



*COMMONWEALTH of VIRGINIA*

**Department of Historic Resources**

2801 Kensington Avenue, Richmond, Virginia 23221

**JOINT MEETING**

**STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES**

9:30 a.m. March 21, 2024

Halsey Family Lecture Hall

Virginia Museum of History and Culture, 428 North Arthur Ashe Boulevard, Richmond, Virginia

**EASEMENT PROGRAM**  
**BOARD PACKET**

**PROJECT SUMMARIES**

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

**March 8, 2024**

**CULPEPER BATTLEFIELDS  
STATE PARK**

# Easement Summary

## Phase 1-Culpeper Battlefields State Park

### Assignment and Amendment of Easements

<b>BHR Meeting Date:</b> March 21, 2024	<b>Staff:</b> W. Musumeci	<b>DHR File Nos.</b> Multiple
<b>Applicant:</b> N/A	<b>County:</b> Culpeper	<b>Acres:</b> ±167.956

#### Project Background:

A new Virginia State Park in Culpeper County is in development and will open on July 1, 2024. The park will be comprised of discontinuous areas in the Culpeper vicinity associated with multiple Civil War battles and sites: Brandy Station (1863), Cedar Mountain (1862), Rappahannock Station I (1862), Rappahannock Station II (1863), Kelly's Ford (1863) and the Hansbrough Ridge Winter Encampment (1863-1864). Much of the initial 1,700 acres of land proposed for incorporation into the park is already open to the public and includes trails and interpretive signs owned and/or maintained by the American Battlefield Trust ("ABT"), the Brandy Station Foundation ("BSF"), and Friends of the Cedar Mountain Battlefield. Both ABT and BSF intend to donate land they own to the Department of Conservation and Recreation ("DCR") for the park. The Virginia General Assembly approved legislation establishing the park in June 2022. DCR's associated acquisition of lands will occur over multiple phases and years. Phase 1 involves seven properties within the boundaries of the Brandy Station Battlefield. Of these, six are subject to historic preservation and open-space easements held by the Board of Historic Resources ("BHR"). Many of these easements are associated with grants from the American Battlefield Protection Program, Virginia Battlefield Preservation Fund, or Virginia Land Conservation Fund. Per the budget language establishing the park, BHR must assign its interest in these easements to DCR. However, DCR and the Department of Historic Resources ("DHR") have agreed to partner as co-holders of a consolidated and amended easement over the six properties currently subject to a BHR easement. The assignment to DCR and amendment of the easements to include both DCR and BHR as co-holders will be accomplished in one deed.

#### Applicable Legislation:

Budget Item C-51.10 (FY23-FY24) for *Acquisition of Culpeper Battlefields State Park* generally establishes:

- DCR shall accept donation of at least 1,700 acres of real property in Culpeper County to establish the Culpeper Battlefields State Park (also referred to as the Future State Park at Culpeper Battlefields).
- DCR shall open the park for public visitation on July 1, 2024.
- DHR and the Virginia Outdoors Foundation shall assign any easements they hold on applicable acreage to DCR.

#### Proposed Amendment and Assignment/Amendment:

The basic structure of the transaction will include the following:

##### 1. Amendment of Fleetwood Heights/Golden Oaks Tract Easement

The existing BHR Easement over the 18.9-acre Fleetwood Heights/Golden Oaks Tract owned by the Brandy Station Foundation was recorded in 2007. In consultation with counsel at the Office of the Attorney General, DHR staff determined that an amendment of the easement is necessary to incorporate an adjoining 3.112 acres of open-space land into the existing 2007 Easement.

- The 3.112 acres is located between the Fleetwood Heights/Golden Oaks and Troilo Tract easements held by the BHR.
- The land was gifted from Joseph Troilo and Patricia Troilo to BSF in 2012 as mitigation for a United States Army Corps of Engineers permit violation that impacted BSF's Fleetwood Heights/Golden Oaks Tract. The Deed of Gift also included a boundary line adjustment survey plat. Although the 3.112 acres may have been incorporated into the tax parcel as a result, it would not have been subject to the 2007 BHR easement without an amendment.
- DHR is proposing to amend the 2007 BHR Easement over the Fleetwood Heights/Golden Oaks Tract to add the 3.112 acres prior to assigning the easement to DCR for the new state park.

