (pending) and VBPF (awarded 2020)
- 4. Locust Grove, Purcellville, Loudoun County**
Easement Applicants: Carter Warley and Erin Gemma
Offer for 3 acres
Tax Incentives: Virginia Land Preservation Tax Credit, Federal Income Tax Deduction
- 5. Red Hill, Charlotte and Campbell Counties**
Easement Applicant: Patrick Henry Memorial Foundation
Offer for ±593.897 acres
Grant Funding: VLCF (awarded 2019)
Tax Incentives: Virginia Land Preservation Tax Credit, Federal Income Tax Deduction

Easement Offer for Reconsideration..... Wendy Musumeci

- 1. River Road Tract, New Market Battlefield, Shenandoah County**
Easement Applicant: Shenandoah Valley Battlefields Foundation

Offer for 13.397 acres
Grant Funding: ABPP, VBPF

Violation Update DHR Staff

1. **Belgian Building, Virginia Union University, City of Richmond**
Remediation status update

Administrative Item..... Megan Melinat

1. **Policy #12 Administrative Fees – Revision**

Easements Recorded Since the December 2020 Meeting..... Megan Melinat

1. **V Corps Brock Road, Spotsylvania Court House Battlefield, Spotsylvania County**
Easement Donor: Central Virginia Battlefields Trust
Acreage: 14.403 acres
Date Recorded: December 18, 2020
2. **Benchmark II Tract, Fredericksburg I and II Battlefields, Spotsylvania County**
Easement Donor: American Battlefield Trust
Acreage: 4.31 acres
Date Recorded: December 29, 2020
3. **Mays & Wilson Tracts, Trevilian Station Battlefield, Louisa County**
Easement Donor: American Battlefield Trust
Acreage: 22.698 acres
Date Recorded: December 29, 2020
4. **Pepmeier Tract, Deep Bottom II Battlefield, Henrico County**
Easement Donor: American Battlefield Trust
Acreage: 93.796 acres
Easement Recordation: January 25, 2021
5. **Cold Harbor Road Tract, Cold Harbor Battlefield, Hanover County**
Easement Donor: American Battlefield Trust
Acreage: 50.041 acres
Easement Recordation: March 3, 2021

Adjourn – Board of Historic Resources

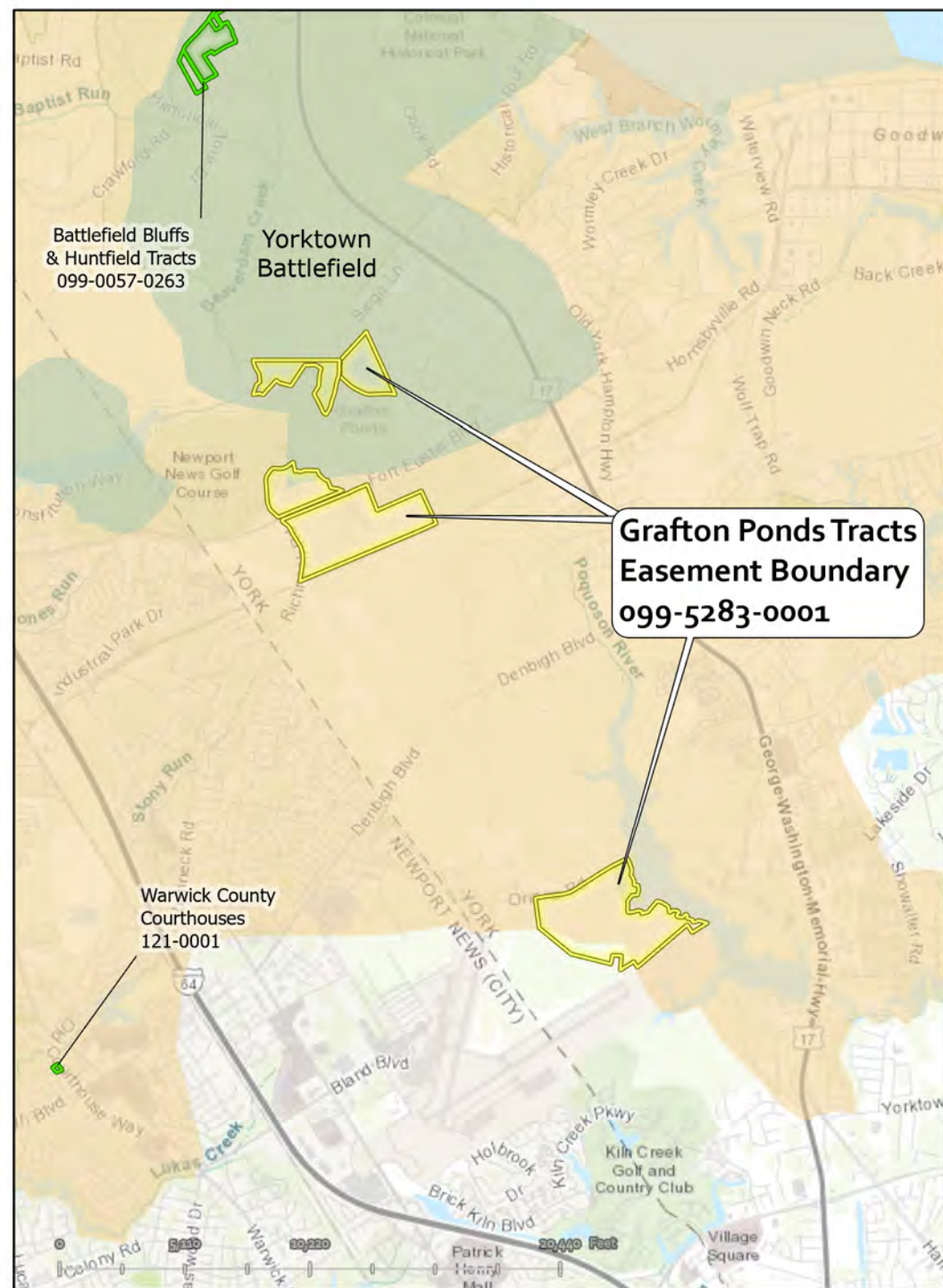
**EASEMENT OFFERS
FOR CONSIDERATION**

Easement Summary

Grafton Ponds, Yorktown Battlefield (Civil War), York County

BHR Meeting Date: 03/18/2021	Staff: J. W. Green	
Owner: Newport News Waterworks	County: York	Acres: 552.743
Property Features and Current Use:		
<p>The Grafton Ponds easement property comprises five separate parcels of land (1, 2A, 2B, 2C, and 3) located just west of the city of Newport News and within a 1500-acre ± area set aside as watershed for Lee Hall Reservoir and Harwood's Mill Reservoir. In fact, Parcels 1 and 2B are part of an area acquired by American industrialist and Newport News founder Collis P. Huntington in 1888, specifically to create and protect a source of drinking water for the city. The parcels fall within both the core and study areas of the Civil War Battle of Yorktown, a part of the 1862 Peninsula Campaign, and intact earthworks associated with this battle and the Newport News defenses are located on Parcel 3. Collectively, the parcels contain fifteen known archaeological sites, representing significant prehistoric occupation as well as historic farmsteads, a millrace, and resources associated with both the American Revolution and the Civil War. Potential for additional archaeological resources is high. The parcels also contain several examples of a naturally-occurring landscape feature known as Grafton Ponds, ephemeral water bodies that support a wide variety of plant and animal species including the endangered Mabee's salamander. The northernmost parcels (1, 2A, 2B, and 2C) are located adjacent to the Grafton Ponds Natural Area Preserve, set aside by the City of Newport News to protect salamander habitat, and conservation of these parcels will assist in achieving that goal. All parcels are entirely forested, with the northernmost parcels in mixed native hard- and softwood species. Parcel 3 to the south is in a combination of natural forest and planted loblolly pine.</p>		
<p>Other considerations:</p> <ul style="list-style-type: none"> Parcel 1 contains an artificial wetland and outfall, but is otherwise unimproved. It is publicly visible from Ft. Eustis Boulevard and Richneck Road. Parcel 2A contains a section of gravel-surfaced road, and is otherwise unimproved. It is publicly visible from VA Route 636 (Warwick Drive) as well as the Newport News Golf Course. It shares a boundary with the Colonial National Historical Park. Parcel 2B is unimproved and is publicly visible from Ft. Eustis Boulevard and Richneck Road. Parcel 2C contains a gas monitoring well but is otherwise unimproved. It is publicly visible from Warwick Drive as well as from the immediately adjacent Edgehill residential subdivision. It shares a boundary with the Colonial National Historical Park. Parcel 3 is improved with overhead electrical lines supported on wooden poles (these lines have been disconnected), unsurfaced roads allowing access to the property's interior, and metal post and woven-wire fencing separating the naturally-forested portion of the property from a thickly-planted loblolly plantation at the southern end. It is visible from Oriana Road, Harwood's Mill Reservoir, and airfields associated with Newport News International Airport. Easement is funded through a grant from the Land and Water Conservation Fund as part of mitigation for the Surry-Skiffes Creek Transmission Line, and the project has been facilitated by and through our partners at the Department of Conservation and Recreation. 		
Conservation Values:		
<p>Historic/Landscape: The property is located within the core and study areas of the Yorktown Battlefield, which has been given a Preservation Priority III.2 Class B Rating by the Civil War Sites Advisory Commission. The CWSAC defines Priority III battlefields as those needing additional protection while the Class B designation is for battles that had a direct and decisive influence on their campaign, in this instance the Peninsula Campaign from March to September 1862. The Battle of Yorktown was fought from April 5 to May 4, 1862.</p>		
<p>Archaeological: The parcels collectively contain fifteen known archaeological sites (prehistoric, historic, and military) and are likely to contain additional sites associated with occupation and use of this area.</p>		
<p>Open Space: The property contains 552.7 acres of largely unimproved open-space land immediately adjacent to a heavily-developed urban environment. Preservation of the property will augment the 53 acres of land subject to easements held by the Board in York County.</p>		
<p>Water Quality: The parcels collectively contain 67.5 acres of palustrine wetlands, 4800 linear feet of shoreline along Harwood's Mill Reservoir, and 9600 linear feet of frontage along multiple tributaries to Harwood's Mill and City Reservoirs.</p>		
<p>Forestal: The parcels collectively contain approximately 550 acres of mature forest cover, represented by both native hardwood and conifer species and planted loblolly pine.</p>		

Other: Parcels 1, 2A, 2B, and 2C collectively contain approximately 50 acres of wetland, much of which provides habitat for the endangered Mabey's salamander as well as multiple other plant, animal, bird, and amphibian species.	
Other Supporting Governmental Policy:	
Federal: (i) <i>The Report on the Nation's Civil War Battlefields</i> (1993, revised 2009), issued by the CWSAC, authorized under 54 U.S.C. § 100507 (as amended); (ii) The Land and Water Conservation Fund Act (54 U.S.C. § 200301 – 200310). State: (i) Virginia Outdoors Plan: Region 23 – Hampton Roads (Page 13.128); (ii) Section 1 of Article XI of the Constitution of Virginia; (iii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iv) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (v) the Chesapeake Bay Preservation Act, Section 62.1-44.15:67 – 69 of the Code of Virginia; and (vi) the Board's practices in reviewing and accepting an easement over this property, which include review by DHR's Easement Program staff, review by a committee comprised of DHR staff from different divisions and review and acceptance by the Board at a public meeting, as set forth in the Board's written adopted policies. Local: The property is currently zoned Conservation.	
Existing Buildings and Structures:	
<ul style="list-style-type: none"> • One (1) gas monitoring well (Parcel 2C) • Metal culverts at stream crossings (all) • Cable gates and metal stanchions at entrances off public rights-of-way (all) • Unsurfaced roads • Metal post and woven-wire fencing (Parcel 3) • Wooden t-poles and overhead power lines (Parcel 3) 	
Easement Terms:	
Division: no subdivision or division permitted Permitted New Buildings, Structures and Amenities: (i) Roads that are pervious in nature, (ii) improved paths and paved trails of pervious material, (iii) utilities, utility lines, and other infrastructure crossing the property to serve the property or other properties. Alterations and New Construction: construction of new structures, or alteration of existing structures, requires prior written approval; use <i>Secretary of the Interior's Standards for Treatment of Historic Properties</i> as standard for review Archaeology: ground disturbing activities may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting Collective Footprint: collective footprint for permitted new buildings, structures, features, and amenities shall not exceed 1.5% of the total area of the property, includes driveways, paths, or parking facilities Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement Ground Disturbance: (i) any ground disturbing activities are subject to prior written approval; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited Landscape: management of trees and vegetation consistent with established arboreal and horticultural practices and to prevent damage to the historic buildings and structures on the property Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited Signs: new signs or alterations to existing signs require prior approval; interpretative signage permitted Public Access: easement requires 2 days minimum public access; property also visible from public rights-of way	
Documentation Information:	
Tax Map Numbers: 008b-2534-4450 (portion); P08d-4525-0410 (portion); R05d-4244-0827 (portion)	USGS Quad: Poquoson West
Property Address: No 911 address	
Complexities/Other:	
1. Easement must be recorded no later than March 31, 2021 in order to conform to grant funding requirements.	
Easement Acceptance Committee Recommendation:	
The Easement Acceptance Committee recommends acceptance of the easement, subject to the following conditions: <ol style="list-style-type: none"> 1. Confirmation of compliance with the York County Comprehensive Plan. 2. Final approval of easement and title documentation by the Office of the Attorney General. 	



Grafton Ponds Tracts
York County, Poquison West Quad
DHR ID: 099-5283-0001

- 099-5283-0001
- VBHR Easements
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)

Created By: D. Bascone3/8/2021
Sources: VDHR 2021, ESRI 2021, VDOT 2021, VGIN 2021
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

Easement Summary

Elkwood Ranch, LLC Tract, Kelly's Ford Battlefield, Culpeper County

BHR Meeting Date: 03/18/2021	Staff: Joanna Wilson Green	
Applicant: American Battlefield Trust ("Trust")	County: Culpeper	Acres: 71.54 acres
Property Features and Current Use:		
<p>Located in eastern Culpeper County just southwest of the town of Remington, the Elkwood Ranch, LLC Tract (the "Property") comprises 71.54 acres over two parcels. The Property features a generally flat terrain with an unnamed intermittent stream, freshwater pond and wetlands. Approximately 25 acres of land are under forested cover with the remaining 46 acres dedicated to agricultural and open space use. The Property also has significant frontage on Kelly's Ford Road (Virginia Route 674) and Newby's Shop Road (Virginia Route 673). The Property has been in agricultural and open space use since the early 1900's. While currently unimproved, there was a residential and agricultural building site at the southwest corner of the Property, but these buildings were demolished in the mid to late twentieth century. Per nineteenth century maps, the Property may have also included the Newby's Shop, a blacksmith shop that may have been located at the southeast corner of the property near the intersection of Kelly's Ford and Newby's Shop Roads. Finally, per historian E. M. Sheel, the Property may also contain an abandoned section of the Old Carolina Road, a colonial-era road that served as one of the major north-south roads in the Colonies and beyond. Further research and field verification will be required to confirm if the Property includes Newby's Shop and a section of the Old Carolina Road. The owners plan to continue the current agricultural and open space uses of the Property, and build a dwelling and four or five agricultural buildings. All improvements will constitute less than 1% (31,162 square feet) of the total acreage and will be located within a four acre building envelope north of the existing intermittent stream to protect the battlefield view shed. The owners have also requested the right to clear approximately 16 of the existing 25 acres of forested cover due to the poor condition of the trees. Review of Civil War maps and early twentieth century topographical maps show the area of the proposed clearing as open fields or sparsely forested area. The Trust will apply for grant funds from the American Battlefield Protection Program to assist with the conveyance of the easement only. Elkwood Ranch, LLC will claim Virginia Land Preservation Tax Credits and/or a federal income tax deduction for any remaining easement donation value.</p>		
Conservation Values:		
Historic Battlefield and Battlefield Landscape:		
<ol style="list-style-type: none"> The Elkwood Ranch, LLC Tract is entirely within the core and study areas of the Kelly's Ford Battlefield, which has been given a Preservation Priority Rating of III.2 Class A by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of III are those that need additional protection. Battlefield sites rated Class C are those that had a "observable influence" on the outcome of their campaign, in this instance the Cavalry Operations along the Rappahannock Campaign in March 1863. <ul style="list-style-type: none"> On March 17, 1863, Union General William Averell crossed Kelly's Ford with about 2,100 men and advanced his cavalry up Kelly's Ford Road toward Brandy Station. Averell ran into resistance from Confederate General Fitzhugh Lee's Brigade which had advanced from the railroad line down Kelly's Ford Road across the Property resulting in a series of mounted charges and countercharges. After Confederate Major John Pelham was mortally wounded leading a cavalry charge, Lee's Brigade fell back another mile and took up a position on the Property. Averell's gunners engaged in a counter-batter duel for a time until he finally broke off the engagement and withdrew, ending the battle. The result of the Battle of Kelly's Ford was inconclusive with an estimated 200 casualties. The Property includes the final position of the Confederate Cavalry on March 17, 1863. The Elkwood Ranch, LLC Tract is partially (approximately 25.2 acres) within the study area of the Brandy Station Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of I are those with a critical need for action. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this instance the Gettysburg Campaign from June to August 1863. <ul style="list-style-type: none"> On June 9, 1863, Union cavalry under the command of Major General Joseph Hooker crossed the Rappahannock River and attacked Major General J.E.B. Stuart's cavalry and several Confederate foot brigades, initiating the Battle of Brandy Station, the largest cavalry battle of the Civil War the inaugural action of the Gettysburg Campaign. After an all-day fight, the Union forces failed to discover Lee's infantry camped near Culpeper. The result of the Battle of Brandy Station was ultimately inconclusive with an estimated 1,090 casualties. During the Battle of Brandy Station, Brigadier General Beverly H. Robertson's cavalry forces blocked the Union advance along Kelly's Ford Road at the Property's eastern boundary. The Elkwood Ranch, LLC Tract is partially (approximately 4 acres) within the study areas of the Rappahannock Station I 		

Battlefield, which has been given a Preservation Priority Rating of II.4 Class D by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of II are those that are in a relatively good condition with opportunities for "comprehensive preservation". Battlefield sites rated Class D are those having a limited influence on the outcome of their campaign or operation but achieving or affecting important local objectives" in this instance the Northern Virginia Campaign in June through September March 1862, and a direct impact on the course of the war.

