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**HOUSE BILL NO. 61**

Offered January 10, 2018

Prefiled December 4, 2017

*A BILL to amend and reenact § 10.1-2204 of the Code of Virginia, relating to easements on battlefield properties.*

Patrons—Ware and Lopez

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 10.1-2204 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-2204. Duties of Board of Historic Resources.****A. The Board of Historic Resources shall:**

1. Designate historic landmarks, including buildings, structures, districts, objects, and sites ~~which that~~ constitute the principal historical, architectural, archaeological, and cultural resources ~~which that~~ are of local, statewide, or national significance and withdraw designation, either upon a determination by the Board that the property has failed to retain those characteristics for which it was designated or upon presentation of new or additional information proving to the satisfaction of the Board that the designation had been based on error of fact;

2. Establish and endorse appropriate historic preservation practices for the care and management of designated landmarks;

3. Approve the proposed text and authorize the manufacture of highway historical markers;

4. Acquire by purchase or gift battlefield properties and designated landmarks, or easements or interests therein;

5. Review the programs and services of the Department of Historic Resources, including annual plans, and make recommendations to the Director and the Governor concerning the effectiveness of those programs and services;

6. In cooperation with the Department, and through public lectures, writings, and other educational activities, promote awareness of the importance of historic resources and the benefits of their preservation and use; ~~and~~

7. Apply for gifts, grants, and bequests for deposit in the Historic Resources Fund to promote the missions of the Board and the Department; ~~and~~

8. *Notwithstanding the provisions of the Open-Space Land Act (§ 10.1-1700 et seq.), require that any instrument granting the Board an easement on a battlefield property include provisions for the termination of the easement upon the transfer of the property to the United States for incorporation into a national battlefield or a national, historical, or military park. Such instrument shall state, however, that no such easement on a battlefield property shall be terminated if a donor of the easement received a tax credit in connection with its donation pursuant to the provisions of the Virginia Land Conservation Incentives Act of 1999 (§ 58.1-510 et seq.).*

B. For the purposes of this chapter, designation by the Board of Historic Resources shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and cultural significance into account in their planning, the local government comprehensive plan, and their decision making. Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

**2. That the Board of Historic Resources, notwithstanding the provisions of the Open-Space Land Act (§ 10.1-1700 et seq. of the Code of Virginia), shall terminate the easement it holds on each of the following seven battlefield properties located within the boundaries of the Petersburg National Battlefield: the Riveroak Tract on the White Oak Road Battlefield, Dinwiddie County, DHR File No. 026-0131-0001, recorded May 22, 2008; the Baird Tract on the Ream's Station Battlefield, Dinwiddie County, DHR File No. 026-0050-0001, recorded November 17, 2008; the Baird Cole Tract on the Reams Station Battlefield, Dinwiddie County, DHR File No. 026-0152, recorded March 31, 2015; the Dear Tract on the Peebles Farm Battlefield, Dinwiddie County, DHR File No. 026-5211, recorded October 27, 2016; the Mayes Tract on the Breakthrough Battlefield, Dinwiddie County, DHR File No. 026-5048, recorded May 4, 2006; the Dunford Tract on the Breakthrough and Peebles Farm Battlefields, Dinwiddie County, DHR File No. 026-5199, recorded March 19, 2013; and the Mignogna Tract on the Breakthrough and Peebles Farm Battlefields, Dinwiddie County, DHR File No. 026-5207, recorded February 24, 2015. The Board of Historic Resources**

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HB61

59 shall make each termination effective upon the transfer of the affected property by its owner to  
60 the United States for incorporation into the appropriate park.  
61 3. That the Board of Historic Resources, notwithstanding the provisions of the Open-Space Land  
62 Act (§ 10.1-1700 et seq. of the Code of Virginia), shall terminate the easement it holds on each of  
63 the following two battlefield properties located within the boundaries of the Richmond National  
64 Battlefield Park: the Fort Gregg Tract on the Chaffin's Farm/New Market Heights Battlefield,  
65 Henrico County, DHR File No. 043-0033-0031, recorded October 22, 2012, and the Alcor Tract,  
66 Malvern Hill Battlefield, Henrico County, DHR File No. 043-5078-0001, recorded November 9,  
67 2016. The Board of Historic Resources shall make each termination effective upon the transfer of  
68 the affected property by its owner to the United States for incorporation into the appropriate  
69 park.