##### 2. Phase 1: Assignment and Amendment

###### a. Assignment of the following BHR-held Easements to DCR:

- Fleetwood Heights/Golden Oaks Tract, 18.9 acres, easement recorded on 05/02/07, plus 3.112 additional acres
- Troilo Tract, 56.48 acres, easement recorded on 08/01/14
- Louis Pound Tract, 23.237 acres, easement recorded on 12/31/2008
- Whitney Pound Tract, 26.18 acres, easement recorded on 12/31/2008
- Mitchell Tract, 10.49 acres, easement recorded on 12/23/2017

vi. Bly Tract, 29.557 acres, easement recorded on 09/26/2018

**b. Consolidated Amended Deed:**

DHR and DCR to record a consolidated easement amendment under the Open-Space Land Act, with BHR and DCR as co-holders over the six properties identified as 2(a)(i) through 2(a)(vi) above. All restrictions and preservation and conservation purposes are to be continued in perpetuity.

**Easement Language--Fee Merger:**

Easements provide that if any agency or entity of the Commonwealth of Virginia acquires a fee interest in a property that is subject to a BHR easement, the Easement shall not merge into the fee interest, but shall continue to encumber the property.

**Easement Language--Assignments:**

1. Assignment of Easements to DCR is required per the FY23-FY24 Budget Bill.
2. The language of the six existing BHR easements differs slightly, but generally provides for BHR to assign the easement in its discretion and in consultation with the Grantor, if:
  - Assignment is consistent with Open-Space Land Act; and
  - All restrictions and covenants and preservation and conservation purposes set forth in the easement are continued in perpetuity; and/or
  - *[As applicable]* Assignee qualifies as an eligible holder as defined in Section 170(h)(3) of Internal Revenue Code and Treasury Regulations; and/or
  - *[As applicable]* Assignment is approved by the Secretary of the Interior, through the American Battlefield Protection Program ("ABPP").

**Easement Language and Policy--Amendments:**

1. The six easements contain varying provisions regarding amendments. In general, the easements are:
  - Silent on amendments; or
  - Permit amendment, provided that the amendment shall not:
    - Affect the easement's perpetual duration;
    - Conflict with, be contrary to, or inconsistent with the purposes of the easement;
    - Reduce the protection of the preservation and conservation values;
    - Affect the qualification of the easement as an "open-space easement;"
    - Affect the status of Grantee as a "public body."
2. Consideration of BHR *Easement Program Policy #6: Amendments*
  - An amendment should strengthen the protection afforded by the original easement to the resource(s) on the property.
  - An amendment should not compromise the historic, architectural, archaeological, open space, cultural, or other environmental resources which the easement was intended to protect.
  - The BHR may also approve a "preservation neutral" amendment that neither strengthens nor weakens protections to the resource(s) established in the original easement agreement.

**Documentation Information for Six BHR Easements in Phase 1:**

DHR File No.	Property Name	Acres	Tax Map Nos.	Recordation Date	Instrument No.
023-0053-0265	Fleetwood Heights/Golden Oaks Tract	18.9	33-81F, F1, F2	05/02/2007	070003969
	Adjoining Open-Space Land	3.112	33-81F (portion)	12/04/2012	120007436
023-0053-0266	Louis Pound Tract	23.237	33-81H	12/31/2008	080008062
023-0053-0267	Whitney Pound Tract	26.18	34-16	12/31/2008	080008063
023-0053-0015	Troilo Tract	56.48	33-81, A, D, G, J	08/01/2014	140003518
023-0053-0017	Mitchell Tract	10.49	33-83A	12/23/2017	170005774
023-5055-0006	Bly Tract	29.557	34-14C	09/26/2018	180004933