4. The Property is within the Journey Through Hallowed Ground National Heritage Area, an 180-mile corridor stretching from Gettysburg, Pennsylvania to Monticello, near Charlottesville, Virginia designated a National Heritage Area by Congress in 2008.

Archaeological:

1. The property is significant for its archaeological potential as a Civil War battlefield. Although the Property has not been subjected to professional archaeological survey, in the opinion of the VDHR, the Property has the potential to contain additional archaeological sites, deposits and features associated with the Civil War, specifically the Battles of Kelly's Ford, Brandy Station and Rappahannock Station I, based on the concentration of troop movement and engagement of the opposing armies across or on the Property.
2. Mapping by historian E. M. Sheel indicates that the Property may include an abandoned section of the Old Carolina Road, and nineteenth century maps also indicate that a blacksmith shop (Newby's Shop) may have been located at the southwest corner of the Property; field verification and additional research will be required for confirmation of both the Old Carolina Road and Newby's Shop sites.
3. It is possible that the Property contains additional archaeological sites, features and or deposits associated with its domestic occupation and agricultural use during the 20th century.

Open Space:

The property contains 71.54 acres of land, currently used for agricultural and open space purposes.

Forestal:

The property contains approximately 25 acres of forested cover.

Water Quality:

The property includes 2,507.63 feet of frontage on one unnamed intermittent stream that drains to the Rappahannock River. The property also includes a freshwater pond and freshwater emergent wetlands. The property is within the Chesapeake Bay watershed.

Conserve Virginia:

The Property includes approximately 14.7 acres within the "Water Quality Improvement" category in ConserveVirginia, Virginia Governor Ralph Northam's land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia. Launched in 2018, ConserveVirginia is based on a data-driven process for identifying Virginia's highest priority lands for protection.

Other Supporting Governmental Policy:

Federal: (i) "The Report on the Nation's Civil War Battlefields," issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 308101-308103); (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; and (iv) Journey Through Hallowed Ground National Heritage Act of 2008 (15 U.S.C. § 461).

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) Virginia Battlefield Preservation Fund; (v) Virginia Board of Historic Resources practices in reviewing and accepting an easement over this property, which include review by VDHR's Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by Virginia Board of Historic Resources at a public meeting, as set forth in the Board's written adopted policies; (vi) Virginia Outdoors Plan: Region 9-Rappahannock-Rapidan (Pages 12.2, 12.3, 12.7, 12.8, 13.53-13.58); and (v) ConserveVirginia.

Local: Culpeper County has zoned this property Agricultural (A-1); future land use for this parcel is designated as Agricultural on the Culpeper County Future Land Use Plan Map. The Culpeper County 2015 Comprehensive Plan generally supports historic preservation at pages 10-4, 10-5, 10-11 and 12-1. Culpeper County planning staff have confirmed that the placement of a historic preservation easement on these parcels is consistent with the Culpeper County 2015 Comprehensive Plan.

Existing Buildings and Structures:

None

General Easement Terms:

Maintenance and Preservation: property shall be maintained, preserved, and protected in same or better condition

Division: no subdivision or division permitted

Existing Non-Historic Buildings and Structures: provision for demolition and removal of existing non-historic buildings and structures; buildings to be removed within three years of easement recordation and completed according to a documented plan.

Permitted New Dwellings: *Elkwood Ranch, LLC has reserved the right to construct one new dwelling not to exceed 2,000 square feet.*

Permitted New Buildings Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) new outbuildings ancillary to use as a historic site, not to exceed 300 square feet in collective footprint; and (v) utilities that serve only the property. *Elkwood Ranch, LLC has reserved the right to construct the following agricultural buildings: mechanical shop (not to exceed 4,500 square feet), barn (not to exceed 4,500 square feet), run-in sheds (number not specified, size not to exceed 200 square feet), detached tractor garage (size not specified), bathhouse for Boy Scouts (size not specified), permeable parking area for Boy Scouts; new driveway/road to build area; all improvements would be located north of the intermittent stream and constitute no more than 1% (31,162 square feet) of the total acreage*

New Construction & Alterations: all new construction and alterations to existing buildings/structures requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review

Archaeology: ground disturbance may require professional archaeological survey; owner must take precautions to protect archaeological sites; no relic hunting

Impervious Surface Coverage: cap at 1% (31,162 square feet) or less for collective footprint

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement

Ground Disturbance: (i) any Ground Disturbing Activities are subject to prior written approval; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited

Forest Management: easement shall address forest management including timbering, replanting, and land conversion consistent with current easement template; review and approval required prior to battlefield landscape rehabilitation

Elkwood Ranch, LLC has requested the rights to clear approximately 16 acres of forested land due to "falling down" slash pine and to install a living windbreak of loblolly pine and white pine on three sides of the Property.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited

Signs: restrictions on size and number of signs

Public Access: easement requires 2 days minimum public access

Grant Funding: ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act

Documentation Information:

Tax Map Numbers: 35-9 and 35-13D

USGS Quad: Remington

Property Address: 14441 Kelly's Ford Road, Elkwood, VA 22718

Statement of Public Benefit:

The Elkwood Ranch, LLC Tract is of historic significance and is within the recognized boundaries of three Civil War battlefields with preservation ratings from the Civil War Sites Advisory Commission. Restrictions on alterations of historic resources on the Property, and requirements for the maintenance of such resources, will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Elkwood Ranch, LLC Tract will augment efforts to preserve historic properties in Culpeper County, including approximately 5,326 acres of land already subject to perpetual easements held by the Board. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forested landscape and forest resources on the Property and the natural benefits associated with forest conservation such as clean air and water. The Property contains freshwater/forested shrub wetlands and is within the Chesapeake Bay watershed. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the Easement will support protection of water quality in the Chesapeake Bay. The property will be accessible to the public at least two days per year, and it is visible from Kelly's Ford Road and Newby's Shop Road, public rights-of-way. Restrictions on new construction and viewshed requirements in the easement will protect scenic and historic views from these roads used by the public. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, and to place historic preservation and open-space easements on historic properties.

Complexities:

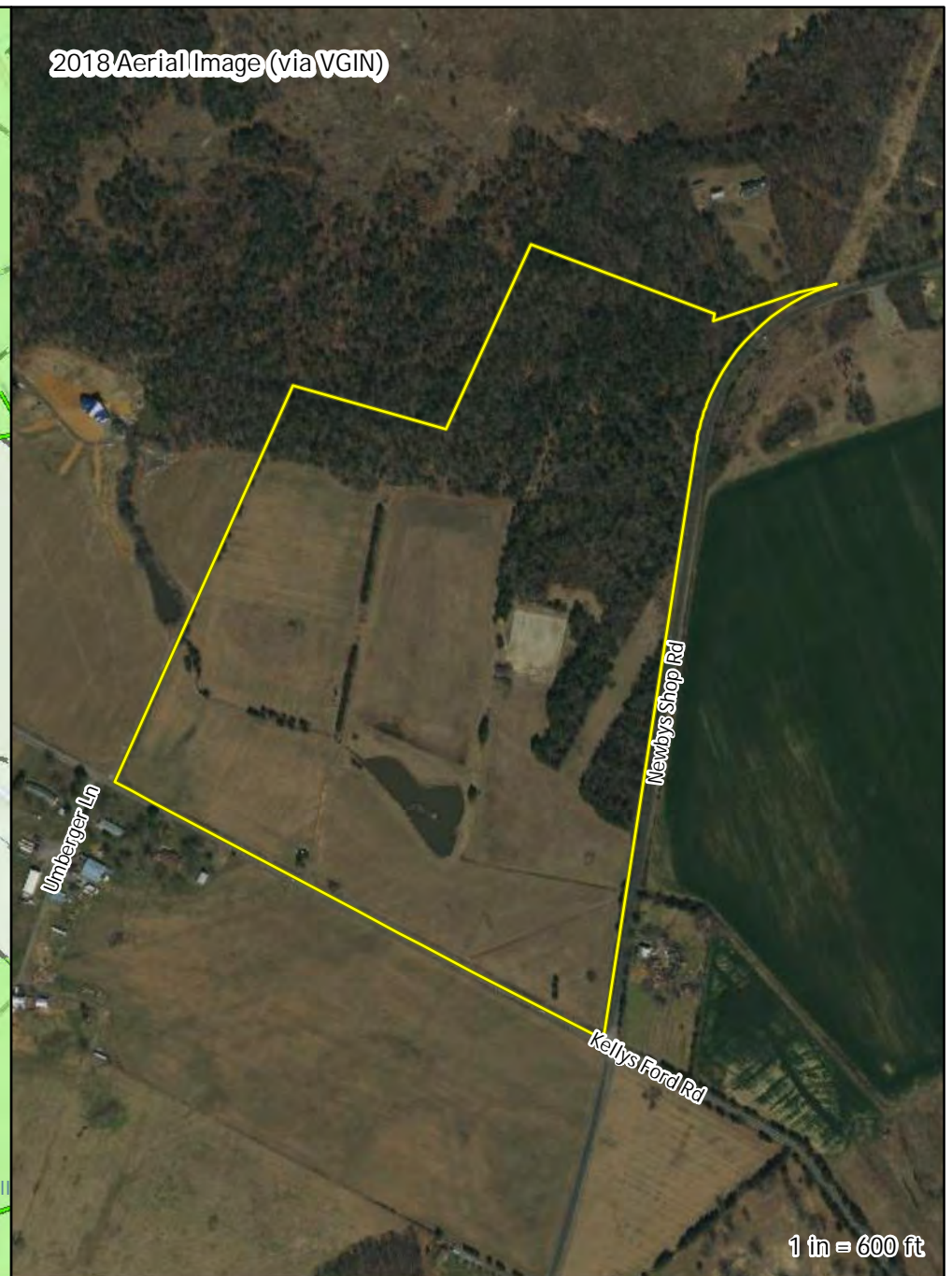
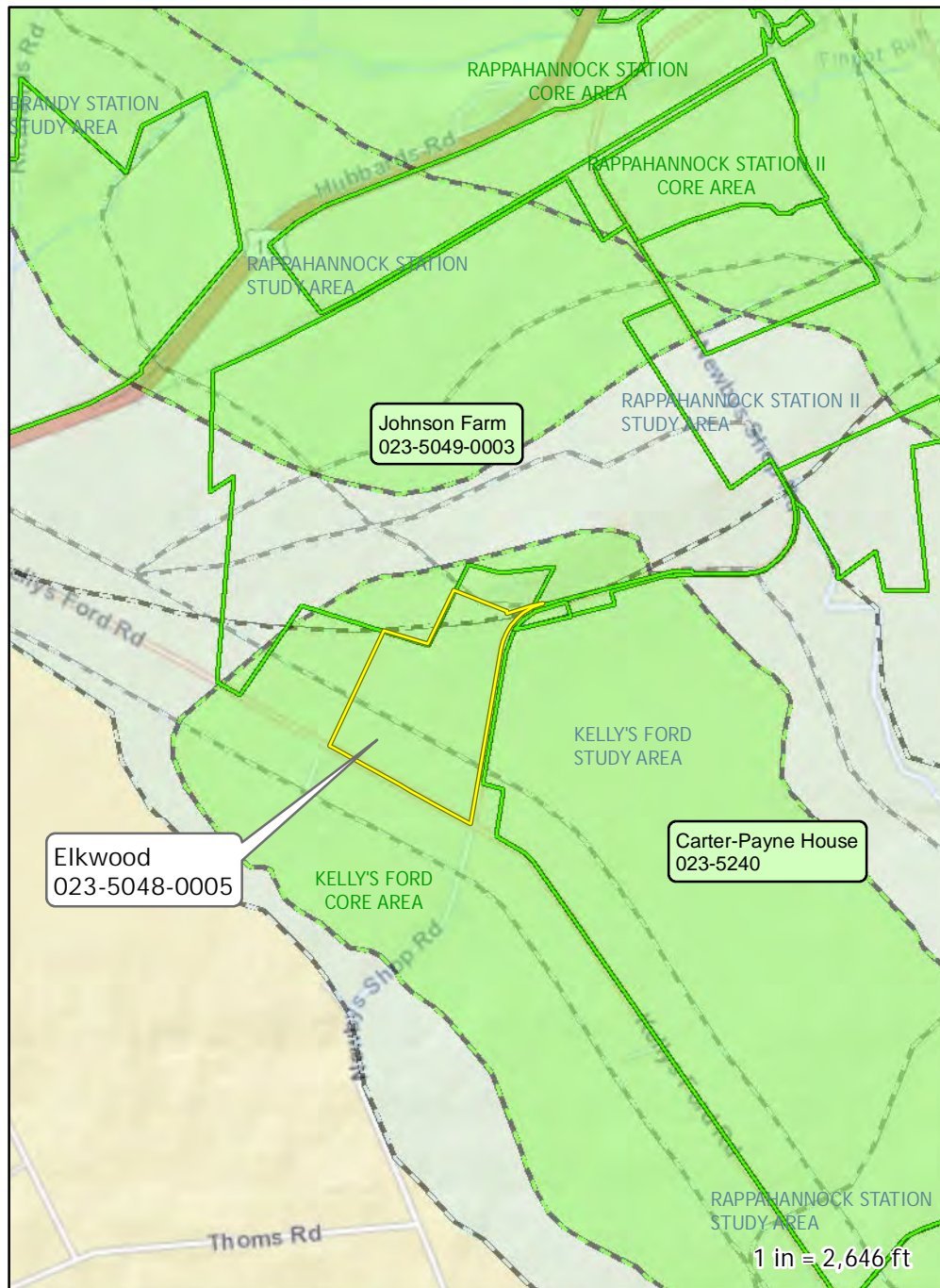
1. Title commitment insuring the Trust has been received and reviewed; title commitment insuring the VBHR is still required.

2. The owner requests a five to seven acre building envelope to contain all of the proposed buildings structures (dwelling and four to five agricultural buildings). The proposed building envelope will be located towards the northern forested section of the property to protect the battlefield viewshed.
3. Current survey will require revisions to include proposed building envelope and new permeable driveway/farm road.
4. The owner requests right to timber approximately 16 acres of 25.29 acres of forested cover; per Civil War and early twentieth century maps, a significant percentage of proposed area was largely cleared but approximately 2-3 acres in the northern part of the proposed clearing area was forested.

