
Memorandum

To: VOF Board of Trustees
From: Martha Little, Deputy Director
Date: February 23, 2024
Re: Proposed CBF and HVLC co-held Conservation Easement Assignment to VOF

Dear Trustees,

This past October, VOF staff received a formal request from the Chesapeake Bay Foundation (CBF) and the Historic Virginia Land Conservancy (HVLC) to accept assignment of a small, 1.631 acre conservation easement their organizations have co-held together since 2001 on a portion of property known as Green Level Farm in King William County, VA. This small conservation easement – originally recorded and held by CBF and the Middle Peninsula Land Trust (MPLT) as coholders prior to the merger between MPLT and HVLC – surrounded an existing farm pond on the property. The easement area then underwent a riparian buffer restoration and planting effort to help reduce erosion and improve water quality and wildlife habitat. The 1.631-acre conservation easement was recorded to ensure the area benefiting from the restoration and planting project around the pond would be left undisturbed to serve as a well-functioning buffer to the farm pond.

Over a decade later in 2015, VOF worked with the same landowners of Green Level Farm to place their entire 140-acre farm under VOF open-space easement. The 2015 VOF easement included a 100' riparian buffer around the same farm pond area that was protected by the 2001 CBF and HVLC easement. Since VOF now holds our own open-space easement on the entire 140-acre farm coupled with the fact that our monitoring practices on this property already entail observing and reporting on the riparian buffer area around the farm pond, we recommend the Board of Trustees votes to accept this assignment. Acceptance of the conservation easement assignment will allow for more industry efficiency with VOF being the most logical holder going forward.

According to the previously adopted Board Resolution Policy (enclosed) on accepting assignment of conservation or open-space easement assignments, one of the requirements is that VOF shall charge the assignor a fee it deems to be sufficient to properly administer the assigned easements. However, provided the details above, along with the fact that no stewardship fee was ever received by either easement Grantee, we feel it is not appropriate to charge any fee for accepting and stewarding this easement.

Enclosure: R-10-05 VOF Resolution on Accepting Assignment Easements

VIRGINIA OUTDOORS FOUNDATION (VOF)
RESOLUTION REGARDING ITS POLICY ON ACCEPTING ASSIGNMENT OF
CONSERVATION OR OPEN-SPACE EASEMENTS FROM EASEMENT HOLDERS
OTHER THAN CO-HOLDERS

WHEREAS, the Virginia Outdoors Foundation has encountered a few instances in which holders of conservation or open-space easements wish to assign such easements to VOF; and

WHEREAS, the Code of Virginia, § 10.1-1016 (1950), as amended, provides: “Nothing herein shall in any way affect the power of a public body under any other statute, including without limitation the Virginia Outdoors Foundation and the Virginia Historic Landmarks Board, to acquire and hold conservation easements or affect the terms of any such easement held by any public body”; and

WHEREAS, the Code of Virginia, § 10.1-1801(5) (1950), as amended, provides that VOF has the power: “To acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein, as may be necessary and proper in carrying into effect the purposes of the Foundation”; and

WHEREAS, there may be rare and compelling circumstances that justify VOF’s acceptance of conservation or open-space easements; and

WHEREAS, acceptance of such easements represents an additional stewardship burden that will be borne by VOF in perpetuity; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 1st day of April 2010, That the policy of the Virginia Outdoors Foundation regarding acceptance of proposed assignments of conservation or open-space easements is as follows:

- 1) VOF shall consider acceptance of proposed assignments of conservation or open-space easements by other easement holders on a case-by-case basis, and
- 2) VOF may, in its sole and absolute discretion, accept such assignments of easements as long as a compelling, conservation-based rationale for such acceptance is demonstrated, and
- 3) VOF shall charge the assignor such fee it deems to be sufficient to properly administer the assigned easements.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST:

 G. Robert Lee, Executive Director



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Andrea Harlow

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Tom Foster

Jack Haldeman

Tom Powers

Aaron Ross

John Tarley

Executive Director

Patrice Sadler

October 11, 2023

Mr. Brad Baskette, Assistant Director
Virginia Outdoors Foundation
P.O. Box 85073
PMB 38979
Richmond, VA 23285-5073

RE: Green Level Farm easement
Previous Owners: David and Teresa Barnes
New Owners: Katelyn Leary and Colin Owens
1.631 acres in King William County
Protected in 11/9/2001

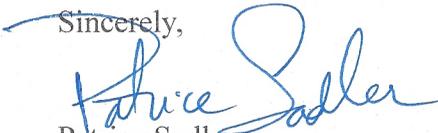
Dear Brad:

I hope this letter finds you doing well. In delving into our portfolio regarding a tiny easement in King William County that is only 1.631 acres, it is confirmed that two easements exist over this small acreage, one of them co-held by the Historic Virginia Land Conservancy (HVLC) and the Chesapeake Bay Foundation (CBF). HVLC inherited this easement as a result of our merger with the Middle Peninsula Land Trust in 10/2018. This co-held easement is then overlaid with a Virginia Outdoors Foundation (VOF) easement of 128 acres. Therefore, three easement holders exist for 1.631 acres, which I know you'll agree is not necessary nor efficient.