**General:**

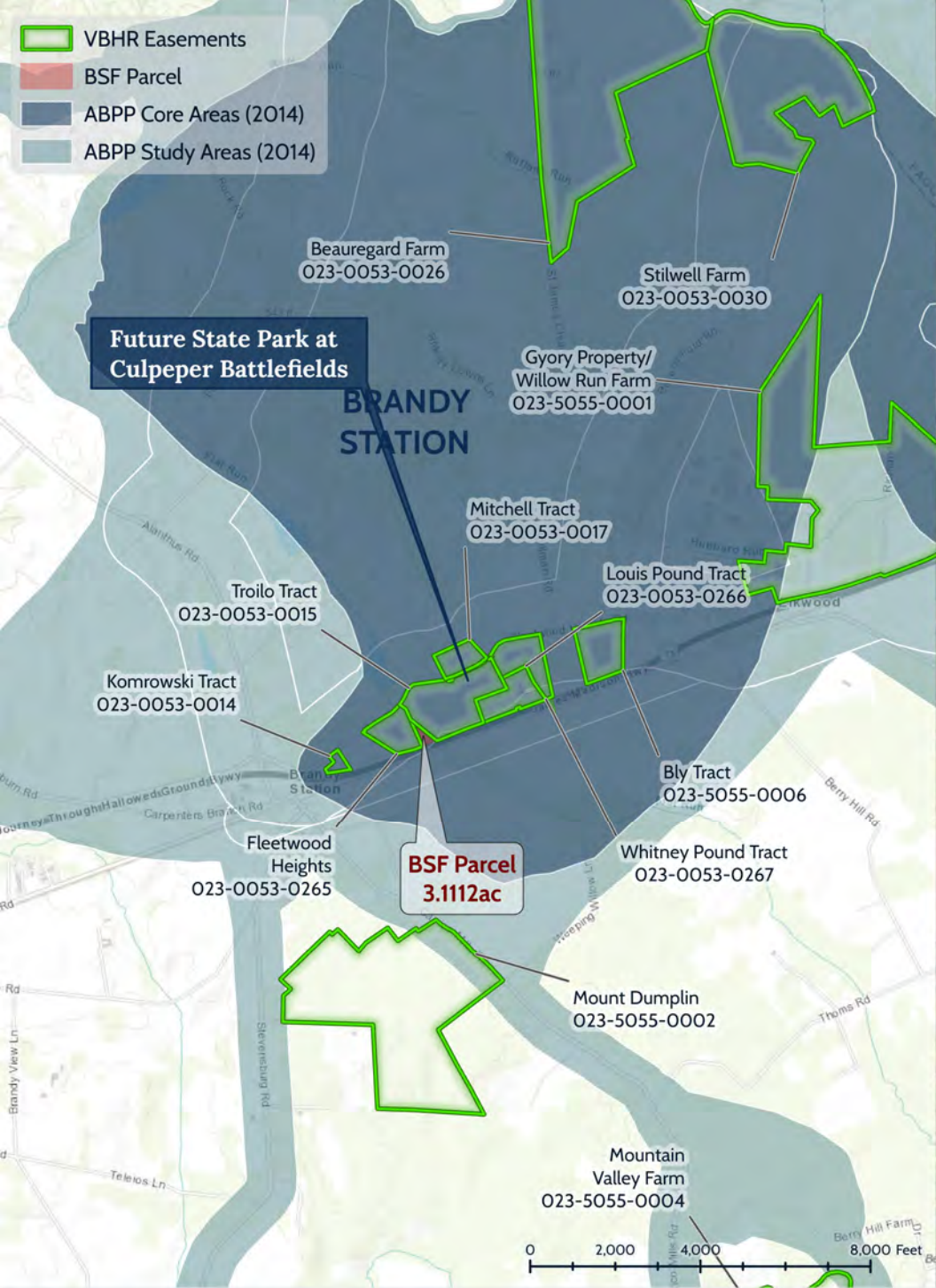
- 01/04/24: As required by the easement provisions, DHR notified and/or requested approval (depending on the easement language) of the National Park Service's ABPP to assign and amend the six BHR easements on the Brandy Station Battlefield. On 01/22/24, ABPP acknowledged receipt of the notification of DHR's intent to assign the easement on six tracts acquired through the assistance of an ABPP Battlefield Land Acquisition Grant. ABPP also approved amendment of the easements as proposed.
- 01/04/24: DHR formally notified the American Battlefield Trust, Brandy Station Foundation, and Virginia Land Conservation Foundation of its intent to assign and amend the six BHR easements. No associated approvals are required.

### **Easement Acceptance Committee Recommendation:**

As part of DCR's Phase 1 acquisition for the future Culpeper Battlefields State Park, the Easement Acceptance Committee recommended at its February 20, 2024 meeting that the Board of Historic Resources:

1. Approve amendment of the 2007 Fleetwood Heights/Golden Oaks Easement to incorporate an adjoining 3.112-acres owned by the Brandy Station Foundation.
2. Assign the following easements to DCR:
  - a. Fleetwood Heights/Golden Oaks Tract (as amended)
  - b. Troilo Tract
  - c. Louis Pound Tract
  - d. Whitney Pound Tract
  - e. Mitchell Tract
  - f. Bly Tract
3. Join with DCR as co-holder of a consolidated and amended easement to include properties 2(a) through 2(f). All restrictions and preservation and conservation purposes are to be continued in perpetuity.
4. This approval is subject to the following condition: Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.





# **Future State Park at Culpeper Battlefields** **Phase 1--Brandy Station Battlefield** **BHR Easements Proposed for Assignment and Amendment**

Created By: D. Bascone 3/6/2024  
 Sources: VDHR 2024, ESRI 2024, VDOT 2024, VGIN 2024  
 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.