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends approval of the Elkwood Ranch, LLC Tract easement offer, subject to the following conditions:

1. Receipt of a title commitment insuring the VBHR
2. Establishment of building envelope not to exceed more than four acres in size to contain all proposed buildings/structures (dwelling and four to five agricultural buildings which, when combined, will not exceed more than 1% of the total area of the Property), and to be located towards the northern forested section of the Property to protect the battlefield viewshed.
3. Receipt of a revised survey with locations of proposed building envelope and permeable driveway/farm road.
4. Limitation on clearing of forested areas to coincide with historic maps and documentation of the landscape.
5. Final review of the title work, title commitment, survey and draft easement by the Office of the Attorney General.



Elkwood
Culpeper County, Remington Quad
DHR ID#: 023-5048-0005



Created By: D. Bascone June 29, 2020
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
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

Easement Summary

Mair Tract, Great Bridge Battlefield, City of Chesapeake

BHR Meeting Date: 03/18/21	Staff: W. Musumeci	File No: 131-0023-0001
Applicant: American Battlefield Trust ("Trust")	Locality: City of Chesapeake	Acres: 0.6648

Property Features and Current Use:

Located on North Battlefield Drive near the Intracoastal Waterway in the City of Chesapeake, the unimproved Mair Tract (the "Property") contains 0.6648 acres of open land. The Property is bounded by North Battlefield Boulevard to the west, Watson Road to the north and Historic Way to the east, all public rights of way. The Property is adjacent to the Great Bridge Battlefield & Waterways Historic Park and Visitor's Center, a four-acre park that commemorates the Revolutionary War Battle of Great Bridge. In addition to being within the core and study areas of the Battle of Great Bridge, the Property is also entirely within the National Register boundary for the Great Bridge Battle Site (DHR ID 131-0023). The Mair Tract was open marshland until the mid to late 1930's when two small buildings were constructed on the site. The Property appears to have been used for commercial purposes until 1970 when the buildings were demolished. The Property was vacant until 1990 when several small buildings and parking lot were constructed. These buildings and the parking lot were demolished by 2005 when the present owner, Palace Lane, LLC, purchased the Property. The vacant site is a prime target for development due to its location along Battlefield Boulevard, and Palace Lane, LLC has received approval from the City of Chesapeake to build a small shopping center if it cannot sell the Property. The American Battlefield Trust has contracted with Palace Lane, LLC to purchase in Property in fee simple. Closing is scheduled for June 15, 2021. The Trust was awarded a Virginia Battlefield Preservation Fund ("VBPF") in 2020 to assist with the fee simple acquisition of the Property. The Trust will also apply for an American Battlefield Protection Program ("ABPP") to cover the remaining costs of the acquisition. Following conveyance of an easement to the Virginia Board of Historic Resources ("BHR"), the Trust will donate the Property to the Great Bridge Battlefield & Waterways History Foundation ("GBBWHF") which will make the Property accessible to the public as a part of the existing park and install interpretive signage. GBBWHF will also make the Property available for professional archaeological studies.

Conservation Values:

Historic/Landscape:

- The Property is located entirely within the core and study areas of the Great Bridge Battlefield, which has been given a Preservation Priority Rating of II Class C in ABPP's "Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States." Sites with a Preservation Priority Rating of II Class C are those that should be the focus of immediate and direct preservation measures by state and local governments and organizations, as they may not survive without immediate intervention.
 - Threatened with rebellion in late 1775, the Royal Governor Lord Dunmore fled Williamsburg to establish his forces in and around Norfolk. In order to increase British forces, Dunmore issued a proclamation that promised freedom to any enslaved people in exchange for military service. With the aid of approximately 300 escaped slaves who formed the Royal Ethiopian Regiment, Loyalist forces constructed Fort Murray on the north side of the Elizabeth River opposite the Village of Great Bridge. On December 9, 1775, Lord Dunmore ordered his forces to attack the Village of Great Bridge and the Patriot militia that had gathered there. While the Loyalist troops crossed a narrow causeway, Patriot forces were quickly able to attack the confined soldiers resulting in approximately 100 casualties. The Loyalist forces retreated across the river to Norfolk where they were ultimately forced to leave Virginia. Their retreat freed a crucial trading route from North Carolina to Norfolk until the British returned to the area in 1779. The Battle of Great Bridge is also significant as the first land battle of the Revolutionary War in Virginia and as the first instance that African Americans fought for either side in the Revolutionary War.
- The Property is also entirely within the boundaries of the Great Bridge Battle Site (DHR ID 131-0023), a site listed on the Virginia Landmarks Register in 1971 and the National Register of Historic Places in 1973.

Archaeological:

It is possible that the Property contains archaeological sites, features and or deposits associated with the Great Bridge Battlefield due to the number of troops, wagons, and civilians that crossed or traveled over the Property.

Open Space:

The Property contains 0.6648 acre of open land.

ConserveVirginia:

The Property lies partially (± 0.05 acre) within the "Water Quality Improvement Category" and entirely within the "Cultural and Historic Preservation Category" in ConserveVirginia, Virginia Governor Ralph Northam's land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia. Launched in 2018, ConserveVirginia is based on a data-driven process for identifying Virginia's highest priority lands for protection.

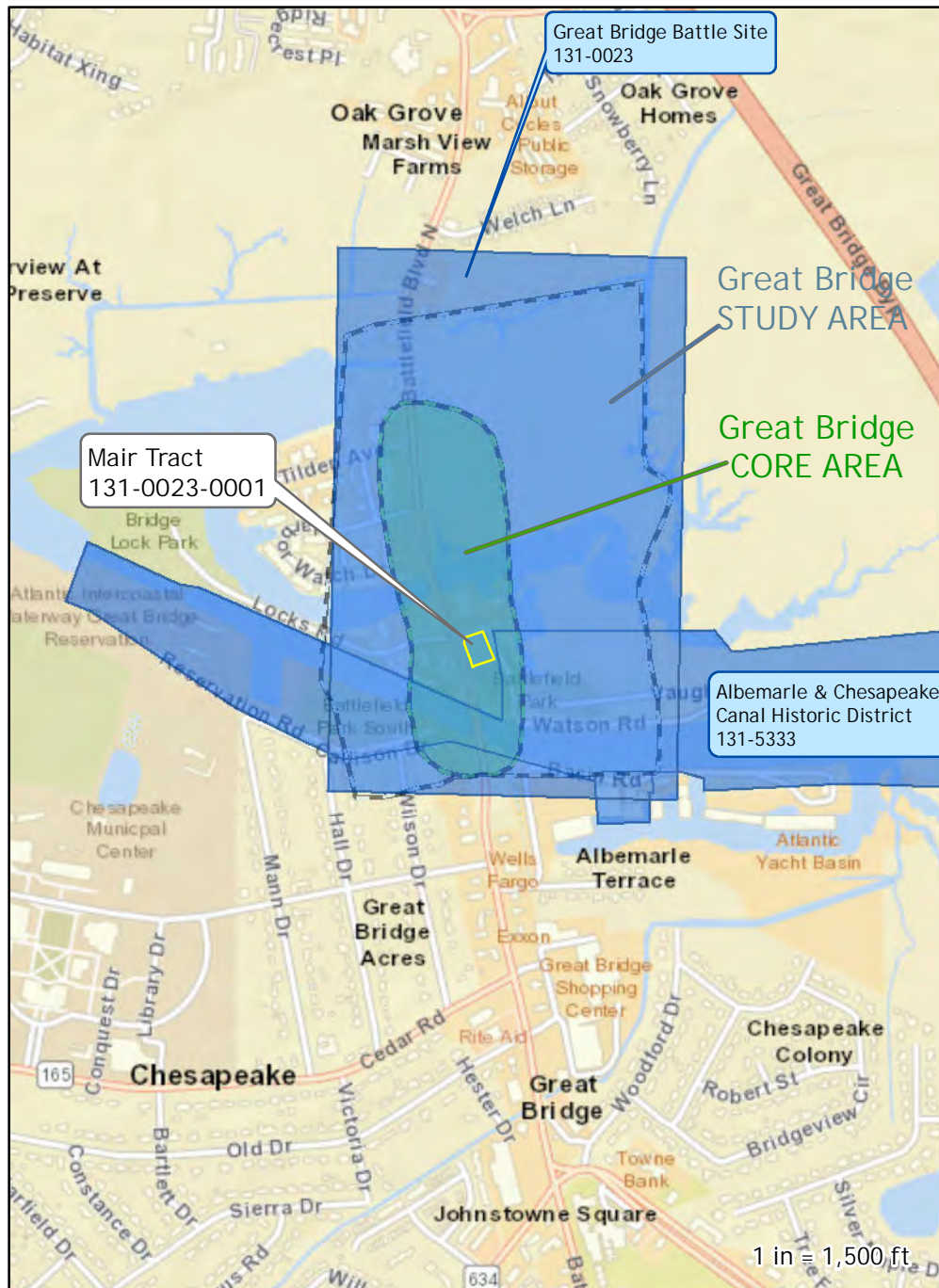
Other Supporting Governmental Policy:	
<p>Federal: (i) “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States” (2007); (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 308101 – 308103); (iii) 54 U.S.C. § 200305(f)(3), commonly referred to as “Section 6(f)(3)” of the Land and Water Conservation Fund Act (54 U.S.C. §§ 200301 – 200310); (iv) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (v) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); (vi) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the NRHP, made on 01/05/1971; (vii) formal determination by the Keeper of the NRHP that the Property meets the Criteria for Evaluation and subsequent listing of the Property on the NRHP on 03/28/1973.</p> <p>State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR’s determination at a public meeting on 01/05/1972 that the Property meets the criteria for listing on the VLR and BHR’s designation of the Property for inclusion on the VLR; (v) the BHR’s practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (vi) Virginia Outdoors Plan (2018) Region 23: Hampton Roads (12.2, 12.3, 12.7, 12.8, and 13.128-129); and (vii) ConserveVirginia.</p> <p>Local: The Property is currently zoned “Highway Service,” and the future land use designation is Recreational according to the <i>Moving Forward Chesapeake 2035 Comprehensive Plan</i> (adopted February 25, 2014); support for historic preservation generally can be found in Chapter 1, Plan Vision, p. 20, Chapter 4, Quality of Life, pages 154, and 181 to 186. The Property also lies within the City of Chesapeake’s Great Bridge Historic Gateway Overlay District. By letter dated July 21, 2020, the City of Chesapeake confirmed that the placement of an easement on the Property is consistent with its current comprehensive plan.</p>	
Existing Buildings and Structures:	
Electric Transformer Cable Pedestal Electric Panel	Irrigation Control Box Electric Transformer (straddling the SW corner boundary)
Easement Terms:	
<p>Division: no subdivision or division permitted</p> <p>Permitted New Buildings Structures and Amenities: walking trails, footpaths, signs, for interpretation of the Property as an historic route/roadway</p> <p>Alterations and New Construction: construction of new buildings, structures, and amenities, or alteration of existing buildings requires prior written approval; use Secretary of the Interior’s Standards for Treatment of Historic Buildings as standard for review</p> <p>Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting</p> <p>Impervious Surface Coverage: cap at 1% or less for all construction, excluding roads</p> <p>Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement</p> <p>Ground Disturbance: (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of Property, except as for construction of permitted buildings, structures, and roads; (ii) mining by strip surface or subsurface mining (including extraction/removal of gravel or similar material), dredging on or from the Property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited</p> <p>Landscape Restoration: review and approval required prior to battlefield landscape restoration</p> <p>Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited</p> <p>Signs: restrictions on size and location of signs on Property; interpretative signage permitted</p> <p>Public Access: easement requires 2 days minimum public access; the Property is also visible from public-right-of way</p>	
Documentation Information:	
Parcel ID Number: 8391-00-7200	USGS Quad: Fentress
Property Address: 113 North Battlefield Boulevard, Chesapeake, VA 23320	
Statement of Public Benefit:	
<p>The Mair Tract is of historic significance as part of the Great Bridge Battlefield which has a priority rating of II Class C in the “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States.” The Mair Tract also lies entirely within the boundaries of the Great Bridge Battle Site, a site listed on the Virginia Landmarks</p>	

Register and the National Register of Historic Places. As the first BHR easement within the City of Chesapeake, preservation of the Mair Tract will augment efforts to preserve other historic properties in the City of Chesapeake. In addition to its visibility from three public rights-of-way, the Property will be open to the public 365 days per year and the easement will also require physical public access to the Property. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, and to place historic preservation and open-space easements on historic properties.

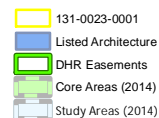
Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends approval of the Mair Tract easement offer, subject to the following condition:

1. Final review of all title work, title commitment, survey and draft easement by the Office of the Attorney General.



Mair Tract, Great Bridge Battle Site
City of Chesapeake, Fentress Quad
DHR ID#: 131-0023-0001



Created By: D. Bascone March 11, 2021
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
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

Easement Summary

Locust Grove, Loudoun County

BHR Meeting Date: 03/18/21	Staff: W. Musumeci	File No: 286-5017_ep
Applicant: Carter Warley and Erin Gemma	City: Purcellville	Acres: 3

Property Features and Current Use:

Located in the town of Purcellville in Loudoun County, Locust Grove (the "Property") occupies a single 3-acre parcel in the middle of a modern subdivision. Originally, the Property encompassed a 150-acre farm dating to the early 19th century. An 1817 deed conveying the Property to Bernard Taylor referenced a house which is believed to be the original section of the current Locust Grove dwelling. The original two-bay, two-story house was constructed of fieldstone with 16" walls and a single chamber on each floor. A one-and-a-half story fieldstone springhouse (still in active use) was also constructed in the early nineteenth century a short distance from the original house. The springhouse retains its original stone water trough and plaster wall finishes. A fieldstone chimneystack is located next to springhouse, most likely the remains of another early nineteenth century outbuilding. In 1835, Taylor conveyed the property to his son who enlarged the house significantly while continuing to farm the land. This ca. 1837 three-bay two-story fieldstone addition more than doubled the size of the original house. Following the Civil War, the Property was sold to Jesse Nichols. Nichols and his family enlarged the house again, adding two frame wings, a two-story bow window, and a single story front porch in the late 19th century. The dwelling retains its original floor plan, moldings, doors and mantels. The Nichols family continued to live in the house and actively farm the Property through most of the twentieth century. Aside from the historic outbuildings mentioned above, several agricultural buildings appear in mid-twentieth century aerial photographs but the only surviving buildings are a mid-19th century frame barn and an early 20th century frame garage. The Property remained in the Nichols' family until the late 1980's when the surrounding farmland was subdivided and developed into residential lots, leaving a three-acre parcel encompassing the dwelling and existing outbuildings. The current owners of Locust Grove, Carter Warley and Erin Gemma, use the Property for residential purposes and would like to ensure the Property is not subdivided again. Accordingly, they will convey an easement to the Virginia Board of Historic Resources ("BHR") and plan to claim Virginia Land Preservation Tax Credits for their donation.

Conservation Values:

Historic/Architectural:

- Locust Grove was individually listed on the Virginia Landmarks Register ("VLR") on September 6, 2006 and the National Register of Historic Places ("NRHP") on February 21, 2008 under criterion A as the Property is associated with the development of farming practices in Loudoun County. The Property also meets National Register Criterion C for architectural significance.
 - The Property is individually listed in the VLR and the NRHP under Criterion A as being "associated with events that have made a significant contribution to the broad patterns of our history." In its previous life as a working Loudoun County Farm of approximately 150 acres, Locust Grove was noted for its participation in the development of the "Loudoun System" of farming. The Loudoun System was a method of farming pioneered in this country by Alexander Binns that involved the addition of crushed plaster (gypsum) into the soil. This soil additive along with the practice of crop rotation led to significantly higher crop yields. Bernard Taylor, a Quaker farmer who owned Locust Grove from 1817 to 1835 applied plaster to his fields. In addition to grain cultivation, the original farm property was historically used for livestock (dairy cows, cattle and hogs) as well as orchard production (apples and peaches).
 - The Property is also listed under Criterion C as it embodies "the distinctive characteristics of a type, period or method of construction" because Locust Grove is a well preserved example of an early 19th century farmhouse that evolved over 150 years and multiple architectural styles (Early Republic/Federal and Mid-19th century/Greek Revival).
 - Locust Grove, situated on a slight hill among mature trees, embodies distinctive characteristics of a type, period and method of construction representing a 19th century farmhouse in Loudoun County. Several features of the circa 1817 two-bay two-story dwelling still remain including a cooking fireplace, pot crane, built-in cupboard, and boxed staircase. In 1835, Bernard conveyed the Property to his son Jonathan Taylor who, according to tax records, significantly enlarged the house with a three-bay, two-story fieldstone addition. This major addition became the primary section of the house with a side-hall plan and two rooms on each floor. This area of the house retains its original floorplan and moldings except for the staircase balusters and newel post that date to the late 19th century. Of particular note in this section of the house are the ornate Greek Revival mantels with ovolo moldings. In 1870, Jonathan Taylor's widow, Lydia, conveyed the Property to Jesse Nichols. Under the Nichols family, the house continued to evolve through the late 19th century with four further additions: 1) a two-story, two-bay frame wing containing one chamber on each floor; 2) a two-story frame bow window addition to the eastern bay of the 1837 building; 3) a single story front porch stretching from the bow window to the end of the western wing; and 4) a two-story single bay frame addition on the eastern side of the original

ca. 1817 building. Additionally, small side and rear porches were added in the late 19th and early 20th centuries. At some point in the early to mid-twentieth century the entire building was covered in stucco to give it a unified appearance. The Property remained in the Nichols family until the 1990's when it was subdivided for residential development.