Please see below map from Natural Heritage Data Explorer mapping software that illustrates the overlapping of easements. The easement in question is in lower right hand corner with the yellow over the red.

Please allow for more industry efficiency with the full assignment of this easement to VOF, the most logical home of the three options. Thank you for your consideration and we look forward to hearing from you.

Sincerely,

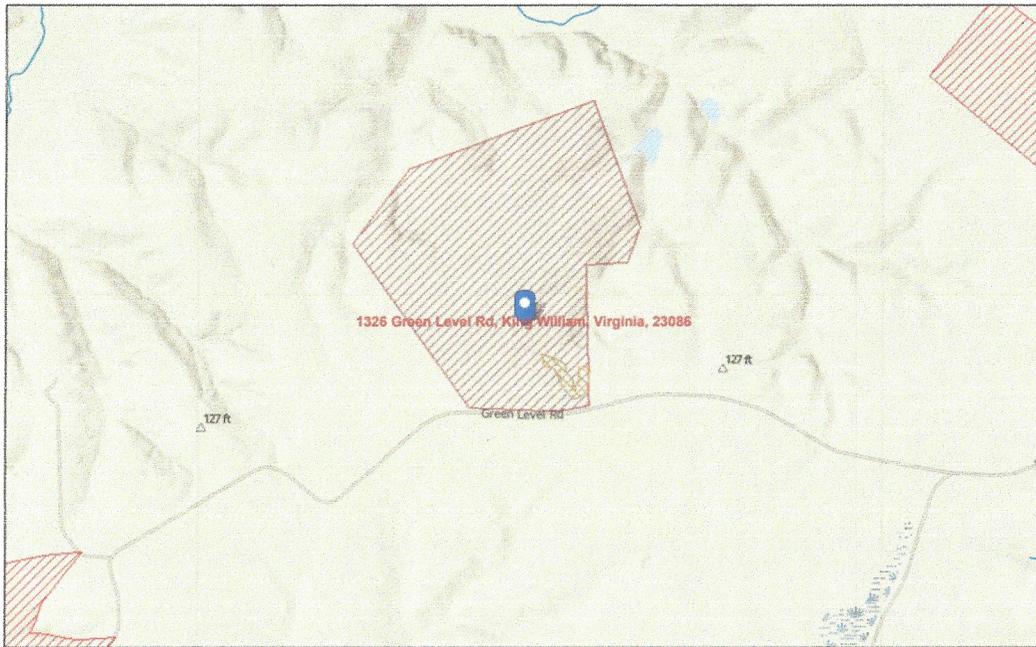

Patrice Sadler
Executive Director


Patrick J. Fanning
Virginia Staff Attorney
Chesapeake Bay Foundation



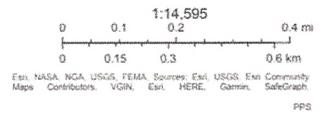
Protecting and Stewarding Our Land Resources for Future Generations