# **Future State Park at Culpeper Battlefields** **Phase 1--Brandy Station Battlefield** **BHR Easements Proposed for Assignment and Amendment**

Created By: D. Bascone, 3/6/2024  
 Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020  
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**NEW  
EASEMENT OFFER**



<b>BHR Meeting Date:</b> March 21, 2024	<b>Staff:</b> Wendy Musumeci	<b>DHR File No.</b> 401-0123-0121_ep
<b>Applicant:</b> The Waterford Foundation, Inc.	<b>County:</b> Loudoun	<b>Acres:</b> ±1.5222

### Property Features and Current Use:

The ±1.5222-acre Bond Street Barn and Meadow (the “Property”) is composed of a single parcel located along Main Street in the Village of Waterford. Distinguished by its open grass meadow, the Property also includes frontage on Liggett Street and Bond Street. The Property gently slopes from Bond Street south to Main Street with frontage along Tanyard Run, an intermittent stream that runs through the central meadow area. The Property is the former site of a tanyard which was active from ca. 1785 to 1877. The tanyard included several buildings along the Property’s perimeter, and a large tannery building with a number of tanning pits located in the central meadow area. The only extant 19th century buildings are a single-story stone icehouse (ca. 1830) and a three-story frame bank barn (ca. 1870’s) with a later frame addition. During the late nineteenth century and most of the twentieth century, the Property was used for agricultural and open space purposes. The Waterford Foundation (the “Foundation”) acquired the Property in 1987. The Foundation uses the Property for open space purposes, and it is also a featured site during the annual Waterford Fair. The Bond Street Barn and Meadow is the only property owned by the Foundation that is not protected by an historic preservation and open space easement. The Foundation plans to add a small public restroom facility located either in the barn or as a new structure. The Foundation also plans to add a small storage shed, limited parking areas along Liggett Street, and an interpretive kiosk/shelter. The Foundation is not seeking grants or tax incentives for its donation of an easement to the Board of Historic Resources (“Board”).

### Conservation Values:

#### Historic/Landscape:

- The Bond Street Barn and Meadow is a contributing resource to the Waterford Historic District, which was listed on the Virginia Landmarks Register and the National Register of Historic Places in 1969. The Village of Waterford was designated as a National Historic Landmark in 1970. The Waterford Historic District is significant under National Historic Landmark Criteria 4 and 5 as an example of an exceptionally well-preserved and intact agricultural service village in Virginia.
  - The Property was part of a 12-acre tract that Quaker Joseph Janney developed as part of the Village of Waterford starting in 1780. Janney leased the Property for use as a tanyard from ca. 1785 to his death in 1792. The tanyard operation continued under various owners until 1877. Like many citizens of Waterford, all the tanyard owners were Quakers, so it is unlikely that any enslaved African Americans worked at the tanyard. Free African Americans are documented as working at the tanyard, and at least one, Jonathan Kenady (b. 1820), lived on the Property. Kenady also served as a trustee of the Second Street School for African Americans in 1868 (a property under easement to the BHR). While no formal archaeological survey of the Property has been undertaken, research indicates that the tanyard complex consisted of a large frame tannery building, two small outbuildings, a brick store, a frame dwelling, an icehouse (ca. 1830) and a large number of tanning pits. A frame bank barn with stone foundation was added at the northern end of the Property in the 1870’s. Following the death of the last tanyard owner in 1877, the Property was used for agricultural/open space purposes until 1987 when it was purchased by the Waterford Foundation. The icehouse and the bank barn are the only historic buildings still standing on the Property.
- The Property is within the Journey Through Hallowed Ground National Heritage Area, a 180-mile corridor stretching from Gettysburg, Pennsylvania to Monticello, near Charlottesville, Virginia designated a National Heritage Area by Congress in 2008.
- 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:** The Property is significant for its use as a tanyard from the late 18<sup>th</sup> to the late 19<sup>th</sup> century. It is further significant for its potential to contain archaeological sites, deposits or features directly associated with the domestic and agricultural uses of the Property as a residential and agricultural site.

**Open Space:** The Property contains ±1.5222 acres of land primarily of grass lawn.

**Agricultural:** As identified in the Natural Resources Conservation Service (“NRCS”) Web Soil Survey of the United States Department of Agriculture, the Property contains ±0.6 acre of Prime Farmland.