- The Property also contains the following contributing historic resources: 1) fieldstone springhouse (ca. 1817) with original stone water trough and plaster walls; 2) frame barn (mid to late 19th century); 3) frame garage (early 20th century); 4) fieldstone chimneystack, most likely the remains of a domestic outbuilding (date unknown); and 5) fieldstone water trough (date unknown).
2. The Property is within the Journey Through Hallowed Ground National Heritage Area, an 180-mile corridor stretching from Gettysburg, Pennsylvania to Monticello, near Charlottesville, Virginia designated a National Heritage Area by Congress in 2008.
 3. The Property is within the Virginia Piedmont Heritage Area, an 1,800-acre area of Northern Virginia designated a Heritage Area by the Commonwealth of Virginia in 1995.

Archaeological:

Although the Property has not been subjected to professional archaeological survey, in the opinion of the VDHR, the Property is significant for its potential to contain archaeological sites, deposits or features directly associated with the historic domestic occupation and agricultural use of the Property.

Open Space:

The Property contains approximately 3 acres of land.

Conserve Virginia Conservation Values:

The Property lies entirely within the "Cultural and Historic Preservation" layer of ConserveVirginia, Governor Ralph Northam's land conservation strategy that identifies high value lands and conservation sites across Virginia. ConserveVirginia (launched in 2018) is based on a data-driven process for identifying Virginia's highest priority lands for protection.

Other Supporting Governmental Policy:

Federal: (i) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (ii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); (iii) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the NRHP, made on 09/06/2006; (iv) formal determination by the Keeper of the NRHP that the Property meets the Criteria for Evaluation and subsequent listing of the Property on the NRHP on 02/21/2007; and (v) Journey Through Hallowed Ground National Heritage Act of 2008 (14 U.S.C. § 461).

State: (i) Virginia Code §§ 10.1-2200 - 10.1-2214; (ii) Open-Space Land Act (Virginia Code §§ 10.1-1700 through 10.1-1705); (iii) BHR's determination at a public meeting on 09/06/2006 that the Property meets the criteria for listing on the VLR and BHR's designation of the Property for inclusion on the VLR; (iv) BHR's practices in reviewing and accepting an easement over this Property, which include review by VDHR's Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR's written adopted policies; (v) Virginia Piedmont Heritage Area (1995); (vi) *Virginia Outdoors Plan* (2018): Region 8 – Northern Virginia Pages 12.2, 12.3, 12.7, 12.8, 13.50; and (vii) ConserveVirginia.

Local: Current zoning is Single-Family Residential (R-2) and future land use is designated as Single-Family Detached Suburban. The Town of Purcellville 2030 Comprehensive Plan, adopted June 30, 2020, offers support for historic preservation at pages 13-14, 63, 87-88; open space conservation at pages 14 and 61, and the use of conservation easements at page 14. By letter dated November 19, 2020, Andy Conlon, Senior Planner for the Town of Purcellville, stated that although the current comprehensive plan is silent on historic preservation easements, the placement of a historic preservation easement on Locust Grove is "entirely in keeping with the stated desires of the Mayor and Town Council, and their advisors on the Planning Commission, to preserve and promote historic properties in the Town".

Existing Buildings and Structures:

Main House (ca. 1817 with 1837 and late 19 th century additions)	Frame Garage (ca. 1920)
Fieldstone Springhouse (ca. 1817)	Fieldstone Watering Trough (date unknown)
Fieldstone Chimney Stack (ca. 1817)	Two Fieldstone Entrance Pillars (ca. 2007-2016)
Frame Barn (mid to late 19 th century)	Hot Tub (date unknown)

Easement Terms:

Maintenance and Preservation: property shall be maintained, preserved, and protected in same or better condition.

Division: no subdivision.

Existing Historic Buildings and Structures: exteriors and interiors of Historic Dwelling and Springhouse must be maintained in existing condition or better; exteriors of remaining historic outbuildings and structures must be maintained in existing condition or better; demolition prohibited; alterations/additions require prior review and approval.

Permitted New Dwellings: replacement dwelling should Historic Dwelling be completely destroyed.

Permitted New Buildings, Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii) pervious paths/trails; (iii) utilities that serve the property; and (iv) outbuildings/structures accessory to residential use.

New Construction & Alterations: all new construction and alterations to existing buildings/structures requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Impervious Surface Coverage: cap on collective footprint.

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) any Ground Disturbing Activities are subject to prior written approval; (ii) mining by strip surface or subsurface mining (including extraction/removal of gravel or similar material), dredging on or from the Property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Forest Management: trees and vegetation shall be managed according to established arboreal and horticultural practices and to prevent damage to existing buildings and structures.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and number of signs permitted.

Public Access/Viewshed: easement requires 2 days minimum public access

Documentation Information:

GPIN Number: 489474306000

USGS Quad: Purcellville

Property Address: 200 Locust Grove Drive, Purcellville, VA 20132

Statement of Public Benefit:

Locust Grove is historically significant and meets the National Register Criteria for Evaluation in 36 C.F.R. 60.4, and is individually listed on the VLR and NRHP. Restrictions on alterations of historic resources on the Property, including archaeological sites, and requirements for the maintenance of such resources, will ensure the Property retains its historic integrity and eligibility for listing on the state and federal historic registers. Preservation of Locust Grove will augment efforts to preserve historic properties in Loudoun County, including approximately 2,551 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property includes a fresh water spring, small pond and is within the Chesapeake Bay watershed. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the Easement will support protection of water quality in the Chesapeake Bay. In addition to its visibility from a public right-of-way, the easement requires the Property to be open to the public two days per year. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources and to place historic preservation and open-space easements on historic properties.

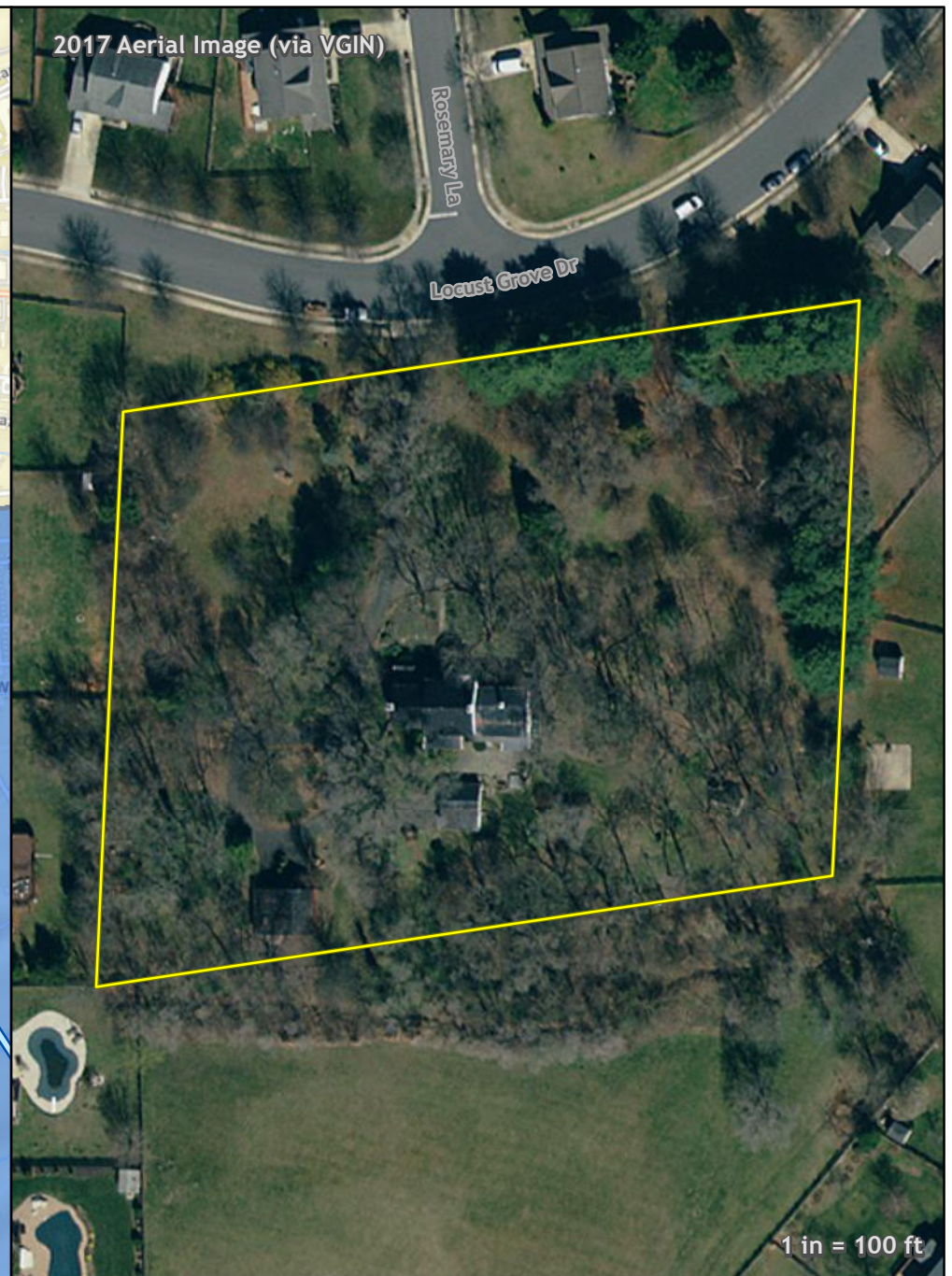
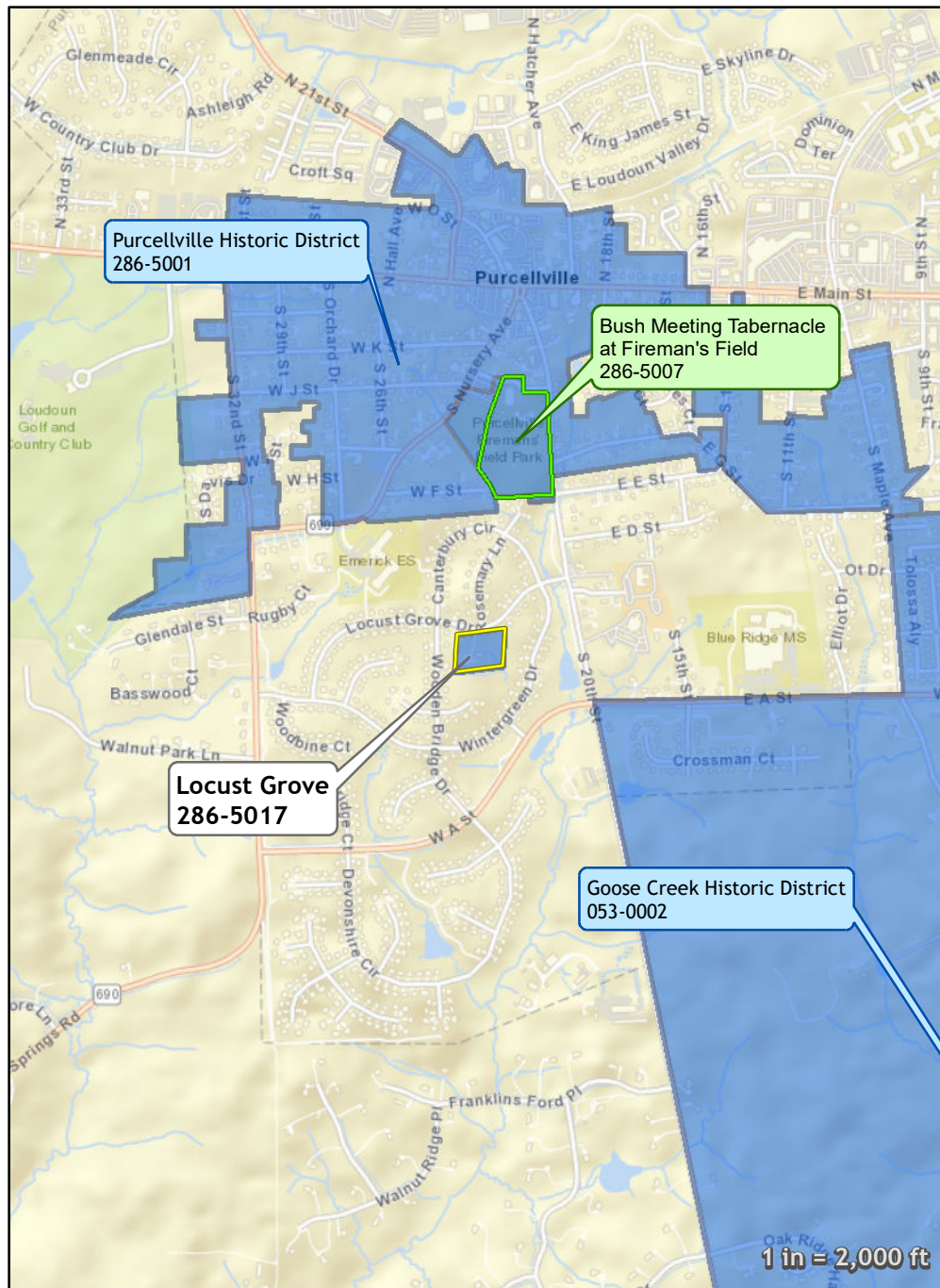
Complexities:

1. Title commitment insuring the owners' lender has been received and reviewed; a title commitment insuring the BHR is still required.
2. The Property is subject to a Deed of Trust; the owners have been working with their new lender to obtain subordination documents and lender is requesting a draft easement to review terms before issuing subordination documents.
3. The Property is buffered along Locust Grove Road by a small section of land owned by the adjacent subdivision. Current access to the Property is over an ingress/egress easement. The property owners have agreed to grant the BHR an ingress/egress easement over the existing ingress/egress easement together with the historic preservation and open-space easement.

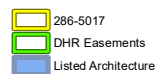
Easement Acceptance Committee Recommendation:

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

1. Receipt of a title commitment insuring the BHR.
2. Receipt of subordination documents for the current Deed of Trust.
3. Final review of the title work, title commitment, survey and draft easement by the Office of the Attorney General.