Green Level farm easement, VOF

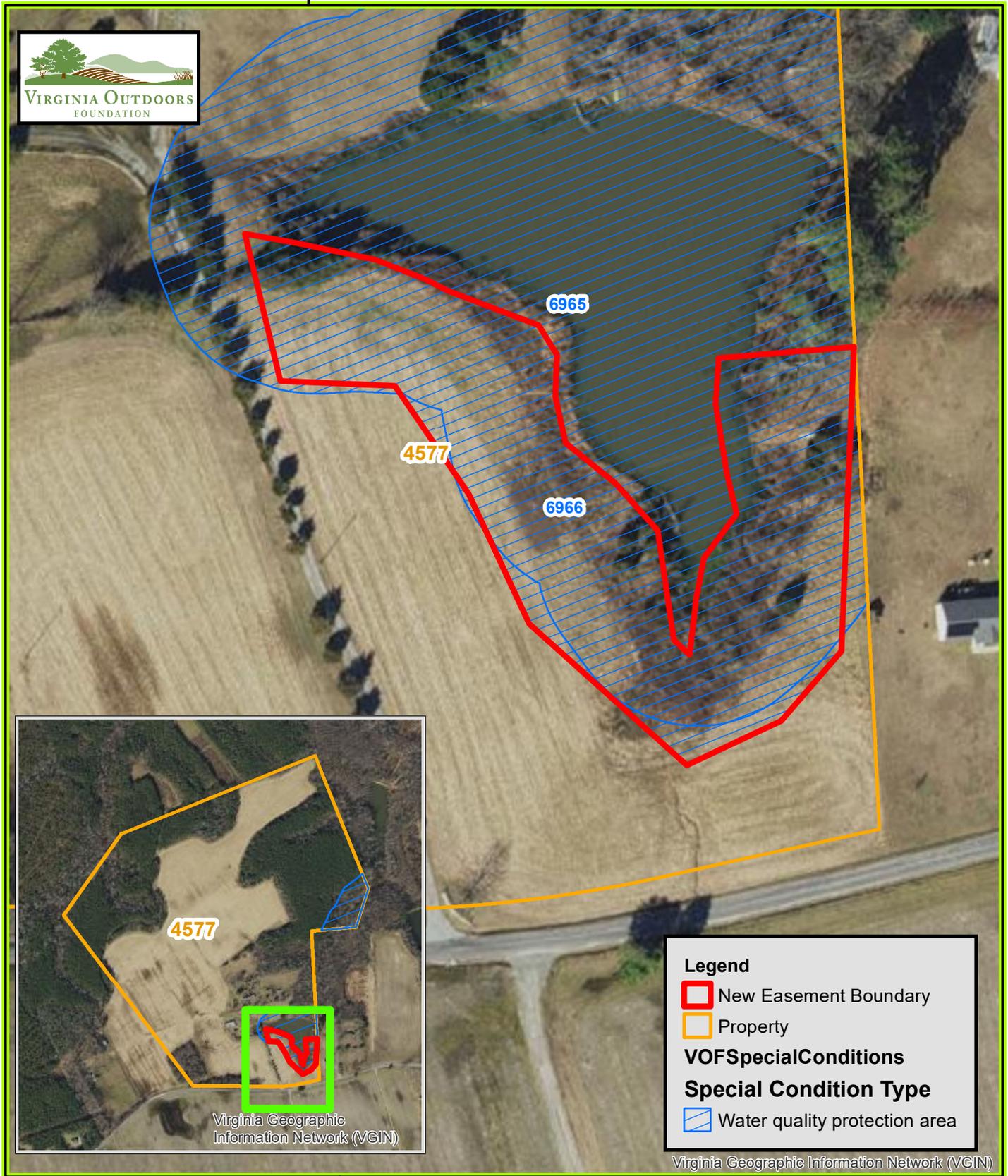


October 11, 2023

- | | | | |
|----------------------------|-----------------------|------------------|--------------|
| Adjacent States | Coheld Easement | Local Lands | Tribal Lands |
| Managed Conservation Lands | Conservation Easement | Non-Profit Lands | |
| Designation | Federal Lands | State Lands | |



77°1'30"W



Legend

- New Easement Boundary
- Property

VOFSpecialConditions

Special Condition Type

- Water quality protection area

Virginia Geographic Information Network (VGIN)

77°1'30"W

Projection: Lambert Conformal Conic
 GCS North America 1983
 Datum: D North America 1983

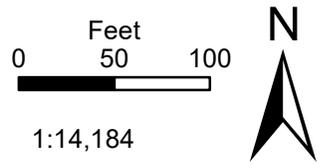
Map created 2/2/2024 by Brad Baskette.
 Source data provided by VOF.
 Aerial imagery acquired Spring 2021.
 Aerial imagery © Commonwealth of Virginia.
 This map is for general reference and display purposes only.

Aerial Map (2021)

Barnes 1.631 Acres

Project 4019

Instrument 7698





RESOLUTION

**VIRGINIA OUTDOORS FOUNDATION (VOF)
BOARD OF TRUSTEES RESOLUTION
TO ACCEPT ASSIGNMENT OF CO-HELD GREEN LEVEL FARM CONSERVATION
EASEMENT FROM THE HISTORIC VIRGINIA LAND CONSERVANCY (HVLC) AND THE
CHESAPEAKE BAY FOUNDATION (CBF)**

WHEREAS, VOF's policy governing the assignment of easements from other organizations is detailed in Resolution R-10-05, adopted on April 1, 2010, which states: 1) VOF shall consider easement assignments on a case-by-case basis; 2) VOF may accept such assignments of easements as long as there is a compelling conservation-based rationale for acceptance; and 3) VOF shall charge the assignor such fee as sufficient to administer the assigned easements; and

WHEREAS, HVLC and CBF has requested that VOF accept assignment of a 2001, 1.631 acre conservation easement in King William County, currently owned by Katelyn Leary and Colin Owens; and

WHEREAS, in 2015, VOF recorded a separate open-space easement on 111.46 acres of property in King William County, which includes the 1.631-acre portion previously placed under conservation easement with HVLC and CBF; and

WHEREAS, VOF staff has reviewed the terms and conditions of the 2001 conservation easement and has determined that the acceptance of the proposed assignment will not substantially add to VOF's stewardship burden and will allow for better efficiency and management of the easements; and

WHEREAS, no stewardship endowment was collected by HVLC or CBF at the time of the donation of the 1.631 acre conservation easement and they are requesting relief from the obligation of an assignment fee; now therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 27th day of March, 2024, that the Trustees hereby authorize VOF to accept this assignment without the requirement for the assignment fee.

ADOPTED by a vote of ___ in favor and ___ against.

ATTEST: Brett Christina Glymph, Executive Director