**ConserveVirginia:** The Property lies entirely within the “Cultural and Historic Preservation Category” layer in ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

### Other Supporting Governmental Policy:

**Federal:** (i) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the designation of historic properties as National Historic Landmarks (NHL); (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); (v) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the NRHP, made on 5/13/1969; (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 6/3/1969, updated 12/23/2015; (v) formal designation of the Property as an NHL by the Secretary of the Interior on 4/15/1970, updated 12/11/2023; and (v) 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 Board of Historic Resources' determination at a public meeting on 5/13/1969 that the Property meets the criteria for listing on the VLR and Board's designation of the Property for inclusion on the VLR; (v) The Board'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 Board at a public meeting, as set forth in the Board's written adopted policies; (vi) Virginia Piedmont Heritage Area (1995); and (vii) Virginia Outdoors Plan (2018) Region 8: Northern Virginia (12.2, 12.3, 12.7, 12.8, and 13.50).

**Local:** The Property is currently zoned Countryside Residential (CR-1), and the future land use designation is Existing Rural Village. According to the Loudoun County Comprehensive Plan (adopted June 20, 2019, amended through February 7, 2023), historic preservation generally is supported in Chapters 2 (pages 2-17 to 2-25, 2-96 and 2-103 to 114). The use of easements is supported in Chapter 2 (page 2-151), Chapter 3 (pages 3-8, 3-14 to 3-16) and Chapter 6 (6-17 to 6-19). By letter dated September 1, 2023, Loudoun County confirmed that an easement on the Property would be consistent with its the current comprehensive plan.

### Existing Buildings and Structures:

Bank barn (ca. 1870)	Wood footbridge (date unknown)
Icehouse (ca. 1830)	Underground storage tank
Stone wall (date unknown)	Steps serving adjacent dwelling to the southeast
Wood fence (date unknown)	"Little Free Library" frame box on post

### General Easement Terms:

**Note:** *provisions in italics below indicate non-standard easement template language*

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

**Division:** no subdivision or division permitted.

**Existing Buildings and Structures:** historic buildings/structures must be maintained in existing condition or better; demolition prohibited; alterations/additions to exterior and interior require prior review and approval.

**Permitted New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; and (vi) outbuildings/structures ancillary to use as a historic site or park.

**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 permitted new improvements at 2% or 1,326 square feet to potentially accommodate the following amenities: 828 square foot restroom building plus additional square footage for ADA accessibility, storage shed, interpretive kiosk, and/or four additional permeable parking spaces and one impervious parking space for ADA accessibility. Additional parking spaces shall be limited to Liggett Street to avoid two 19C dwelling sites formerly located along Main Street.*

**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.

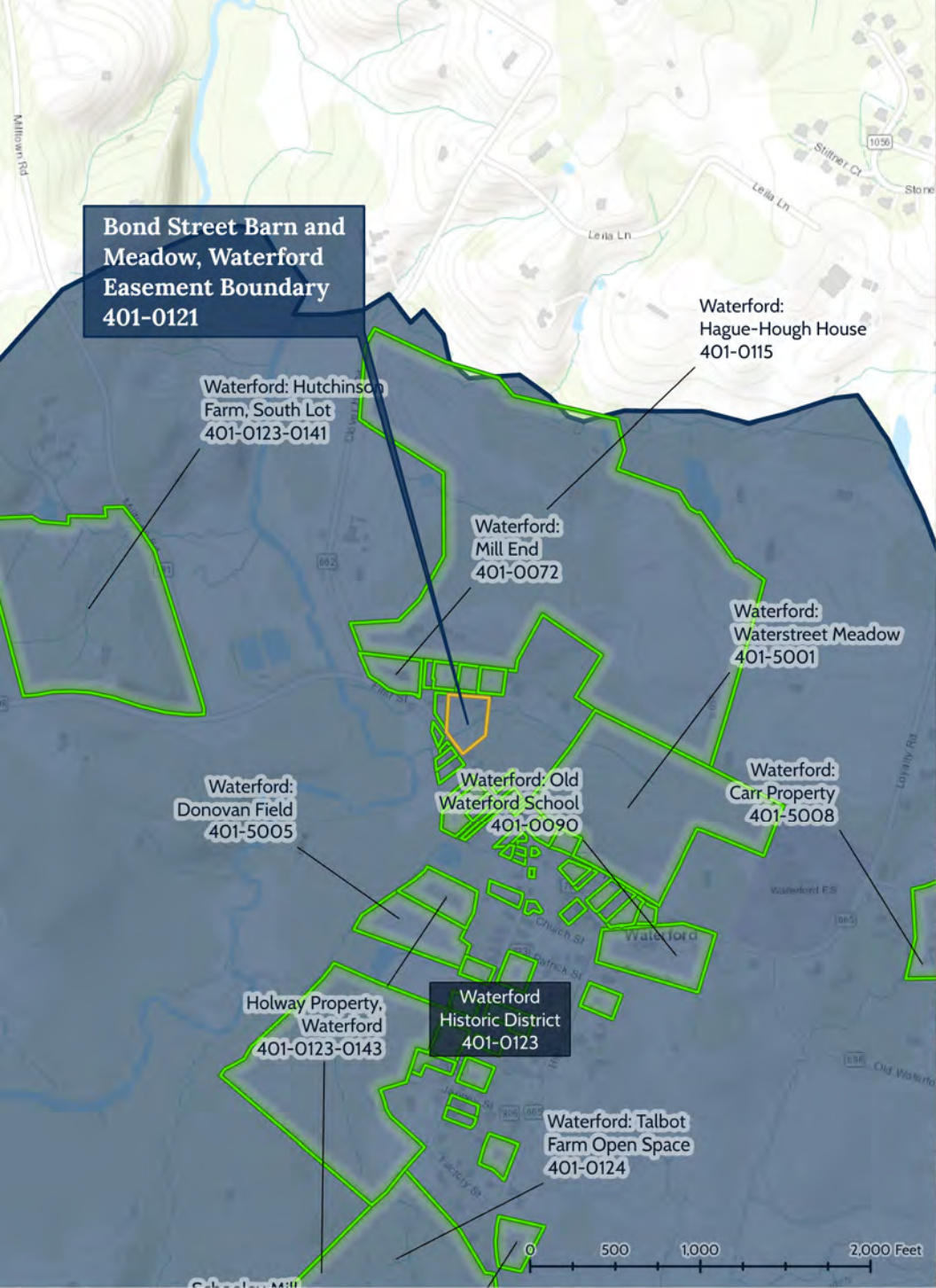
**Forest Management:** trees and vegetation shall be managed according to established arboreal and horticultural practices and to prevent damage to existing buildings and structures.