Locust Grove - Easement Loudoun County, Purcellville Quad DHR ID: 286-5017



Created By: D. Bascone October 22, 2020
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
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

Easement Summary

Red Hill, Charlotte and Campbell Counties

BHR Meeting Date: 03/18/2021	Staff: W. Musumeci	File No: 019-0027_ep
Applicant: Patrick Henry Memorial Foundation	County: Charlotte and Campbell Counties	Acres: 593.897 ±

Property Features and Current Use:

Located in Campbell and Charlotte Counties, Red Hill (the “Property”) is the final home and gravesite of the Revolutionary patriot, orator, politician and lawyer Patrick Henry. The Property is listed the Virginia Landmarks Register (1973) and the National Register of Historic Places (1978). Additionally, in 1987, the United States Congress declared Red Hill a National Memorial to Patrick Henry by Special Joint Resolution 187. The Property is owned by the Patrick Henry Memorial Foundation (“PHMF”) which uses the Property primarily as a historic site to interpret the life of Patrick Henry during his tenure from 1794 to his death in 1799. Red Hill is also used for agricultural, recreational and open-space purposes and is improved with a number of buildings and structures, including the historic frame law office of Patrick Henry (circa 1770’s), three historic buildings or structures, six reconstructed buildings, and nine modern buildings associated with the interpretative and agricultural uses of the Property. In addition to approximately fifteen recorded archaeological sites ranging from prehistoric and Middle-late Woodland period Native American sites to 19th century domestic sites, the Property also includes the Henry Family Cemetery (including the grave of Patrick Henry) and an African American cemetery with 147 graves (documented by Longwood Institute of Archaeology in 2019). It is likely the Property also contains archaeological features dating to Patrick Henry’s occupation including a distillery, greenhouse, laundry, brick kiln, icehouse, tobacco ordering pit, and slave cabins. The Property also includes significant frontage on Staunton River and Falling River, as well as Long Branch (a perennial stream) and an unnamed intermittent stream. PHMF will continue its interpretive, agricultural, recreational and open-space uses of the Property with future plans to add new trails and signage (interpretive and way-finding) throughout the Property. PHMF’s long-term plans include reconstructing the distillery, rehabilitating the reconstructed carriage house and blacksmith shop, and possibly replacing the existing reconstructed dwelling with a more accurate reconstruction of the building from Patrick Henry’s tenure. Finally, PHMF intends to construct a public restroom building, an entrance gate, boat launch, and expand the existing Visitor’s Center to allow for additional museum exhibition space. The Property is visible from Red Hill Road (State Route 677), a public right-of-way. PHMF was awarded a Virginia Land Conservation Fund (“VLCF”) grant in 2019 to place a perpetual easement on the Property. Conveyance of an easement to the Virginia Board of Historic Resources (“BHR”) is a condition of the VLCF grant. PHMF will also take advantage of Virginia Land Preservation Tax Credits and/or a federal income tax deduction for any remaining easement value.

Conservation Values:

Historic/Architectural:

1. A 117.29-acre portion of the Property was individually listed on the Virginia Landmarks Register on September 18, 1973 and the National Register of Historic Places May 5, 1972 under Criterion A for its association with “events that have made a significant contribution to the broad patterns of our history” in the areas of politics/government and agriculture. It was also listed under Criterion B for its association with Patrick Henry and “the lives of significant persons in our past.” The Property retains integrity of setting, location, feeling and association as a eighteenth and nineteenth century domestic and agricultural complex, and integrity of setting, feeling, and association as a rural Virginia Piedmont tobacco plantation.
2. Beginning in 1792, Patrick Henry began assembling through different transactions what would become 2,930 acres of land in Charlotte and Campbell Counties by his death in 1799. Part of that assemblage included the Property, on which Henry occupied an existing frame dwelling constructed by Richard Marot Booker in the 1770’s (the “Dwelling”). By 1833, Henry’s son John Henry took up residence at Red Hill and added a two-story frame house to the original dwelling. John Henry died in 1868 and passed the Property to his son, lawyer and historian William Wirt Henry. In 1905, Lucy Gray Harrison, William Wirt Henry’s daughter and Patrick Henry’s great-granddaughter, acquired the Property and began a series of additions in 1907 that ultimately enlarged the main dwelling into an eighteen room mansion. Harrison hired Philadelphia architect Charles Barton Keen to design and supervise construction of the new additions and wing. Keen employed local Virginia architect Stanhope S. Johnson as his assistant. Johnson subsequently surveyed and made drawings of the Dwelling and some outbuildings between 1907 and 1912. The much-altered and enlarged residence completely burned in February 1919. Johnson’s sketches and recollections of the Property provided the basis for his 1950s and 1960s reconstructions of the plantation’s buildings and structures.
3. The reconstructed complex of buildings and structures at Red Hill include the following: Dwelling (circa 1956), Kitchen (circa 1956), Smokehouse (circa 1957), Coachman’s Cabin (circa 1961), and Carriage House and Stable (circa 1965). This complex represents a mid-1950s to 1960s interpretation of a modest but prosperous eighteenth-century plantation. It reflects the popular and professional interest in Virginia’s architectural heritage during this time, stimulated in part by

the restoration of Colonial Williamsburg in the 1930s.

4. Patrick Henry's Law Office is a one story frame building constructed in the late eighteenth century, modified in the early 20th century and subsequently restored by architect Stanhope S. Johnson in the mid twentieth century. It was Henry's last law office. Distinguished by its two room plan, side gable roof, and central chimney that serves two fireboxes, portions of the structure are believed to date to the eighteenth-century. The building was fully restored in 1961.
5. Additional historic buildings and structures located on the Property include a circa 1890s log tobacco curing barn, tobacco ordering or curing pit, a brick oil shed, and the site of the circa 1920s Harrison Flag Stop, the former location of which is currently marked by stone pillars and metal gates from the 1911 alterations of the Dwelling.
6. In 1986, the United States Congress designated Red Hill as a National Memorial to Patrick Henry by Special Joint Resolution 187, and declared it shall be known as the Red Hill Patrick Henry National Memorial and listed as such in the Federal Register.

Archaeological:

Red Hill contains a number of archaeological sites which contain features associated with domestic occupation and use of the Property, including the archaeological remains of prehistoric and woodland Indian occupations, 18th and 19th century buildings and structures and two cemeteries (Henry Family Cemetery and an African-American cemetery), which sites are formally recorded in the Virginia Department of Historic Resources ("VDHR") permanent archive. Additionally, PHMF has indicated that there are several unrecorded archaeological sites including the following: distillery, greenhouse, laundry, brick kiln, tobacco ordering pit, slave cabins, watch tower, ice house, foundations for an 1833 addition to the original main house, boxwood maze, and the foundations of a 1911 mansion. Given the size and location of the Property, it is likely to contain additional sites, deposits or features associated with its prehistoric and historic use and occupation.

Open Space/Agricultural:

1. Approximately 90 acres of the Property are open fields appropriate for agricultural uses. Of this, roughly 50 acres are used for crop production including soybeans and corn. The Property contains 121.50 acres of Prime Farmland, and 220.7 acres considered Farmland of Statewide Importance as classified by the Web Soil Survey of the USDA.
2. The Property is substantially undeveloped, is used primarily for museum and historic site interpretation purposes, and contains features such as agricultural fields, forests and riparian areas, all of which provide general open-space benefits to the public.

Water Quality:

1. Red Hill includes approximately 1,800 feet of frontage on the Staunton River, a Virginia Scenic River, and part of the Roanoke Watershed. The Property also includes 5,120 feet of frontage on Falling River which drains to the Staunton River. Red Hill also includes frontage on the following streams: Long Branch (5,630 feet, perennial), unnamed stream (8,150 feet, perennial), and a second unnamed stream (11,980 feet, intermittent). All of these streams drain to the Staunton River.
2. The Property contains approximately 45 acres of Palustrine forested/shrub wetlands as identified in the United States Fish and Wildlife Service ("USFWS") National Wetlands Inventory.
3. More than 50% of the Property's acreage has been designated as a Class III or Class IV conservation priority in the Watershed Model developed by the Virginia Department of Conservation and Recreation ("DCR").

Forestal:

1. Approximately 360 acres of the Property are covered in stands of forest, which are managed according to a Forest Management Plan for forest health, historic/cultural resources, wildlife habitat, non-wildlife related outdoor recreation and sustainable timber production. The forested cover is composed of upland and mixed hardwood stands.
2. The Property contains an Osage Orange Tree (*Maclura pomifera*) designated a National Champion Osage Orange Tree and listed on the National Register of Champion Trees by conservation organization American Forests. The Osage Orange Tree at Red Hill is at least 330 years old and stands over 60 feet tall. It has an average branch span of 85 feet and a circumference of 328 inches.

Natural:

Roughly 296 acres of the Property are part of an ecological core identified as having "very high" or "high" ecological integrity value in the Virginia Natural Landscapes Assessment maintained by DCR. The Property's forest cover, wetlands and streams provide habitat for a variety of wildlife and plant species, and the maintenance of such natural habitat helps support wildlife in the local ecosystem, which is largely in a natural, undeveloped state.

Recreational:

1. Since 1944, the Property has operated as a museum and historic site honoring Patrick Henry's last home and burial site for the benefit of the public. The Property, which incorporates pedestrian trails, interpretative signage, and historic resources, is open and accessible to the public on a year-round basis.
2. The Property is site on the Road to Revolution Heritage Trail, a state heritage trail established by the Virginia General

Assembly in 2007.

3. The Property is part of the Clarkton Landing to Red Hill segment of the Tobacco Heritage Trail, which trail is operated by the nonprofit Roanoke Rails-to-Trails corporation.
4. The portion of the Staunton River on which the Property lies is also a segment of the “Southern Virginia Wild Blueway,” a water trail that includes over 100 miles of navigable river and spans multiple counties.

Conserve Virginia Conservation Values:

Red Hill includes significant acreage within the “Cultural and Historic Preservation”, “Natural Habitat & Ecosystem Diversity”, “Agriculture & Forestry”, “Flood Plains & Flooding Resilience” and “Scenic Preservation” layers in ConserveVirginia, Governor Ralph Northam’s land conservation strategy that identifies high value lands and conservation sites across the commonwealth of Virginia. ConserveVirginia, launched in 2018, is based on a data-driven process for identifying Virginia’s highest priority lands for protection.

Other Supporting Governmental Policy:

Federal: (i) Special Joint Resolution 187 of the United States Congress; (ii) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (iii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); (iv) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the National Register of Historic Places (“NRHP”), made on 09/18/1973; (v) formal determination by the Keeper of the NRHP that the Property meets the Criteria for Evaluation and subsequent listing of the Property on the NRHP on 02/14/1978; (vi) Web Soil Survey, USDA and (vii) National Wetlands Inventory, USFWS.

State: (i) Virginia Code §§ 10.1-2200 - 10.1-2214; (ii) Open-Space Land Act (Virginia Code §§ 10.1-1700 through 10.1-1705); (iii) BHR’s determination at a public meeting on 09/18/1973 that the Property meets the criteria for listing on the Virginia Landmarks Register and Board’s designation of the Property for inclusion on the VLR; (iv) BHR’s practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (v) *Virginia Outdoors Plan* (2018): Region 11 – Region 2000 (Campbell County), Pages 12.2, 12.3, 12.7, 12.8, 13.66 through 13.70; and Region 14 – Commonwealth (Charlotte County) Pages 12.2, 12.3, 12.7, 12.8, 13.84 through 13.88; (vi) ConserveVirginia and (vii) Road to Revolution Heritage Trail.

Local: *Campbell County:* Current zoning is Agricultural; future land use is designated as Rural. The 2019-2034 Campbell County Comprehensive Plan (adopted 2019), offers support for historic preservation in general at pages 94, 98-100. By email dated July 30, 2020, Campbell County has confirmed that a conservation easement placed on these parcels would be in general compliance with their comprehensive plan.

Charlotte County: Current zoning is General Agriculture District; future land use is designated as Agriculture, Forestry and Rural Uses. The Charlotte County Comprehensive Plan (adopted 2017), offers support for historic preservation in general at pages 2-28, 4-2, 4-3, 4-5, 4-6, 3-2, 3-4 and 3-6. By email dated August 3, 2020, Charlotte County has confirmed that a conservation easement placed on these parcels would be in general compliance with their comprehensive plan.

Existing Buildings and Structures:

Patrick Henry Law Office (ca. 1770)	Smoke House (1957)*	Blacksmith Shop (2004)*
Tobacco Curing Barn (1890’s)	Coachman’s Cabin (1961)*	Orator’s Stage (2005)
Harrison Oil Shed (1911-1912)	Visitors’ Center (1976)	Director’s House (2006)
Harrison Flag Stop (1920’s)	Farm Shed 1 (1982)	Commonwealth Courtyard (2004)
Carriage House (pre-1950)*	Farm Shed 2 (1982)	Visitors’ Center Shed (2006)
Main House (1957)*	Maintenance Building (2001)	Education and Events Center (2019)
Kitchen (1957)*	Quarter Place Cabin (2002)*	*denotes reconstructed building

Easement Terms:

Maintenance and Preservation: property shall be maintained, preserved, and protected in same or better condition.

Division: subdivision prohibited

Existing Historic Buildings and Structures: must be maintained in existing condition or better; demolition prohibited; alterations/additions or expansions require prior review and approval; restrictions for treatment of historic cemeteries.

Permitted New Buildings Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii) permeable pedestrian trails, and footpaths, signs, for interpretation of the Property as historic site; (iii) buildings and structures incidental to public educational and recreational activities such as a shed, kiosk, visitor’s center, restroom facilities, picnic shelters, informational kiosks, etc. and ancillary to the Property’s use as a museum; (iv) boat launch; (v) parking areas; (vi) pervious roads/drives; (vii) agricultural buildings and structures; (viii) utilities that serve the Property; (ix) replacement dwelling if Director’s House is completely destroyed; and (x) gates and fences.

New Construction & Alterations: all new construction and alterations to existing buildings/structures requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Impervious Surface Coverage: cap at 1% or less for collective footprint.

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) any Ground Disturbing Activities are subject to prior written approval; (ii) mining by strip surface or subsurface mining (including extraction/removal of gravel or similar material), dredging on or from the Property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Forest Management: easement shall address forest management including timbering, replanting, and land conversion consistent with current easement template; forest management plan and pre-harvest plan required prior to timber harvest.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and number of signs permitted; *may require modification of easement template to accommodate standards signs used by PHMF.*

Riparian Protection Zone: 35' riparian buffers along all watercourses and restrictions on construction in wetland areas

Agricultural Resources Management: agricultural activities conducted in accordance with a written agricultural conservation plan that requires the use of appropriate Best Management Practices.

Public Access/Viewshed: easement requires 2 days minimum public access; Red Hill is open to the public 362 days per year.

Documentation Information:

GPIN Numbers: *Charlotte County:* 44-a-1-a, 44-a-1-b, 44-a-4-d, 44-a-1-e and 44-a-1-f

Campbell County: 108-a-2a, 108-a-2b, 108-1-e

Property Address: 1250 Red Hill Road, Brookneal, VA 24528

USGS Quad: Brookneal

Statement of Public Benefit:

Red Hill is of historic and archaeological significance and meets the National Register Criteria for Evaluation in 36 C.F.R. 60.4; a 117.29-acre portion of the Property is individually listed on the VLR and NRHP. Restrictions on alterations of historic resources on the Property, including archaeological sites, and requirements for the maintenance of such resources, will ensure the Property retains its historic integrity and eligibility for listing on the state and federal historic registers. Additionally, preservation of Red Hill will augment efforts to preserve historic properties in Charlotte and Campbell Counties, including approximately 543 acres of land (209 acres in Charlotte County and 334 acres in Campbell County) already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a rural landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forested landscape and forest resources on the Property and the natural benefits associated with forest conservation such as clean air and water. The Property contains freshwater/forested shrub wetlands and is within the Roanoke watershed. The Property is open to the public 362 days per year, and is visible from Red Hill Road (State Route 677), a public right of way. Restrictions on new construction and viewshed requirements in the easement will protect scenic and historic views from these roads used by the public. The protection of the property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources and to place historic preservation and open-space easements on historic properties.

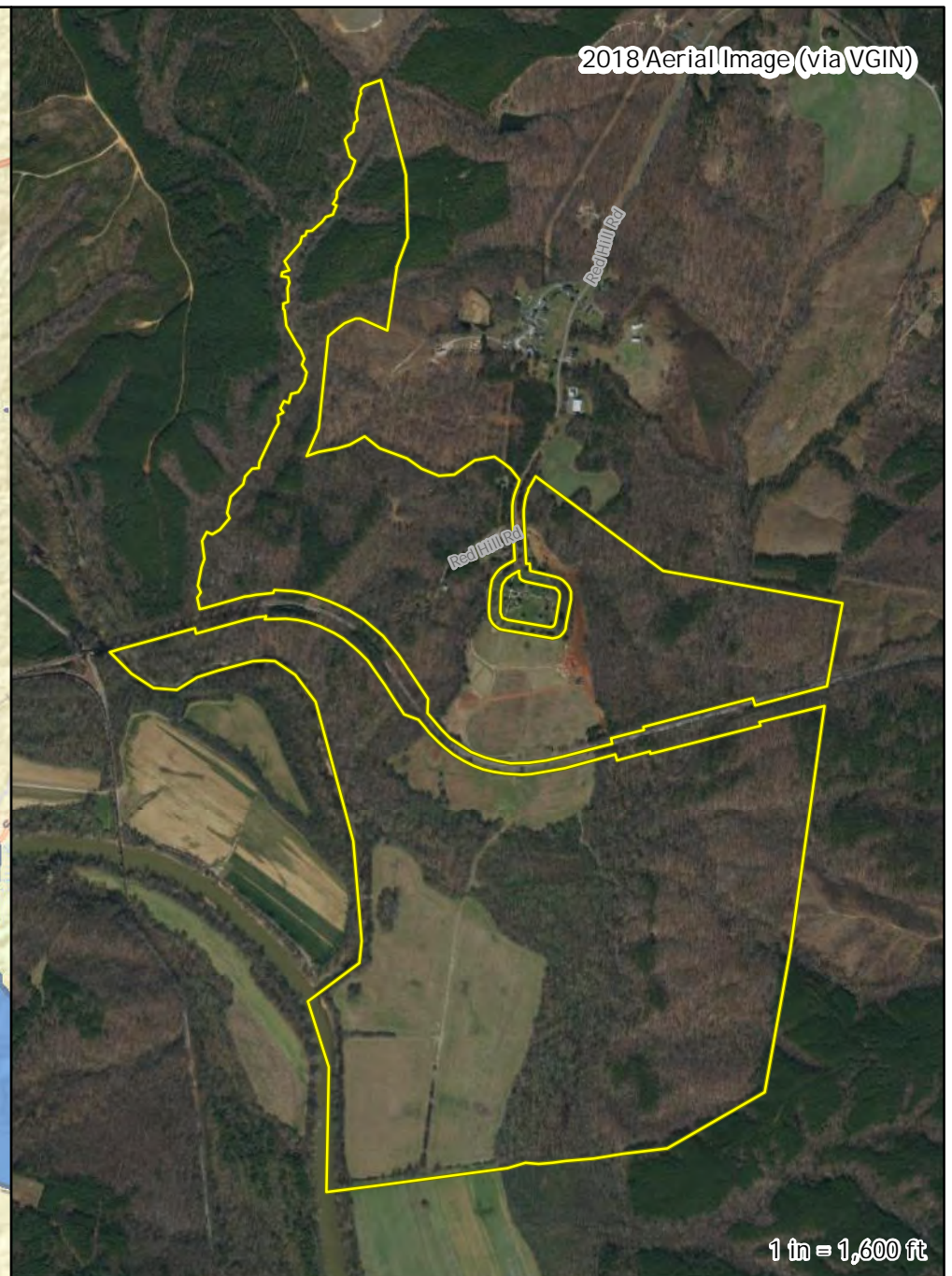
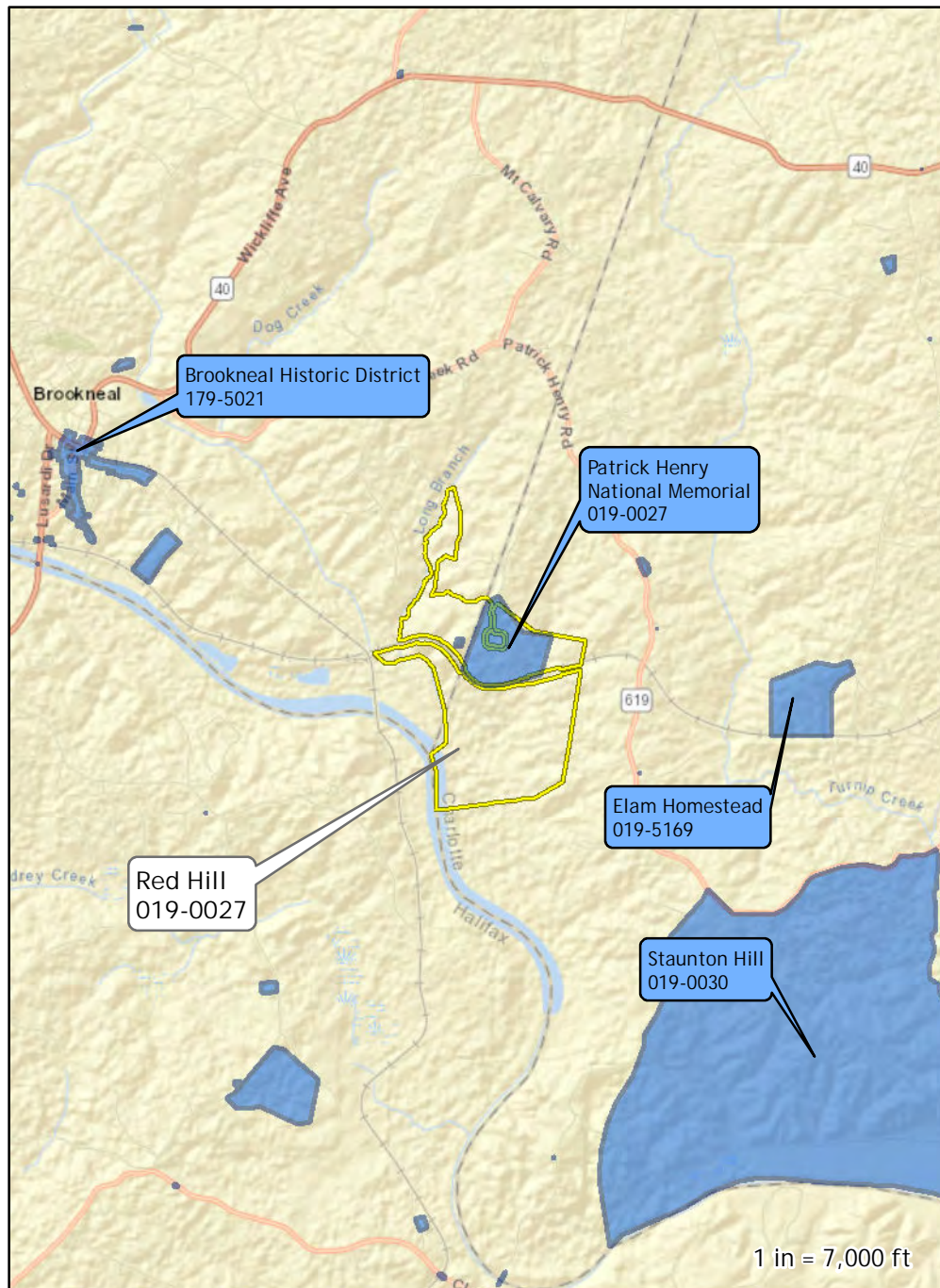
Complexities:

1. DHR staff is consulting with counsel at the Office of the Attorney General ("OAG") about the following issues:
 - a. The Property is bisected by the Norfolk Southern Railroad. A crossing agreement may be required for DHR staff to cross the railroad tracks and access the southern half of the Property.
 - b. There are six unrecorded electrical easements on the larger 900-acre property owned PHMF. These easements are vague and do not include plats so it is not possible to determine which easements affect the ±596-acre proposed easement area. Underground lines in and around the historic area have been identified. However, containment letters from Southside Electrical Cooperative may be required.
 - c. Per a 1947 deed, PHMF granted its riparian rights to Falling River to Pacific Mills company (later Burlington). It's not clear if these rights were restored.
2. PHMF has requested the right to install a motorized boat launch along the Staunton River. Supporting structures for this boat ramp include a pole shed, access road, and parking area. DHR staff will continue negotiating with PHMF regarding the potential location and size/type of boat launch.

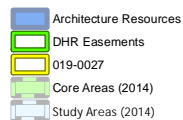
Easement Acceptance Committee Recommendation:

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

1. Review by the OAG and resolution of the following issues to DHR's satisfaction:
 - A) Crossing agreement for railroad that bisects the Property.
 - B) Undocumented electrical easements, to include review by Southside Electrical Cooperative (SEC) of the electrical lines added by the surveyor to the Red Hill Layout Map and receipt of containment letters from SEC for these lines, if necessary.
 - C) Riparian rights granted to Pacific Mills in 1947.
2. Final review of the title work, title commitment, survey and draft easement by the OAG.



Red Hill (Patrick Henry National Memorial/
Patrick Henry Law Office)
Charlotte County, Brookneal Quad
DHR ID#: 019-0027



Created By: D. Bascone February 09, 2021
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
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.



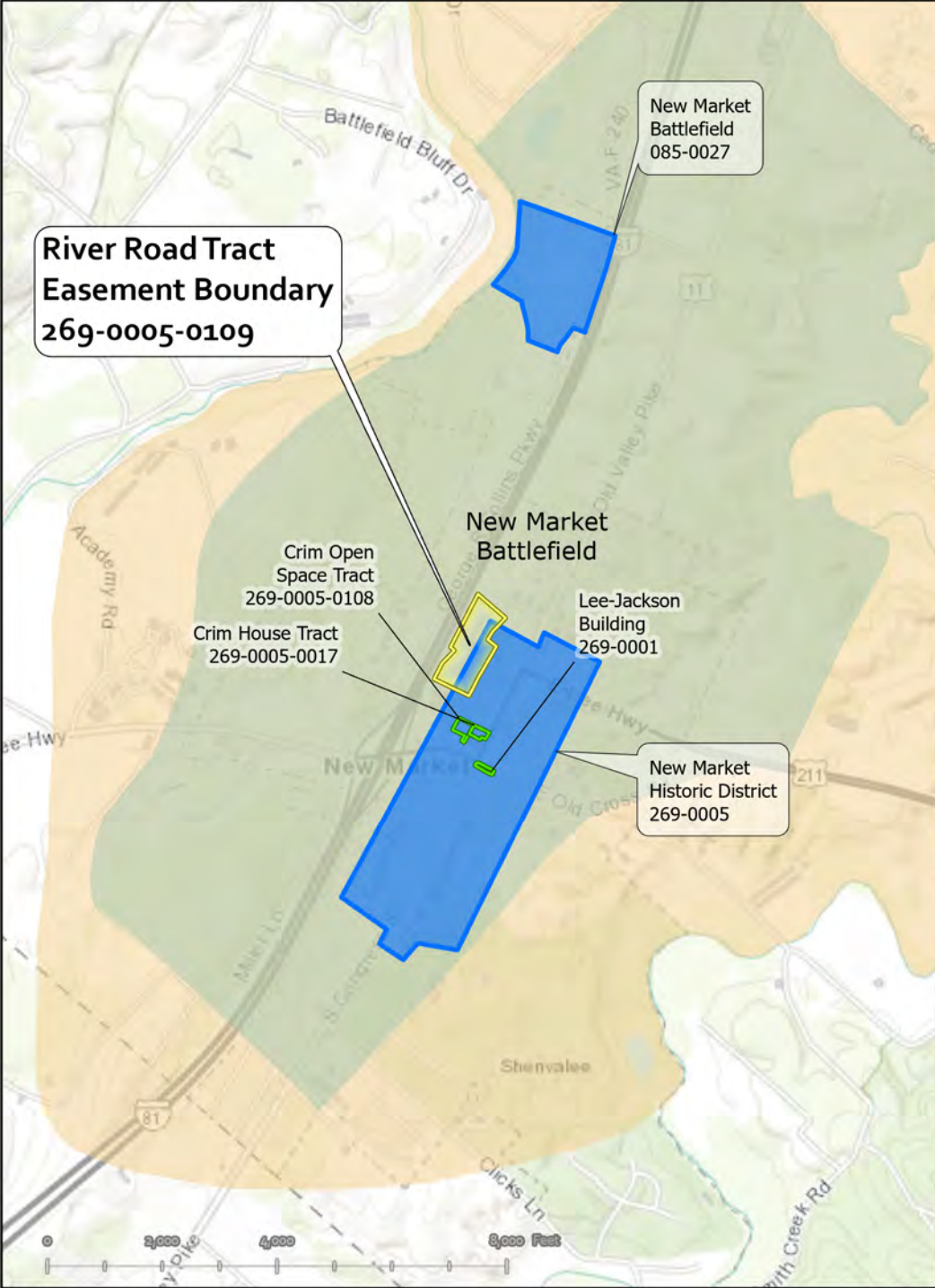
DHR
Department of Historic Resources

**EASEMENT OFFER
FOR RECONSIDERATION**

Easement Summary

River Road Tract, New Market Battlefield

BHR Meeting Date: March 18, 2021		Staff: Wendy Musumeci
Owner: Shenandoah Valley Battlefields Foundation ("SVBF")	County: Shenandoah	Acres: 13.3966
Property Features and Current Use:		
<p>Located one block west of the intersection of Breckinridge Lane and North Congress Street (Route 11) in the town of New Market, the River Road Tract is comprised of two tax parcels totaling 13.3966 ± acres (the "Property"). The Property contains a two-story frame dwelling, two sheds, a small cinder block pump house, and gravel driveway as well as unimproved dense forested cover. It is bordered by residential properties to the north, a commercial property to the south, St. Mathew's cemetery to the east, and Interstate 81 to the west. The northern portion of Breckinridge Lane, which is undeveloped and not state maintained, bisects the two parcels that comprise the Property. Historically, the River Road Tract has been used for agricultural and residential purposes. The SVBF acquired the Property in October 2018. It falls entirely within the core area of the 1864 New Market Battlefield, which has been given a Preservation Priority Rating of IV.1 Class B by the Civil War Sites Advisory Commission. SVBF has received an American Battlefield Protection Program grant and a Virginia Battlefield Preservation Fund grant for the fee-simple acquisition of the Property. Conveyance of a perpetual historic preservation and open-space easement (the "Easement") is a requirement of the grants. The Easement will be conveyed to the Virginia Board of Historic Resources ("VBHR" or "Board"). In accordance with the conditions for approval set by the Board, SVBF and the Virginia Department of Historic Resources ("VDHR") will execute a written Rehabilitation and Management Plan for demolition and removal of the non-historic residential improvements on the Property and rehabilitation of the battlefield landscape. SVBF plans to install above-grade pedestrian trails and two interpretative signs on the Property. In the long term, they intend for the Property to serve as a link in SVBF's proposed greenway connecting the Virginia Museum of the Civil War with the town of New Market.</p>		
Board Approval:		
<p>The Virginia Board of Historic Resources ("Board") approved the easement offer for the Property at its April 17, 2019 meeting, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Given the unresolved ownership status of Breckinridge Lane that bisects the property, if necessary, a separate easement may need to be recorded on each parcel. 2. The Shenandoah Valley Battlefields Foundation ("SVBF") will contact Dominion and/or any other utility to determine if any recorded or unrecorded easements exist for the three undocumented utility lines. 3. Final review of all title work by the Office of the Attorney General ("OAG"), including the title commitment, survey, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action. 		
Update to Board Approval:		
<ul style="list-style-type: none"> • SVBF provided information from VEPCO about existing utility lines on the property, satisfying Condition #2 above. • The draft easement, survey, and title work have been reviewed by the OAG, satisfying Conditions #1 and #3 above. • The baseline documentation site visit has been scheduled and the remaining deliverables are ready. • Per Easement Program Policy #2: <i>Criteria for Acceptance of Easements</i>, standard approvals given by the Board are valid for two calendar years from the date of Board approval. Board approval for this easement offer expires on April 17, 2021. Because the Board's approval will soon expire, staff is presenting the easement offer again to the Board for its reauthorization. 		
Documentation Information:		
Tax Map Number: 103-(A)-65, 103-(A)-62A		USGS Quad: New Market
Property Address: 179 Breckinridge Lane, New Market, Virginia 22844		
Easement Acceptance Committee Recommendation:		
<p>The Easement Acceptance Committee recommends reauthorization of the River Road Tract easement offer, subject to the following revised condition:</p> <ol style="list-style-type: none"> 1. Final review of title work, survey, title commitment and draft easement by the OAG. 		



River Road Tract
Shenandoah County, New Market Quad
DHR ID: 269-0005-0109

- 269-0005-0109
- VBHR Easements
- Listed Resources
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)

Created By: D. Bascone3/8/2021
Sources: VDHR 2021, ESRI 2021, VDOT 2021, VGIN 2021
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DHR
Department of Historic Resources

**ADMINISTRATIVE
ITEM**



VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Historic Preservation Easement Program

POLICY #12

Administrative Fees

The Board of Historic Resources (the “Board”) recognizes that the acquisition and stewardship of perpetual preservation and conservation easements requires a substantial commitment of resources on behalf of the Commonwealth, which vary depending on numerous factors including the number and complexity of the historic resources protected, additional restrictions necessary to meet the requirements of grant funding, the property’s proximity to areas experiencing substantial growth and development, and relationships with grant funding entities and co-holders. In order to have the capacity to accept new easements while sustaining its commitment to the protection of the Commonwealth’s unique historic resources already under easement, the Board has adopted the following administrative fee schedule.