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

**Signs:** restrictions on size and number of signs permitted.

<b>Public Access:</b> easement requires 2 days minimum public access.	
<b>Grant Funding:</b> none	
<b>Documentation Information:</b>	
<b>Parcel ID Number:</b> 303-36-3605-000	
<b>Property Address:</b> Adjacent to 401358 Main Street, Waterford, VA 20197	<b>USGS Quad:</b> Waterford
<b>Statement of Public Benefit:</b>	
<p>Bond Street Barn and Meadow is of historic and archaeological significance as a contributing resource to the Waterford Historic District and the Waterford National Historic Landmark District. Restrictions on ground disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity as a contributing resource to the Waterford Historic District. Preservation of the Property will augment efforts to preserve historic properties in Loudoun County, including approximately 2,559 acres of land already subject to perpetual easements held by the Board. 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 The Property is visible from Main Street, a public right of way. The easement will also require physical public access two calendar 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.</p>	
<b>Easement Acceptance Committee Recommendation:</b>	
<p>At is January 22, 2024 meeting, the Easement Acceptance Committee recommended that the Board approve the Bond Street Barn and Meadow easement offer, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Continued negotiation of easement terms to the satisfaction of DHR, particularly provisions regarding the cap on collective footprint and proposed new parking area.</li> <li>2. Final review of the title work, title commitment, survey, draft easement and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.</li> </ol>	





# **Bond Street Barn and Meadow, Waterford** **Loudoun County, Waterford Quad** **DHR ID: 401-0121**

401-0121  
 VBHR Easements

Listed Resources

Created By: D. Bascone 9/18/2023  
 Sources: VDHR 2023, ESRI 2023, VDOT 2023, VGIN 2023  
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**DHR** VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

**EASEMENT OFFERS  
FOR  
RECONSIDERATION**



<b>BHR Meeting Date:</b> 03/21/2024	<b>Staff:</b> W. Musumeci	<b>DHR File No.</b> 043-5080-0002_ep
<b>Applicant:</b> Richmond Battlefields Association	<b>County:</b> Henrico	<b>Acres:</b> ±4.92

### Property Features and Current Use:

Fronting Darbytown Road in eastern Henrico County, the ±4.92-acre Deane II Tract (the “Property”) is roughly rectangular in shape. The character of the surrounding area is semi-rural to rural. Predominant land uses in the immediate vicinity include single-family residential, vacant land, and agricultural land. Topographically, the Property is level to rolling, and slopes down from the west-southwest to the north and to a creek at the southeast corner. It is mostly open land except for a tree line along the eastern boundary and along portions of the intermittent stream that crosses the Property. A small section of the Property along the western boundary is currently used for crop production that primarily occurs on an adjoining property to the west. Historically, the Property was also used for animal husbandry and pastureland. A Virginia historical highway marker (W-72) sits in the northwest corner of the Property in the Darbytown Road right-of-way. Although improved for both residential and agricultural use, the Property is now primarily used for residential purposes. Existing improvements include a circa 1937 frame dwelling and associated domestic and agricultural outbuildings, structures, and amenities.

The Richmond Battlefields Association (“RBA”) was awarded a Virginia Battlefield Preservation Fund grant to assist with acquisition of the Property in 2015. The National Park Service also awarded an American Battlefield Protection Program (“ABPP”) Battlefield Land Acquisition Grant toward fee-simple acquisition of the Property. Conveyance of a perpetual historic preservation and open-space easement (the “Easement”) to the Virginia Board of Historic Resources (“Board” or “BHR”) is a condition of the grants. The dwelling on the Property is currently occupied by a tenant who serves as caretaker for a resident on the adjoining parcel to the west (known as the Goodale II Tract), also owned by RBA. The resident on the Goodale II Tract has a life estate. When acquiring both properties in 2015, RBA agreed to lease the Deane II Tract dwelling to accommodate a caretaker for the duration of the life estate granted to the tenant on the Goodale II Tract, plus one year to allow for settlement of the estate. After expiration of the life estate, RBA will demolish and remove the non-historic improvements on the Property and rehabilitate the battlefield landscape according to a Rehabilitation and Management Plan drafted by DHR. RBA’s long-term plans include installation of signs for interpretation of the Property as a Civil War battlefield as well as tours led by RBA and/or National Park Service historians.

### Board of Historic Resources Approval:

The Board of Historic Resources approved the easement offer for the Deane II Tract at its September 17, 2015 meeting, subject to the following conditions:

1. The ca. 1937 dwelling may be leased to accommodate a caretaker for Mr. Bill Goodale, who has a life estate on an adjacent property owned by RBA. Such lease shall not extend beyond life estate granted to Mr. Goodale, plus 1 year to allow for settlement of his estate.
2. Any lease in effect at the time of recordation of the easement must be subordinated to the easement.
3. Demolition and removal of the existing non-historic or deteriorated buildings and structures on the property shall be completed within 3 years of the expiration of the lease period of the dwelling on the Deane II Tract.
4. Any change to the time frame for demolition and removal of existing buildings and structures as determined by the BHR shall be negotiated in advance with the DHR.
5. Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the RBA and the DHR, and such plan shall be incorporated into the easement either directly or by reference.

### Update to the September 17, 2015 Board approval:

1. DHR has engaged in continued negotiations with Henrico County about the easement’s consistency with the County’s current comprehensive plan per Section 10.1-1701 of Open-Space Land Act. DHR, RBA, and the County agreed on specific public infrastructure improvement language (PIE) that will be included in the easement as it relates to potential future widening of Darbytown Road. The County approved the easement draft on 02/15/24.
2. Per the ABPP Battlefield Land Acquisition Grant, the Section 106 review process was completed in 2017. ABPP approved the easement draft on 01/31/24.
3. DHR Easement Program staff made a site visit to the Property on 01/12/24 to assess and document current conditions. RBA subsequently removed trash and debris from the Property identified by DHR. With assistance from the American Battlefield Trust, an environmental services company will evaluate an existing underground storage tank on the Property.
4. RBA has procured a title commitment for a title policy that will insure the Board’s interest in the easement.
5. RBA is currently working with the tenant that resides on the Property to execute a written lease.



6. DHR needs to draft the rehabilitation and management plan for RBA's review.
7. The draft easement and associated title documents will be submitted to counsel at OAG for review.