The Department of Historic Resources (“DHR”), specifically, the Easement Program within the Division of Preservation Incentives, will be responsible for assessing and administering these fees on behalf of the Board. The Director of DHR is hereby authorized to waive these fees in the Director’s discretion and to promulgate any additional rules necessary for the administration of these fees provided that such rules comply with the terms of this Policy.

Administrative Fee Schedule

*The following fees are payable by the applicant:

Fee	Amount	Due
Easement Application Fee	\$500	At the time of With application
Grant Funded Easements Requiring Additional Restrictions	\$10,000	Invoiced a At the time DHR schedules the baseline documentation site visit is scheduled
Reconsideration of Easement Offer	\$1,000	At time of re- With application
Update or Revision of Baseline Documentation	\$1,500	Prior to DHR conducting work
Amendment of Existing Easement	\$2,000	At the time of With application
Conversion/Diversion (Under Section 10.1-1704 of the Open Space Land Act) Review Fee	\$1,600	At the time of With application

Conversion/Diversion (Under Section 6(f)(3) of the Land and Water Conservation Fund Act) Review Fee ¹	\$1,600	At the time of With application
Conversion/Diversion Processing Fee	\$1,600 for first 40 hours with potential for additional fees if staff time extends beyond 40 hours	At the time of With application
Boundary Line Adjustment Review	\$1,600	At the time of With application
Expedited Project Review	\$500	Prior to submission of application Upon approval of request

I. New Easement Offers

A. Easement Application Fee

A fee of five hundred dollars (\$500) shall be paid at the time a new easement application is submitted for review and consideration by DHR and the Board. This fee will go toward DHR's due diligence review and analysis of the proposed offer.

B. Grant Funded Easements ~~Requiring Additional Restrictions~~

~~An administrative fee of \$10,000 will be assessed against any easement offers that are funded by any grant funding source, excluding grants funded by the Commonwealth of Virginia. Such fee is intended to offset DHR's administrative costs associated with the easement. the grant recipient for any new easement offer where (i) the conveyance of the preservation and conservation easement is required by a federal or state grant program (with the exception of the Virginia Battlefield Preservation Fund administered by DHR), and (ii) such grant requires the inclusion of additional restrictions beyond the standard easement template, modification of standard restrictions, inclusion of a co-holder, and/or interests granted to a third party. Such fee is intended to offset the increased costs to DHR resulting from negotiations, communications, modifications of the deed of conservation easement prior to recordation, and the increased stewardship burden of additional restrictions, non-standard restrictions, and communications and coordination with any co-holder or third party that has an interest through the conservation easement.~~

This fee will be ~~due-invoiced~~ at the time DHR schedules the baseline documentation site visit. If multiple grants are awarded to the subject of an easement offer, the fee will be charged for each ~~such grant, that meets the criteria above~~ excluding any grants funded by the Commonwealth of Virginia.

~~Examples of applicable grants include without limitation:~~

- ~~• American Battlefield Protection Program Battlefield Land Acquisition Grants~~
- ~~• USDA Agricultural Conservation Easement Program Agricultural Land Easement Program (formerly Federal Farm & Ranchland Protection Program)~~
- ~~• Virginia Land Conservation Foundation Grants~~

¹ Land and Water Conservation Fund Act (54 U.S.C. §§ 200301 - 200310 (2016, as amended)), specifically Section 200305(f)(3), commonly known and hereinafter referred to as "Section 6(f)(3)."

C. Reconsideration of an Offer

A fee of one thousand dollars (\$1,000) will be required for reconsideration by the Board of any previously approved offer of easement where such reconsideration is a result of: (i) the expiration of the Board's prior approval, or (ii) a change in the terms of the easement offer due to an act or omission of or a modification made or proposed by the applicant and/or landowner.² This fee must be received by DHR with the new application.

Examples of a change of terms of the easement offer by an applicant ~~or landowner~~ may include, but are not limited to, the following:

- Failure to accurately and/or completely identify all existing buildings, structures, amenities, and features on the real property being offered for easement in the Easement Application.
- A lease, or extension or renewal of a lease or license granted to a third party to use the real property, e.g. a residential lease, being offered for easement beyond the term provided to and/or approved by the Board.
- Granting of rights to third parties, such as conveyance of an access easement or utility right-of-way, after approval of the offer by the Board and without providing notice of the intent to convey such rights prior to the Board's approval to accept.
- Significant change(s) in the structure of the proposed transaction, such as new or different sources of grant funding, loss of grant funding, intent to seek federal and/or state tax benefits.
- Change(s) in the fundamental terms of the offer, such as inclusion of new or additional reserved rights such as an increase in the square footage allowance for new construction or allowances for additional buildings or structures.

The applicability of this fee and any determination of whether this fee applies shall in no way affect the requirements for reconsideration pursuant to **Board Policy #2: Criteria for Acceptance of Easements**.

D. Baseline Documentation

A fee of one thousand five hundred dollars (\$1,500) will be assessed ~~against the landowner~~ in each instance where a baseline documentation report ("BDR")³ is required to be updated or revised

² **Board Policy #2: Criteria for Acceptance of Easements**, states that the Board's standard approval to accept a new offer of easement expires two (2) calendar years from the date of the Board meeting at which the offer was approved for acceptance. Similarly, if any significant changes to the terms of the easement offer or significant or major changes to the property occur following the Board's approval, the revised offer must be brought back to the Board for its reconsideration.

³ **Board Policy #4: Documentation of Easement Properties** requires that documentation of the condition of the resources and conservation values protected by the easement be conducted as close as possible prior to recordation of the easement. This documentation is essential in the administration of the easement as it serves as the basis for enforcement of the terms of the easement and stewardship of the resources protected.

because (i) the terms of the easement have changed or (ii) the easement is not recorded within six months of completion of the BDR. Such fee is due prior to DHR conducting the work to update or revise the BDR.

Because the BDR reflects the condition of the property at the time of easement recordation and serves as the basis for enforcement and stewardship it is imperative that the information and documentation contained therein is accurate. —A BDR generally includes: (i) a brief written description of the current condition, character, and features of the property; (ii) a brief written description outlining the historic, archaeological, and cultural significance of the property as well as other conservation values; (iii) a list of existing historic and non-historic buildings, structures, and sites with a detailed description of existing architectural features of primary built historic resources that are specifically protected by the easement; (iv) the specific conservation purposes protected by the easement; (v) a brief written description of the current condition, character, features, and use of the property; (vi) historic documentation, survey plat, and maps of the property; and (vii) photos of the property and protected resources with an accompanying photo-point map.

II. Existing Easements

A. Amendment

With the exception of amendments initiated at the request of DHR and/or the Board, a fee of two thousand dollars (\$2,000) ~~shall be paid by the landowner at~~ must be submitted with the time of application and prior to the Board's consideration of a proposed amendment of an existing easement held by the Board.

~~DHR may, in the discretion of the Director of DHR, decrease the fee if the proposed amendment requires minimal revision to the existing easement or requires minimal revision to correct scrivener's (clerical) or other technical errors.~~ All amendments must be consistent with **Board Policy #6: Easement Amendments.**

If a new or updated BDR is necessary to document the conditions of the property at the time of the amendment, an additional BDR fee of one thousand dollars (\$1000) will apply.

B. Conversion / Diversion

1. Review Fee

A fee of one thousand six hundred dollars (\$1,600) shall be assessed for the Board's review and determination of whether a project or activity proposed by ~~non-government entities an entity or organization other than the landowner or a state or local government agency~~ affecting an easement property constitutes a conversion or diversion of all or a portion of such property. This fee will serve to offset the significant resources required of DHR to gather information, communicate with the project proponent and landowner, and prepare the matter for presentation to the Board. This fee will apply regardless of the Board's determination and must ~~be paid when~~ submitted with the Project Review Request ~~form is submitted.~~

If the project proponent is unaware of the terms of the conservation easement, DHR Easement Program staff will notify the project proponent in writing that the proposed project or activity requires review under Section 10.1-1704 of the Open-Space Land Act. In such event, the fee will be due within ten (10) business days of the date of the written notice by DHR. DHR Easement Program staff may suspend review of the project until the fee is received by DHR. It is the project proponent's responsibility to ensure ~~that~~ payment has been received by DHR.

2. Processing Fee

If the Board determines that the project or activity proposed by ~~an entity or organization other than the landowner or a state or local government agency~~ a non-government entity constitutes conversion or diversion, and the project proponent chooses to move forward with the project or activity, an additional fee of one thousand six hundred dollars (\$1,600) will be assessed for staff time required to process the project. If the total staff time required to process the project exceeds forty (40) hours, the project proponent will be charged for each additional hour of staff time at the hourly rate or combined hourly rates of the staff members processing the project. The initial processing fee will be due within ten (10) business days after the public meeting at which the Board determined that the project or activity constitutes conversion or diversion. Additional charges shall be due within ten (10) business days after notice thereof by DHR.

If the project or activity determined to constitute conversion or diversion must be reviewed a second time by the Board, an additional fee of five hundred dollars (\$500) will be assessed against the project proponent. The additional fee will offset the cost of staff time necessary to prepare for and present the matter to the Board. Second reviews may be necessary for the Board to review proposals regarding additional mitigation or substitute property.

3. Additional Fee for Federal Grant Funded Battlefield Easements

A fee of one thousand six hundred dollars (\$1,600) will be assessed when DHR Easement Program staff, on behalf of the Board, is required to prepare and provide to the American Battlefield Protection Program ("ABPP") an evaluation of whether a project or activity proposed by ~~an entity or organization other than the landowner or a state or local government agency~~ non-government entities will impact or directly affect a battlefield easement property and may constitute conversion or diversion of conserved land subject to Section 6(f)(3) (defined below) and any proposed mitigation or substitution.⁴ This fee must be submitted with the Project Review Request and is in addition to any other fee, including the fee assessed under Section II.AB.1.

⁴ A significant number of easements held by the Board over battlefield properties were acquired using or conveyed as a condition of grant funding provided by the ABPP, a federal program within the National Park Service under the Department of the Interior. The properties benefitting from ABPP's grant program are subject to the Land and Water Conservation Fund Act (54 U.S.C. §§ 200301 - 200310 (2016, as amended)), specifically Section 200305(f)(3), commonly known and hereinafter referred to as "Section 6(f)(3)." Section 6(f)(3) imposes a similar conversion/diversion standard on the land and requires that the ABPP make determinations regarding projects or activities that have the potential to constitute conversion or diversion. The deeds of conservation easement for those ABPP-funded battlefield properties include provisions requiring DHR Easement Program staff, on behalf of the Board, to prepare and provide to ABPP an evaluation of the project or activity and any proposed mitigation or substitution. As such, ABPP-funded battlefield easements impose additional responsibilities on DHR's Easement Program.

If the ~~project proponent~~applicant submits a Project Review Request and is not aware that the affected property is subject to Section 6(f)(3), DHR Easement Program staff will notify the ~~project proponent-applicant~~ in writing that the proposed project or activity requires review under Section 6(f)(3). The fee is due within ten (10) business days of the date of ~~written notice~~invoice by DHR. DHR Easement Program staff may suspend review of the project until the fee is received by DHR. It is the ~~project proponent's~~ applicant's responsibility to ensure ~~that~~ payment has been received by DHR.

C. Boundary Line Adjustments

A fee of one thousand six hundred dollars (\$1,600) will be assessed for consideration by the Board of a request for a boundary line adjustment ("BLA"). This fee will offset the extensive staff time and resources to review the request and prepare and present the matter to the Board. The fee must accompany the Project Review Request form ~~or be paid within ten (10) business days of submission to DHR of the request for a BLA~~. DHR Easement Program staff may suspend review of the BLA request until the fee is received by DHR. It is the ~~project proponent's~~ applicant's responsibility to ensure ~~that~~ payment has been received by DHR.

D. Expedited Project Review

A flat fee of five hundred (\$500) will be assessed against an applicant ~~or landowner~~ for an expedited review of a submitted Project Review Request. For purposes of this Policy, the expedited review period is ten (10) business days. This fee applies to each individual project, therefore, projects involving more than one building or phased projects may require additional fees.

Expedited reviews shall only be available with respect to existing easements and to (1) current landowners and (2) third parties such as contract purchasers, utility companies, and other agents of the landowner, provided the prior written approval of the landowner has been received by DHR. DHR's Director, in coordination with the Director of the Division of Preservation Incentives (hereinafter "Division Director") has the authorization of and full discretion enjoyed by the Board to agree or decline to conduct an expedited review. In determining whether to agree or decline to conduct an expedited review, the Director may consider factors such as the complexity of the project, the amount of information available in DHR's records about the property, the extent and complexity of the deed of conservation easement and the applicable restrictions, the existence of co-holders who may share in review responsibilities, and the schedules and workloads of staff involved in such reviews. The Director may assign all authority and responsibility under this Section II.D to the Division Director.


Notwithstanding the foregoing, no expedited review shall be available for (1) reconsiderations by DHR's Treatment Committee, or (2) appeals brought to the Board pursuant to **Board Policy # 5: Review of Applications for Work on Easement Properties**.

[Adopted by the Virginia Board of Historic Resources, June 15, 2017; Effective July 1, 2018; Revised March 21, 2018; Revised April 17, 2019; Revised December 10, 2020; Revised March 18, 2021.]

**EASEMENTS RECORDED
SINCE THE
DECEMBER 2020 MEETING**


Recorded Easement Summary

V Corps Brock Road Tract, Spotsylvania County

BHR Meeting Date: March 18, 2021	Staff: Joanna Wilson Green	DHR File No. 088-5183-0003_ep
Owner: Central Virginia Battlefields Trust	County: Spotsylvania	Acres: 14.403
Property Description:		
<p>The Central Virginia Battlefields Trust ("CVBT") has donated an easement over the V Corps Brock Road Tract (the "Property") in Spotsylvania County to the Virginia Board of Historic Resources. The easement, recorded on December 29, 2020, protects 14.403 acres of land within the study area of the Spotsylvania Court House Battlefield. The Property played a significant role in the Battle of Spotsylvania Court House (May 8 – 21, 1864). The Property offered a commanding view of the battlefield from its central ridge, and the stream and ravine along its southern portion compartmentalized the Union troops that held the area for most of the days-long battle. While the battle itself was comprised of numerous conflicts, the Property's location along what is now Brock Road placed it at the center of several specific actions. First, it served as the staging area for the Army of the Potomac's initial attacks on May 8, and was the rallying point for the Union V Corps when their attack collapsed later that day. It would again serve as a staging area for the V Corps on May 10 and May 12 prior to that corps' assaults on the Confederate lines. The Property was also the defensive foundation for the Army of the Potomac's right flank during actions on May 12, and later shifted into an avenue of movement for the Confederate army as it probed Union defenses on May 14. The Property played a significant role in the Battle of Spotsylvania Court House (May 8 – 21, 1864). CVBT acquired the Property in 2018 with American Battlefield Protection Program grant funding. Conveyance of a perpetual historic preservation and open-space easement (the "Easement") is a requirement of the grant.</p>		
Statement of Public Benefit:		
<p>The Property contains approximately 14 acres of mature forest cover as well as approximately 500 feet of a tributary of the Po River, itself a tributary of the Chesapeake Bay. The Property is bordered to the south and southwest by land owned by the National Park Service and operated as part of its Spotsylvania Court House Battlefield Unit. Preservation of the open-space character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Restrictions on development, new construction, and ground disturbing activities, protection of the Property's archaeological and battlefield resources, and requirements for maintenance of riparian buffers will further assist in protecting the battlefield landscape, open space, forestland, and the Chesapeake Bay.</p>		
Documentation Information:		
Tax Map Number: 33-A-27, 33-A-28 and 33-A-29	USGS Quad: Spotsylvania	
Property Address: 8214, 8216 and 8218 Brock Road, Spotsylvania, VA 22553		
Board Approval:		
Initial Approval, December 13, 2018		
Reconsideration Approval, December 10, 2020		
Easement Recordation Date:		
December 18, 2020		
		