#### **Documentation Information:**

Tax Map Number: 835-689-2158

Property Address: 4501 Darbytown Road, Henrico, Virginia 23231

USGS Quad: Dutch Gap

#### **Easement Program Policy #2: Criteria for Acceptance of Easements:**

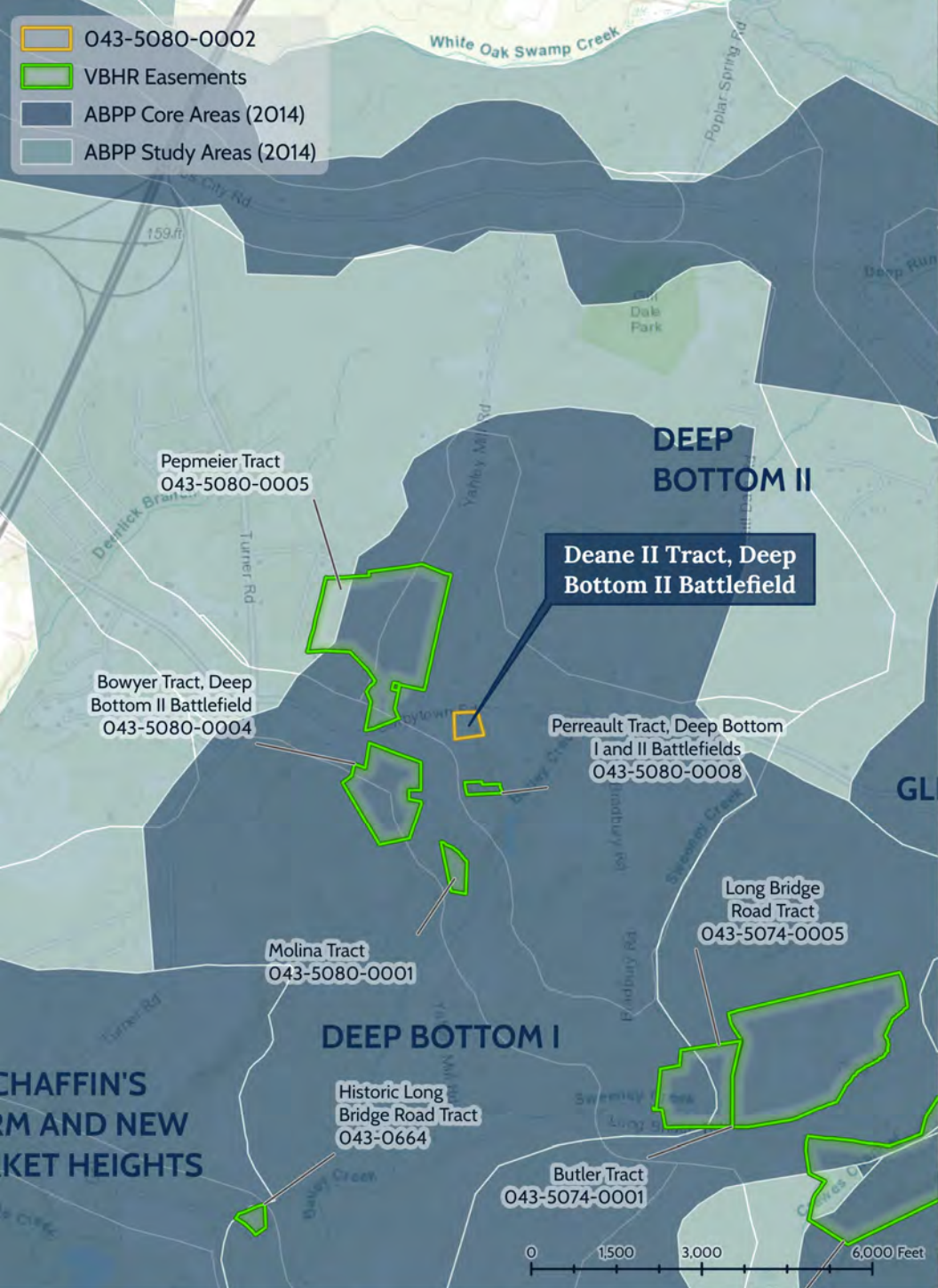
Per Easement Program Policy #2: *Criteria for Acceptance of Easements*, standard approvals given by the Board prior to December 8, 2022 were valid for two calendar years from the date of the Board approval. The approval for the Deane II Tract easement expired on September 15, 2017. Since the approval for the Deane II Tract easement expired in 2017, staff is presenting the project to the Board for reconsideration.

#### **Easement Acceptance Committee Recommendation:**

At its February 20, 2024 meeting, the Easement Acceptance Committee recommended that the Board reapprove the Deane II Tract easement offer, subject to the following revised conditions:

1. The dwelling on the Deane II Tract may be leased to accommodate a caretaker for the duration of a life estate on the adjoining property to the west (GPIN 834-689-6760), also owned by RBA. Such lease shall not extend beyond the life estate granted to the tenant on the adjoining property, plus one year to allow for settlement of the estate ("Adjoining Property Lease Period").
2. Demolition and removal of the existing non-historic buildings and structures and rehabilitation of the battlefield landscape shall be completed within three (3) years of the expiration of the Adjoining Property Lease Period.
3. Rehabilitation of the battlefield landscape shall be conducted according to a written rehabilitation management plan negotiated by DHR and RBA, and such plan shall be incorporated into the easement either directly or by reference.
4. Final review of title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.





**Deane II Tract, Deep Bottom II Battlefield**  
**Henrico County, Dutch Gap Quad**  
**043-5080-0002**

Created By: D. Bascone 3/8/2024  
 Sources: VDH 2024, ESRI 2024, VDOT 2024, VGIN 2024  
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