Recorded Easement Summary

Benchmark II Tract, Fredericksburg I and II Battlefields, Spotsylvania County

BHR Meeting Date: March 18, 2021	Staff: Joanna Wilson Green	DHR File No. 111-5295-0002
Owner: American Battlefield Trust	County: Spotsylvania	Acres: 4.31
Property Description:		
<p>Fronting Benchmark Road (VA Route 608) in Spotsylvania County, south of the City of Fredericksburg, the 4.3-acre Benchmark II Tract (the "Property") consists of one tax parcel, containing a single-family dwelling and outbuildings, which is currently in use for residential and recreational purposes. The Property as a whole is comprised of open grass lawn along Benchmark Road and around the residential buildings, with unmowed meadow beyond to approximately the midpoint of the parcel where an ephemeral drainage channel bisects the property from east to west. The northern half of the Benchmark II Tract is currently maintained in turf and is used as a soccer field for the adjacent religious property. Trees mark the perimeter of the otherwise open parcel, which shares its northern boundary with the Fredericksburg and Spotsylvania National Military Park (owned by the National Park Service). The Property shares its eastern and western boundaries with adjacent private property, and its southern boundary is formed by Benchmark Road. Access is made via a graveled residential driveway exiting onto Benchmark Road. The American Battlefield Trust acquired the Property with grant funding assistance from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund, and an easement is a requirement of both grants.</p>		
Statement of Public Benefit:		
<p>The Benchmark II Tract contains significant historic, archaeological, and open-space values, all of which are protected under the terms of the conservation easement. Permanent protection of the property is consistent with local land-use planning, including the Spotsylvania County Comprehensive Plan as well as the Virginia Outdoors Plan. The Property's open-space resources contribute to the historic, cultural, and scenic features that define the existing suburban landscape in this part of Spotsylvania County. Conservation of the Property will assist in preserving the historic battlefield and historic viewshed and landscape for the benefit of residents of Spotsylvania County, citizens of Virginia, and visitors to the Property. The Benchmark II Tract shares its northern boundary with the Fredericksburg and Spotsylvania National Battlefield Park, owned by the United States of America and operated by the National Park Service as a public battlefield interpretative park. The Property is visible from Benchmark Road (VA Route 608), a public right-of-way, and the easement will require physical public access to the Property. The Property is in close proximity to over 547 acres of Civil War battlefield lands currently owned by the American Battlefield Trust in Spotsylvania County.</p>		
Documentation Information:		
Tax Map Number: 37A-4-17	USGS Quad: Guinea	
Property Address: 10610 Benchmark Road, Fredericksburg, VA 20109		
Board Approval:		
<p>Initial Approval, September 17, 2015 Reconsideration Approval, September 21, 2017 Reconsideration Approval, December 10, 2020</p>		
Easement Recordation Date:		
December 29, 2020		
		

Recorded Easement Summary

Mays and Wilson Tracts, Trevilian Station Battlefield, Louisa County

BHR Meeting Date: March 18, 2021	Staff: Joanna Wilson Green	DHR File No. 054-5164_ep
Owner: American Battlefield Trust	County: Louisa	Acres: 22.698
Property Description:		
<p>Located along Louisa Road (VA Route 33) between the towns of Trevilians and Mildred Crossing, Virginia, the Wilson and Mays Tracts (the "Property") contain three tax parcels totaling approximately 22.698 acres. The Property is minimally improved with two storage sheds, a concrete pad that previously supported a residential mobile home, and an overhead electrical line supported on standard wooden poles. With the exception of a ca. 2-acre cleared area around these improvements, the Property is entirely in mature wooded cover, with both hard- and softwood species. The American Battlefield Trust (the "Trust") acquired the Wilson and Mays Tracts in 2017 with a grant from the American Battlefield Protection Program. In accordance with the conditions for approval set by the Virginia Board of Historic Resources ("Board"), the Trust and Virginia Department of Historic Resources ("VDHR") will execute a written Rehabilitation and Management Plan for demolition and removal of the non-historic improvements on the Property and rehabilitation of the battlefield landscape.</p>		
Statement of Public Benefit:		
<p>The Wilson and Mays Tracts contains significant historic, archaeological, and open-space values, all of which are protected under the terms of the conservation easement. Permanent protection of the Property is consistent with local land-use planning, including the Louisa County Comprehensive Plan as well as the Virginia Outdoors Plan. The Property's open-space resources contribute to the historic, cultural, and scenic features that define the existing rural and suburban landscape in this part of Louisa County. In summary, conservation of the Wilson and Mays Tracts will assist in preserving the historic battlefield and historic viewshed and landscape for the benefit of residents of Louisa County, citizens of Virginia, and visitors to the Property. Perpetual preservation of the Property will augment ongoing efforts to preserve historically significant properties in Louisa County, including approximately 1,087 ± acres of land subject to perpetual easements held by the Board. The Property is visible from Louisa Road (VA Route 33), a public right-of-way, and the easement requires physical public access to the Property.</p>		
Documentation Information:		
Tax Map Number: 24-10-B; 24-10-B1, 24-10-A	USGS Quad: Louisa	
Property Address: At or near 18118 Louisa Road, Louisa, Virginia 23093		
Board Approval:		
Approval, June 17, 2017 (Mays Tract only)		
Approval, September 19, 2019 (Wilson Tract with approval to combine with Mays Tract for a single easement)		
Easement Recordation Date:		
December 29, 2020		
		

Recorded Easement Summary

Pepmeier Tract, Deep Bottom II Battlefield, Henrico County

BHR Meeting Date: March 18, 2021	Staff: Wendy Musumeci	DHR File No. 043-5080-0005
Owner: American Battlefield Trust	County: Henrico	Acres: 93.796
Property Description:		
<p>The American Battlefield Trust has conveyed a perpetual historic preservation and open-space easement over the Pepmeier Tract in Henrico County. The easement, recorded on January 25, 2021, protects 93.796 acres of historic landscape that was the site of four different battles associated with the American Civil War as defined by the Civil War Sites Advisory Commission (CWSAC). This includes the Deep Bottom I, Deep Bottom II, Glendale, and Fair Oaks and Darbytown Road Battlefields. The topography of the property is generally flat and characterized by dense wooded cover, primarily planted loblolly and shortleaf pine trees.</p> <p>The Pepmeier Tract contains approximately 82.80 ± acres of land within the core area of the Deep Bottom II Battlefield. On August 16, 1864, during the Fussell's Mill phase of the battle, the Union X Corps, led by Maj. Gen. David B. Birney, delivered a heavy assault on the Confederate defensive line situated about 500 yards southeast of the property. The Union attackers pushed through Confederate defenses, and enlarged their breakthrough into a semi-circular perimeter that stretched to the edge of the property. Confederate forces, under the command of Maj. Gen. Charles Field, fled into the woods on the property to await reinforcements. After help arrived, the Confederates surged back across the southern portion of the property and eventually restored their lost line. Several days of inconclusive skirmishing followed the August 16 engagement. The small stretch of Confederate entrenchments in the northeast portion of the property was not attacked directly on August 16; instead troops manning that part of the line were drawn out and hurried south to the vicinity of the breakthrough as reinforcements.</p> <p>Approximately 52.72 ± acres of the property are within the study area of the Deep Bottom I Battlefield. During the early morning of July 27, 1864, the Union Second Corps, under the command of Maj. Gen. Winfield Hancock, and two divisions of Maj. Gen. Philip H. Sheridan's cavalry crossed to the north side of the James River, which was located a few miles south of the property. They broke through the Confederate rifle pits on New Market Road, captured four cannons, and continued to advance north and east towards Long Bridge Road and high ground near Fussell's Mill (located just south of the property). The Confederates had reshaped their defensive line at Fussell's Mill to follow Bailey's Creek, which ran north-south between the two armies and which extended onto the property. On July 28, Confederate brigades launched a counterattack against Hancock's men, moving south and east. In the afternoon, during an intense artillery duel between the two forces, the Union Army's First Infantry Division captured the ground near Fussell's Mill, but were quickly driven back south by the 10th and 50th Georgia Infantry.</p> <p>Portions of the property are also within the study area of the Glendale and Fair Oaks and Darbytown Road Battlefields. Critical features present during the battles remain intact on the property, including its dense wooded cover and a military earthwork. The exact construction date of the earthwork is unknown. It was likely built in 1864, and prior to the mid-August 1864 Battle of Second Deep Bottom, as a northward extension of the Confederate position at New Market Heights. Based on available historical data dating back to 1894 (including a Bermuda Hundred topographic map) the property was partially developed with a small farmstead from the late 19th century through the late 1950's/early 1960's. Additionally, aerial photographs from 1937 show cultivated fields with multiple buildings located at the center of the property with the remainder wooded.</p> <p>Additional conservation values associated with the Pepmeier Tract include approximately 5 acres of non-tidal freshwater/forested shrub and riverine wetland habitat and 591.76 ± linear feet of frontage on an unnamed intermittent stream. The unnamed stream is a branch of Bailey's Creek, which is a tributary of the James River and flows into the Chesapeake Bay.</p> <p>The American Battlefield Trust acquired the Property in 2018 with American Battlefield Protection Program and Virginia Battlefield Preservation Fund grants. Conveyance of the perpetual easement is a condition of the grants.</p>		
Statement of Public Benefit:		
In addition to protecting the Preservation and Conservation values in perpetuity, the following public benefits are also associated with the Easement:		

1. To protect the historic battlefield, battlefield landscape, and open-space values of the Property, the Easement prohibits subdivision or division of the Property and restricts the type and amount of permitted new construction.
2. To protect the historic battlefield, battlefield landscape, and open-space values of the Property all new construction and alterations to existing resources require the prior written approval of VDHR.
3. To protect the Property's historic battlefield landscape, the forested cover and earthwork, the Property may not be converted to any other use or cover without the prior, written approval of VDHR.
4. To protect the historic battlefield and archaeological values of the Property, all ground disturbing activities require prior review and approval by VDHR (Easement Section 3.5). Additionally, archaeological survey and investigation by a professional archaeologist may be required if a ground disturbing activity may impact (a) the historic battlefield and battlefield landscape; (b) existing historic resources; (c) known archaeological sites; or (d) archaeologically significant deposits, sites, or features on the Property, whether known or unknown as of the date of easement recording.
5. To protect the forestal values of the Property and the historic battlefield landscape, forest management activities, including planting, harvesting, or removal of trees require the prior written approval of VDHR. Prior to any forest management activity, Grantor must submit a written forest management plan and pre-harvest plan that meet professional standards.
6. To protect all the conservation values associated with the Property, certain activities and uses are prohibited.
7. Limitations on development and uses of the Property imposed by the Easement, particularly establishment of the 35-foot wide Riparian Protection Zone ("RPZ"), will help support protection of water quality in the Chesapeake Bay. The Easement also contains restrictions on permitted construction and activities within RPZ.
8. Perpetual preservation of the Property will augment ongoing efforts to preserve historically significant properties in Henrico County, including approximately 781 ± acres of land subject to perpetual easements held by the Board.
9. The Property's open-space resources contribute to the historic, cultural, and scenic features that define the existing semi-rural landscape in this part of Henrico County.
10. To support the public benefit associated with the Easement, physical access to the Property is required a minimum of two calendar days per year.

Documentation Information:

Tax Map Number: 833-691-7228

USGS Quad: Dutch Gap

Property Address: 7788 Yahley Mill Road, Henrico VA 23231

Board Approval:

Initial Approval, March 15, 2018

Reconsideration Approval, June 22, 2020

Easement Recordation Date:

January 25, 2021



Recorded Easement Summary

Cold Harbor Road Tract, Cold Harbor Battlefield, Hanover County

BHR Meeting Date: March 18, 2021	Staff: Wendy Musumeci	DHR File No. 042-5017-0005
Owner: American Battlefield Trust	County: Hanover	Acres: 50.041

Property Description:

The American Battlefield Trust has conveyed a perpetual historic preservation and open-space easement over the Cold Harbor Road Tract in Hanover County (DHR File No. 042-5017-0005). The easement, recorded on March 3, 2021, protects 50.041 acres of historic landscape that was the site of three different battles associated with the American Civil War as defined by the Civil War Sites Advisory Commission (CWSAC). This includes the Cold Harbor, Gaines Mill, and Savage's Station Battlefields.

Located in a rural and agricultural area of Hanover County, the property is bounded on the north by a residential property, on the east by undeveloped wooded land, on the south by residential and undeveloped wooded land, and on the west by Cold Harbor Road. Although currently unimproved, historic topographic maps indicate the western portion of the property was previously improved for residential and agricultural uses during the early to mid-20th century. Additional resources associated with the property include two recorded archaeological sites, frontage on Elder Swamp Stream and a small area of wetlands.

The Cold Harbor Road Tract contains 50.041 ± acres of open-space land within the core area of Cold Harbor Battlefield, which has been given a Preservation Priority Rating of I.1 Class A by the CWSAC. On May 31, 1864, Federal cavalry under Union Major General Philip Sheridan seized the vital crossroads of Old Cold Harbor, located just north of the property. They advanced from the northeast and drove the Confederates from their defensive perimeter around the Cold Harbor intersection. The following morning, Sheridan was able to repulse an attempted repossession by Confederate infantry. The Union VI Corps launched an attack on the Confederate defenses from the property, pushing from east to west across Cold Harbor Road. Union cannons were positioned on the property as part of this offensive. On June 2, in an effort to protect the flank of the army, Union soldiers entrenched on the property. By this same day, a seven-mile front had been formed by both armies extending from Bethesda Church to the Chickahominy River. One day later, Union General Ulysses Grant ordered a major assault on the Confederate lines in an attempt to cut them off from the City of Richmond. At dawn on June 3, the Union II, VI, and XVIII Corps, followed later by the V and IX Corps, assaulted along the Bethesda Church-Cold Harbor line and were slaughtered at all points by well-prepared and entrenched Confederate troops, resulting in massive Federal casualties. A brigade under Colonel H. Boyd McKeen of Brigadier General John Gibbon's second division (II Corps) moved across the property during the attack suffering heavy losses. The two armies continued to face off along these lines until Grant ordered his troops south to Petersburg on June 12.

The property is also entirely within the study area of the 1862 Gaines Mill Battlefield and contains 8.9 acres within the study area of the 1862 Savage's Station Battlefield as designated by the CWSAC. Critical features present during the battle remain intact on the Property, including the alignment of Cold Harbor Road along the western boundary of the Property and the location of Elder Swamp stream. Based on its proximity to the Union line established during the Battle of Cold Harbor and the movements of Hill's division during the Battle of Gaines Mill, as well as depictions of these features on historic maps, the Property is further significant for its potential to contain additional features associated with these battle activities. Archaeological sites on the property likely associated with the 1864 Battle of Cold Harbor contain the remains of Civil War-era military fortifications, including an earthwork and line of rifle pits.

The American Battlefield Trust acquired the Property in 2019 with American Battlefield Protection Program and Virginia Battlefield Preservation Fund grants. Conveyance of the perpetual easement is a condition of the grants.

Statement of Public Benefit:

The Cold Harbor Road Tract is of historic and archaeological significance and is within the boundaries of three Civil War battlefields with preservation priority ratings from the Civil War Sites Advisory Commission. Restrictions on alterations to historic resources on the Property, and requirements for the maintenance of such resources, will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Conservation of the Property will augment efforts to preserve historic properties in Hanover County, including approximately 635 acres of land subject to perpetual easements held by the Board. The Property is in closed proximity to other lands owned by Grantor and/or owned and operated by the

National Park Service. Perpetual preservation of the Property by the easement will create a contiguous corridor of protected historic landscape on this portion of the Cold Harbor Battlefield. The Property fronts and is visible from Old Cold Harbor Road (Route 156), a public right-of-way. Restrictions on new construction and viewshed requirements in the easement will protect scenic and historic views from Cold Harbor Road by the general public and users of such road. In addition to visibility from a public right-of-way, the easement will require physical public access two calendar days per year. Preservation of the open-space and wooded character of the Property also preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forested landscape and forest resources on the Property and the natural benefits associated with forest conservation such as clean air and water. The Property also fronts on a perennial stream, contains freshwater/forested shrub wetlands and is within the Chesapeake Bay watershed. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the easement will support protection of water quality in the Chesapeake Bay. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes and resources, and to place historic preservation and open-space easements on historic properties.

Documentation Information:

Tax Map Number: 8734-90-7211 and 8734-09-4401

USGS Quad: Seven Pines

Property Address: 5634 Cold Harbor Road, Mechanicsville, VA 23111

Board Approval:

Approval, September 19, 2019

Easement Recordation Date:

March 3, 2021

